AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 83 Thursday,
No. 51 March 15, 2018

Pages 11395–11632

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

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

Printed on recycled paper.

Contents

Federal Register

Vol. 83, No. 51

Thursday, March 15, 2018

Agency for International Development
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11488

Agriculture Department
See Animal and Plant Health Inspection Service
See Forest Service
See Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11488–11489
Privacy Act; New System of Records, 11489–11492

Animal and Plant Health Inspection Service
RULES
Imports:
Campanula spp. Plants for Planting in Approved Growing Media from Denmark into the United States, 11395–11397
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Control of Chronic Wasting Disease, 11492–11493
Meetings:
Low Pathogenicity Avian Influenza Program, 11493

Arctic Research Commission
NOTICES
Meetings:
109th Commission Meeting, 11499

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11532–11536
Decision to Evaluate a Petition to Designate a Class of Employees from the De Soto Avenue Facility in Los Angeles County, CA, to be included in the Special Exposure Cohort, 11535
Draft National Occupational Research Agenda:
Respiratory Health, 11537–11538
Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort, 11538
Vaccine Information Materials:
MMR (Measles, Mumps, and Rubella) and MMRV (Measles, Mumps, Rubella, and Varicella) Vaccines, 11532
Varicella Vaccine, 11536–11537

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11538–11539

Children and Families Administration
PROPOSED RULES
Adoption and Foster Care Analysis and Reporting System, 11449–11452

Civil Rights Commission
NOTICES
Meetings:
Alaska Advisory Committee, 11499–11500
Maryland Advisory Committee, 11500

Coast Guard
RULES
Drawbridge Operations:
Narrow Bay, Suffolk County, NY, 11415
New Jersey Intracoastal Waterway, Beach Thorofare, Margate City, NJ, 11415–11416

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

Commodity Futures Trading Commission
NOTICES
Requests for Nominations:
Market Risk Advisory Committee, 11507–11508

Consumer Product Safety Commission
NOTICES
Guidance:
Application of Human Factors to Consumer Products, 11508–11509

Defense Department
See Engineers Corps

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Impact Evaluation of Departmentalized Instruction in Elementary Schools, 11510–11511

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Holden Beach East End Shore Protection Project with Installation of a Terminal Groin Structure at the Eastern End of Holden Beach, Extending into the Atlantic Ocean, west of Lockwoods Folly Inlet (Brunswick County, NC), 11509–11510

Environmental Protection Agency
RULES
Air Quality State Plan for Designated Facilities and Pollutants; Approvals and Promulgations:
City of Philadelphia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units, 11416–11418
City of Philadelphia; Control of Emissions from Existing Sewage Sludge Incineration Units, 11418–11420
Pesticide Tolerances:
Trinexapac-ethyl, 11420–11422

PROPOSED RULES
Hazardous and Solid Waste Management System:
Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (Phase One), 11584–11616
Pesticide Petitions:
Residues of Pyroxasulfone in or on Various Commodities, 11448–11449
NOTICES
Access to Confidential Business Information by Accelera Solutions, Inc., 11514–11515
CERCLA Administrative Cost Recovery Settlements:
Universal Oil Products Superfund Site, East Rutherford, NJ, 11516–11517
Funding Availability:
FY2018 Supplemental Funding for Brownfields Revolving Loan Fund Grantees, 11515–11516
Meetings:
Pesticide Program Dialogue Committee, 11514
Pesticide Product Registration; Applications:
Pyroxasulfone New Uses, 11513–11514

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Airplanes, 11399–11404
Bombardier, Inc., Airplanes, 11404–11407
The Boeing Company Airplanes, 11397–11399
Amendment of Class D and Class E Airspace:
Lewiston, ID, 11411–11413
Twin Falls, ID, 11409–11411
Amendment of Class E Airspace:
Massena, NY, 11407–11408
Establishment of Class E Airspace:
Yuma, CO, 11408–11409
PROPOSED RULES
Amendment of Class D Airspace:
Appleton, WI, 11445–11446
Amendment of Class E Airspace:
Altoona, PA, 11446–11448
Mesquite, NV, 11443–11445
NOTICES
Airport Property Releases:
Northeast Philadelphia Airport, Philadelphia, PA; Correction, 11580

Federal Communications Commission
RULES
Modernization of Payphone Compensation Rules, 11422–11428
PROPOSED RULES
Petitions for Reconsideration of Action in Rulemaking Proceeding, 11452–11453
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11517–11519

Federal Emergency Management Agency
NOTICES
Assistance to Firefighters Grant Program:
Fire Prevention and Safety Grants, 11548–11553

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 11512–11513
Meetings:
Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Technical Conference, 11511–11512
Petitions for Partial Waivers:
Associated Electric Cooperative, Inc., 11512
Requests under Blanket Authorizations:
Colorado Interstate Gas Co., LLC, 11511

Federal Reserve System
PROPOSED RULES
Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers through Fedwire, 11431–11443
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11519–11523

Federal Trade Commission
NOTICES
Early Termination of the Waiting Period under Premerger Notification Rules; Approvals, 11523–11527
Proposed Consent Agreements:
Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc., 11527–11529
Oregon Lithoprint, Inc., 11529–11532

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Species:
Withdrawal of the Proposed Rule to List Chorizanthe parryi var. fernandina (San Fernando Valley Spineflower), 11453–11474

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Health Care Professional Survey of Professional Prescription Drug Promotion, 11539–11542

Foreign-Trade Zones Board
NOTICES
Production Activities:
Foreign-Trade Zone 52, Suffolk County, NY, 11501

Forest Service
NOTICES
Meetings:
National Urban and Community Forestry Advisory Council, 11493–11494

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Requests for Nominations:
Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, 11543–11544

Health Resources and Services Administration
NOTICES
Health Center Program, 11542–11543

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

NOTICES
Extension of Employment Authorization for Syrian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Syria Since March 2011, 11553–11554

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Closeout Instruction for Community Development Block Grant Program, 11557–11558
Community Development Block Grant Urban County Qualification/ New York Towns Qualification/ Requalification Processes, 11554–11556
Consolidated Plan, Annual Action Plan and Annual Performance Report, 11556

Institute of Museum and Library Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Institute of Museum and Library Services Collections Assessment for Preservation Program, 11565–11566

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Surface Mining Reclamation and Enforcement Office
NOTICES
Environmental Assessments; Availability, etc.:
Florida Trustee Implementation Group Deepwater Horizon Oil Spill Final Phase V.2 Restoration Plan and Supplemental Environmental Assessment; Florida Coastal Access Project, 11558–11559

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Qualified Lessee Construction Allowances for Short-Term Leases, 11580–11581
Rules relating to registration under section 4101, 11581–11582

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Aluminum Extrusions from the People's Republic of China, 11501–11505

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Honey from China, 11562–11563
Steel Wire Garment Hangers from Taiwan and Vietnam, 11563–11564
Meetings; Sunshine Act, 11562

Justice Department
NOTICES
Proposed Consent Decrees:
Clean Air Act, 11564

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Crescent Peak Wind Project, West of Searchlight in Clark County, Nevada; and a Notice of Public Lands Segregation, 11559–11561

National Credit Union Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11564–11565
Meetings; Sunshine Act, 11565

National Foundation on the Arts and the Humanities
See Institute of Museum and Library Services

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 11545–11548
National Heart, Lung, and Blood Institute, 11546
National Institute of Allergy and Infectious Diseases, 11544–11545
National Institute of Environmental Health Sciences, 11544–11545

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pollock in Statistical Area 610 in Gulf of Alaska, 11429–11430
Fisheries of the Northeastern United States:
Atlantic Herring Fishery; 2018 River Herring and Shad Catch Cap Reached for Midwater Trawl Vessels in Mid-Atlantic/Southern New England Catch Cap Area, 11428–11429
PROPOSED RULES
Fisheries of the Northeastern United States:
Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan, 11474–11487
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 11505–11507

National Science Foundation
NOTICES
Charter Renewals:
Committee Management, 11567
Meetings:
Proposal Review Panel for International Science and Engineering, 11569
Proposal Review Panel for Materials Research, 11566–11569
Requests for Nominations:
Directorate and Office Advisory Committees, 11567–11568

Occupational Safety and Health Administration
RULES
Vinyl Chloride; CFR Correction, 11413

Pension Benefit Guaranty Corporation
RULES
Allocation of Assets in Single-Employer Plans:
Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits, 11413–11415

Postal Service
NOTICES
Product Changes:
Priority Mail Express and Priority Mail Negotiated Service Agreement, 11570
Priority Mail Negotiated Service Agreement, 11569–11570

Rural Utilities Service
NOTICES
Requests for Applications:
Grant Application Deadlines and Funding Levels, 11494–11499

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 11578–11579
Self-Regulatory Organizations; Proposed Rule Changes:
ICE Clear Credit LLC, 11570–11573
NYSE American LLC, 11573–11576
NYSE Arca, Inc., 11576–11578

Small Business Administration
NOTICES
Major Disaster Declarations:
American Samoa, 11579–11580

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Requirements for Coal Exploration, 11561
Requirements for Permits for Special Categories of Mining, 11561–11562

Surface Transportation Board
NOTICES
Trackage Rights Exemptions:
Toledo, Peoria and Western Railway Corp.; Tazewell and Peoria Railroad, Inc., 11580

Transportation Department
See Federal Aviation Administration

Treasury Department
See Internal Revenue Service

Separate Parts In This Issue

Part II
Environmental Protection Agency, 11584–11616

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

9704 11619
9705 11625

Administrative Orders:

Orders:
Order of March 12, 2018 11631

7 CFR

319 11395

12 CFR

Proposed Rules:

210 11431

14 CFR

39 (3 documents) 11397, 11399, 11404
71 (4 documents) 11407, 11408, 11409, 11411

Proposed Rules:

71 (3 documents) 11443, 11445, 11446

29 CFR

1910 11413
4022 11413
4044 11413

33 CFR

117 (2 documents) 11415

40 CFR

62 (2 documents) 11416, 11418
180 11420

Proposed Rules:

180 11448
257 11584

45 CFR

Proposed Rules:

1355 (2 documents) 11449, 11450

47 CFR

64 11422

Proposed Rules:

54 11452

50 CFR

648 11428
679 11429

Proposed Rules:

17 11453
648 11474

Rules and Regulations

Federal Register
Vol. 83, No. 51
Thursday, March 15, 2018

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2016–0051]

RIN 0579–AE31

Importation of Campanula spp. Plants for Planting in Approved Growing Media From Denmark Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of plants for planting by authorizing the importation of *Campanula* spp. plants for planting from Denmark in approved growing media into the United States, subject to a systems approach. The systems approach will include measures that are currently specified in the regulations as generally applicable to all plants for planting authorized importation into the United States in approved growing media. This action will allow for the importation of *Campanula* spp. plants for planting from Denmark in approved growing media, while providing protection against the introduction of plant pests.

DATES: Effective April 16, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Narasimha Samboju, Senior Regulatory Policy Specialist, Plants for Planting Policy, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2038.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of quarantine plant pests. The regulations contained in ''Subpart—Plants for Planting,'' §§ 319.37 through 319.37–14 (referred to below as the regulations), prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation or planting.

The regulations differentiate between prohibited articles and restricted articles. Prohibited articles are plants for planting whose importation into the United States is not authorized due to the risk the articles present of introducing or disseminating plant pests. Restricted articles are articles that may be imported into the United States, provided that the articles are subject to measures to address the associated risks.

Conditions for the importation into the United States of restricted articles in growing media are found in § 319.37–8. In § 319.37–8, the introductory text in paragraph (e) lists taxa of restricted articles that may be imported into the United States in approved growing media, subject to the provisions of a systems approach. Paragraph (e)(1) lists the approved growing media, while paragraph (e)(2) contains the provisions of the systems approach. Within paragraph (e)(2), paragraphs (i) through (viii) contain provisions that are generally applicable to all the taxa listed in the introductory text of paragraph (e), while paragraphs (ix) through (xiii) contain additional, taxon-specific provisions.

In response to a request from the national plant protection organization (NPPO) of Denmark, we prepared a pest risk assessment (PRA) in order to analyze the plant pest risks associated with the importation of *Campanula* spp. plants for planting in approved growing media from Denmark into the United States. The PRA identified 10 quarantine pests that could be introduced into the United States through the importation of *Campanula* spp. plants for planting from Denmark in approved growing media. Based on the findings of the PRA, we prepared a risk management document (RMD) to determine whether phytosanitary measures exist that would address the quarantine plant pest risk. The RMD found that the mitigations currently specified in § 319.37–8, paragraphs (e)(2)(i) through (viii), that are generally applicable to the importation of all restricted articles authorized importation into the United States in approved growing media will mitigate the risk associated with the importation of *Campanula* spp. plants for planting in approved growing media from Denmark into the United States.

Accordingly, on June 20, 2017, we published in the **Federal Register** (82 FR 28015–28017, Docket No. APHIS–2016–0051) a proposal [1] to amend the regulations by adding *Campanula* spp. plants for planting from Denmark to the list of taxa authorized importation into the United States in approved growing media in accordance with the requirements of § 319.37–8(e).

We solicited comment concerning our proposal for 60 days ending August 21, 2017. We received two comments by that date. They were from a private citizen and a State department of agriculture. One commenter was generally opposed to the importation of *Campanula* spp. from Denmark, but did not offer any specific concerns or objections to be addressed.

One commenter stated that, although the approved growing media effectively mitigates the movement of arthropods occurring with the soil, it does not address the potential movement of the other quarantine plants pests identified in the PRA: The leafminers, *Liriomyza buhri* Hering, *L. strigata* (Meigen) and *Phytomyza campanulae* Hendel; the whitefly, *Aleyrodes lonicerae;* the aphids, *Aphis psammophila* Szelegiewicz, *Uroleucon campanulae* (Kaltenbach), *U. nigrocampanulae* (Theobald), and *U. rapunculoidis* (Börner); the thrips, *Thrips major* Uzel; and the mollusk, *Arianta arbustorum* (L.). The commenter suggested that a systems approach would not be enough to mitigate the risks associated with these plant pests as some have the potential to evade detection during inspection, and that an introduction of any of these pests would result in major eradication efforts that would have severe economic impacts on Florida's agricultural industry. Because of this, the commenter recommended that shipments of *Campanula* spp. plants from Denmark not be allowed into Florida.

As explained in the RMD (Appendix 1), the pests specifically referenced by the commenter will be mitigated by the systems approach. Inspections will be

[1] To view the proposed rule, supporting documents, and the comments we received, go to *https://www.regulations.gov/docket?D=APHIS-2016-0051.*

conducted in concert with required greenhouse operating procedures that will include specific sanitary measures and pest exclusionary mechanisms that have proven to effectively mitigate the risks associated with these plant pests. The commenter did not provide any evidence suggesting that the mitigations are not effective. Therefore, we are not taking the action suggested by the comment.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. Further, because this rule is not significant, it is not a regulatory action under Executive Order 13771. In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

The Animal and Plant Health Inspection Service (APHIS) is amending the regulations in 7 CFR 319.37–8 to allow the importation of *Campanula* spp. plants in growing media. Such plants are generally imported bare-rooted into the United States, and are rooted and potted for sale by U.S. nurseries. The final rule will expand potted *Campanula* spp. imports from Denmark by eliminating the requirement that growing media be removed.

In 2014, U.S. production of potted *Campanula* spp. plants was valued at $683,000. The Small Business Administration (SBA) small-entity standard for entities involved in floriculture production is $750,000 or less in annual receipts. It is probable that most domestic producers of potted *Campanula* spp. plants are small entities by the SBA standard.

The NPPO of Denmark estimates that shipments of *Campanula* spp. plants in growing media to the United States may total $5–10 million annually, that is, the volume could reach a level higher than domestic U.S. production. However, we do not have information on existing U.S. import levels that would give this comparison appropriate perspective.

Although the rule could theoretically enable Denmark-based exporters to bypass U.S. growers altogether and provide finished plants directly to retailers, it is less likely because flowering potted plants tend to be more sensitive to shipping conditions. Consequently, it is more likely that the Danish growers will continue to export immature plants to U.S. growers who will then grow them out for sale as finished plants, but with a higher success rate and shorter market delay than under current regulations. U.S. growers who import *Campanula* spp. plants from Denmark may benefit directly from the rule, if the resulting finished plants have a higher market value.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that the importation of *Campanula* spp. plants for planting in approved growing media from Denmark under the conditions specified in this rule will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment and finding of no significant impact may be viewed on the *Regulations.gov* website (see footnote 1). Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements included in this final rule, which were filed under 0579–0463, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the EGovernment Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450 and 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.37–8 is amended as follows:

■ a. In paragraph (e) introductory text, by adding, in alphabetical order, an entry for ''*Campanula* spp. from Denmark''; and

■ b. By revising the OMB citation at the end of the section.

The revision reads as follows:

§ 319.37–8 Growing media.

* * * * *

(Approved by the Office of Management and Budget under control numbers 0579–0190, 0579–0439, 0579–0454, 0579–0458, and 0579–0463)

Done in Washington, DC, this 9th day of March 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–05267 Filed 3–14–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0778; Product Identifier 2017–NM–038–AD; Amendment 39–19228; AD 2018–06–08]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757–200 series airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the side panel-to-frame attachments and frames of the aft cargo compartment are subject to widespread fatigue damage (WFD). This AD requires an inspection of the side panel-to-frame attachments and frames to verify that certain modifications have been done, and applicable on-condition actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 19, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 19, 2018.

ADDRESSES: For service information identified in this final rule, 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 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–2017–0778.

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–2017–0778; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Peter Jarzomb, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5234; fax: 562–627–5210; email: *peter.jarzomb@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757–200 series airplanes. The NPRM published in the **Federal Register** on August 25, 2017 (82 FR 40508). The NPRM was prompted by an evaluation by the DAH indicating that the side panel-to-frame attachments and frames of the aft cargo compartment are subject to WFD. The NPRM proposed to require an inspection of the side panel-to-frame attachments and frames to verify that certain modifications have been done, and applicable on-condition actions. We are issuing this AD to prevent fatigue cracking at the attachment points of the side panel-to-frame attachments of the aft cargo compartment, which could result in reduced structural integrity of the body frames, and consequent rapid decompression of the airplane.

Comments

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

Support for the NPRM

Boeing and United Airlines agreed with the content of the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01518SE does not affect the actions specified in the NPRM.

We concur with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Provide Instructions for Previously Repaired Areas

FedEx Express asked that instructions to address previously repaired areas on which the modification has not been incorporated be added to Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, before issuing the proposed AD.

We do not agree with the commenter's request. To wait for Boeing to update the service bulletin, as requested, would delay the issuance of the final rule. However, to delay this action would be inappropriate since we have determined that an unsafe condition exists and that the actions required by this AD must be done to ensure continued safety. If a previously repaired area does not incorporate the modification required by this AD, and the modification cannot be done on the previously repaired area, operators must request an alternative method of compliance (AMOC) using the procedures specified in paragraph (j) of this AD. We have made no change to this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017. The service information describes procedures for a general visual inspection of the side panel-to-frame attachments and frames to verify that certain modifications have been done. The service information also describes procedures for on-condition actions, which include repetitive inspections for cracking, repairs, and modifications. 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.

Costs of Compliance

We estimate that this AD affects 13 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection	1 work-hour × $85 per hour = $85	$0	$85	$1,105

We estimate the following costs to do any necessary on-condition actions that are required. We have no way of determining the number of aircraft that might need these on-condition actions.

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
Up to 45 work-hours × $85 per hour = Up to $3,825	Unavailable	Up to $3,825.

* The costs in the table do not include the cost estimate for on-condition repairs. We have received no definitive data that would enable us to provide cost estimates for the on-condition repairs specified in this 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 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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–06–08 The Boeing Company: Amendment 39–19228; Docket No. FAA–2017–0778; Product Identifier 2017–NM–038–AD.

(a) Effective Date

This AD is effective April 19, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 757–200 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/312bc296830a925c86257c85006d1b1f/$FILE/ST01518SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(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 side panel-to-frame attachments and frames of the aft cargo compartment are subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking at the attachment points of the side panel-to-frame attachments of the aft cargo compartment, which could result in reduced structural integrity of the body frames, and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) One-Time General Visual Inspection and Corrective 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 757–53A0012, Revision 1, dated January 25, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, uses the phrase ''the Revision 1 date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, specifies contacting Boeing, and specifies that action as RC: This AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Terminating Action for Inspections

Accomplishment of a modification in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017, terminates the inspections required by paragraph (g) of this AD at the modified location only.

(j) 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 (k) 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 (j)(4)(i) and (j)(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.

(k) Related Information

For more information about this AD, contact Peter Jarzomb, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5234; fax: 562–627–5210; email: *peter.jarzomb@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 757–53A0012, Revision 1, dated January 25, 2017.

(ii) Reserved.

(3) 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.*

(4) You may view this 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.

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

Issued in Renton, Washington, on March 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–05015 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0695; Product Identifier 2016–NM–173–AD; Amendment 39–19223; AD 2018–06–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2009–18–16, which applied to certain Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes. AD 2009–18–16 required an inspection for cracking of certain fastener holes on certain frames, and related investigative and corrective actions if necessary; and modification of certain fastener holes. This new AD reduces the compliance times. This AD was prompted by the identification of a structural modification that falls within the scope of the work related to the extension of the service life of the affected airplanes and widespread fatigue damage evaluations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 19, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 19, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.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–2017–0695.

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–2017–0695; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2009–18–16, Amendment 39–16012 (74 FR 46342, September 9, 2009) (''AD 2009–18–16''). AD 2009–18–16 applied to certain Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes. The NPRM published in the **Federal Register** on July 14, 2017 (82 FR 32503). We are issuing this AD to prevent fatigue cracking of the frame foot run-outs, which could lead to rupture of the frame foot and cracking in adjacent frames and skin, and which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0197, dated October 5, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), for all Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes. EASA AD 2016–0197 supersedes EASA AD 2008–0212, dated December 4, 2008. EASA AD 2008–0212 was the MCAI referred to in FAA AD 2009–18–16. The new MCAI states:

Within the scope of work related to the extension of the service life of A310 design and widespread fatigue damage evaluations, DGAC [Direction Générale de l'Aviation Civile] France issued AD F–2005–078 (EASA approval 2005–3957) [which corresponds to FAA AD 2006–02–06, Amendment 39–14458 (71 FR 3214, January 20, 2006)] to require a structural modification, as defined in Airbus Service Bulletin (SB) A310–53–2124 (Airbus modification 13023), to increase the service life of junctions of center box upper frame bases to upper fuselage arches.

The threshold timescales for accomplishment of the tasks as defined in SB A310–53–2124 were refined and reduced. Consequently, EASA issued AD 2007–0238 to require compliance with Revision 01 of SB A310–53–2124 at the reduced compliance times, superseding (the requirements of) DGAC France AD F–2005–078. Subsequently, Airbus identified reference material that was erroneously introduced into Airbus SB A310–53–2124 Revision 01. As a result, the SB instructions could not be accomplished properly. Operators that tried to apply SB A310–53–2124 at Revision 01 had to contact Airbus; see also Airbus SBIT [service bulletin information telex] ref. 914.0135/08, dated 03 March 2008.

Consequently, [EASA] AD 2007–0238 was revised to exclude reference to Airbus SB A310–53–2124 Revision 01 and to require accomplishment of the task(s) as described in the original SB A310–53–2124 instead, although retaining the reduced compliance times introduced by [EASA] AD 2007–0238 at original issue.

EASA AD 2008–0212, superseding [EASA] AD 2007–0238R1, was published to refer to Airbus SB A310 53–2124 Revision 02, the corrected version that was used to meet the requirements of this [EASA] AD.

Since [EASA] AD 2008–0212 was issued, new investigations in the frame of the Widespread Fatigue Damage campaign induced thresholds reduction, and Airbus issued SB A310–53–2124 Revision 03.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2008–0212, which is superseded, and requires accomplishment of modification(s) within reduced compliance time, as published in Airbus SB A310–53–2124 Revision 03.

Required actions include a high frequency eddy current (HFEC) rotating probe inspection for cracking of certain fastener holes on certain frames, and related investigative and corrective actions if necessary; and modification of certain fastener holes. Related investigative actions include an additional HFEC rotating probe inspection for cracking of fastener holes and a check to determine the edge distance of certain holes. Corrective actions include ream out of cracks and repair.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0695.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Revise the Costs of Compliance

FedEx stated that repairs would cost an additional $10,000 per airplane. The commenter noted that 66% of its past accomplishments required additional efforts to incorporate the modification with supplementary repair activities. The commenter suggested that the average cost of compliance would approach $30,000 per airplane. We infer that the commenter is requesting a revision to the costs of compliance in the NPRM. We agree with commenter's request to revise the costs of compliance in this final rule. We have revised the Costs of Compliance section in this final rule accordingly.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting this AD with the change described previously, and minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014. This service information describes procedures for a rotating probe inspection for cracking between frame (FR) 43 through FR 46 on the center box, and the cold expansion (modification) of the most fatigue sensitive fastener holes. 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.

Costs of Compliance

We estimate that this AD affects 8 airplanes of U.S. registry.

We estimate that it will take about 41 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $20,180 per product. Based on these figures, we estimate the cost of this AD on U.S.

operators to be $189,320, or $23,665 per product.

Although we have received no definitive data that will enable us to provide cost estimates for the on-condition actions (*i.e.,* additional inspection and modification for certain airplanes) specified in this AD, we have determined that the total repair costs could be up to $10,000 per product. We have no way of determining the number of aircraft that might need these repairs.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2009–18–16, Amendment 39–16012 (74 FR 46342, September 9, 2009), and adding the following new AD:

2018–06–03 Airbus: Amendment 39–19223; Docket No. FAA–2017–0695; Product Identifier 2016–NM–173–AD.

(a) Effective Date

This AD is effective April 19, 2018.

(b) Affected ADs

This AD replaces AD 2009–18–16, Amendment 39–16012 (74 FR 46342, September 9, 2009) (''AD 2009–18–16'').

(c) Applicability

This AD applies to Airbus Model A310–203, –204, –221, –222, –304, –322, –324 and –325 airplanes; certificated in any category; all serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder indicating that the junctions of center box upper frame bases to the upper fuselage arches are subject to widespread fatigue damage and that the compliance threshold for the modification in AD 2009–18–16 should be reduced. We are issuing this AD to prevent fatigue cracking of the frame foot run-outs, which could lead to rupture of the frame foot and cracking in adjacent frames and skin, and 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) Inspections and Modification of Fastener Holes

Except for airplanes modified before the effective date of this AD using the Accomplishment Instructions of Airbus Service Bulletin A310–53–2124: At the times specified in paragraph (g)(1) of this AD but no later than the times specified in paragraph (g)(2) of this AD, do a high frequency eddy current (HFEC) rotating probe inspection for cracking of fastener holes H1 through H29 on frames 43 through 46, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014, except as required by paragraph (h) of this AD. If no cracking is found and the edge distance of the fastener hole is equal to or greater than the distance specified in the Accomplishment Instructions of Airbus Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014, before further flight, do the modification (cold expansion) of the affected fastener holes, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014. Do all applicable related investigative and corrective actions before further flight.

(1) Inspect at the applicable time specified in table 1 to paragraph (g)(1) of this AD, or within 24 months after the effective date of this AD, whichever occurs later. To establish the average flight time (AFT), take the accumulated flight time (counted from the take-off up to the landing) and divide by the number of accumulated flight cycles. This gives the AFT per flight cycle. Although the thresholds for Model A310–304, –322, –324, and –325 airplanes are optimized to airplane utilization, an operator can choose to use the thresholds for the other AFT.

Table 1 to paragraph (g)(1) of this AD – *New Compliance times*

Affected airplanes	Compliance Time
Model A310-203, -204, -221, and -222 airplanes	Prior to accumulation of 19,600 flight cycles or 39,200 flight hours since first flight of the airplane, whichever occurs first.
Model A310-304, -322, -324, and -325 airplanes with an AFT of less than or equal to 3.16 flight hours	Prior to accumulation of 22,400 flight cycles or 62,700 flight hours since first flight of the airplane, whichever occurs first.
Model A310-304, -322, -324, and -325 airplanes with an AFT greater than 3.16 flight hours	Prior to accumulation of 19,800 flight cycles or 99,200 flight hours since first flight of the airplane, whichever occurs first.

(2) Inspect at the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD.

(i) At the applicable time indicated in table 2 to paragraph (g)(2)(i) of this AD. Airbus Model A310–304, –322, –324, and –325 airplanes with an AFT equal to or less than 3.16 flight hours are short range airplanes. Airbus Model A310–304, –322, –324, and –325 airplanes with an AFT exceeding 3.16 flight hours are long range airplanes. For this paragraph, to establish the average flight time, take the accumulated flight time (counted from the take-off up to the landing) and divide by the number of accumulated flight cycles. This gives the AFT per flight cycle.

Table 2 to paragraph (g)(2)(i) of this AD – *Retained Compliance Times*

Affected Airplanes	Inspection/Modification Compliance Time, whichever occurs later	
Model A310-304, -322, -324 and -325 short range airplanes	Prior to accumulation of 26,500 flight cycles or 74,300 flight hours since first flight of the airplane, whichever occurs first	Within 3,000 flight cycles after October 14, 2009 (the effective date of AD 2009-18-16), without exceeding 29,200 flight cycles or 81,800 flight hours since first flight, whichever occurs first
Model A310-304, -322, -324 and -325 long range airplanes	Prior to accumulation of 23,400 flight cycles or 117,100 flight hours since first flight of the airplane, whichever occurs first	Within 3,000 flight cycles after October 14, 2009 (the effective date of AD 2009-18-16), without exceeding 25,800 flight cycles or 129,000 flight hours since first flight, whichever occurs first
Model A310-203, -204, -221, and A310-222	Prior to accumulation of 23,400 flight cycles or 46,800 flight hours since first flight of the airplane, whichever occurs first	Within 3,000 flight cycles after October 14, 2009 (the effective date of AD 2009-18-16), without exceeding 28,800 flight cycles or 57,700 flight hours since first flight, whichever occurs first

(ii) Within 500 flight cycles or 800 flight hours after October 14, 2009 (the effective date of AD 2009–18–16), whichever occurs first.

(h) Service Information Exception

Where Airbus Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (required for compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (l)(2) of this AD.

(i) Airplanes Modified per Revision 01 of the Service Information

For airplanes modified before the effective date of this AD using Airbus Service Bulletin A310–53–2124, Revision 01, dated May 3, 2007: Unless already accomplished, before further flight, do applicable corrective actions using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Inspection and Modification

Except as provided by paragraphs (j)(1) and (j)(2) of this AD, as applicable: At the applicable thresholds specified in table 3 to the introductory text of paragraph (j) of this AD, contact the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA for additional inspection and modification instructions. Accomplish those instructions within the compliance times approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

Table 3 to the Introductory Text of Paragraph (j) of this AD – *Additional Inspection and Modification*

Affected airplanes	Thresholds (Flight cycles or flight hours, whichever occurs first after accomplishment of the inspection and modification specified in Airbus Service Bulletin A310-53-2124)	
	Inspection threshold	Modification threshold
Model A310-203, -204, -221, and -222 airplanes	30,200 flight cycles or 68,122 flight hours	45,500 flight cycles or 102,722 flight hours
Model A310-304, -322, -324, and -325 airplanes	37,000 flight cycles or 103,522 flight hours	55,700 flight cycles or 155,722 flight hours

(1) For Model A310–203, –204, –221, and –222 airplanes: No additional inspection is required if the inspection and modification specified in Airbus Service Bulletin A310–53–2124 was done after the accumulation of 29,500 flight cycles and 70,900 flight hours since the first flight of the airplane.

(2) For Model A310–304, -322, –324, and –325 airplanes: No additional inspection is required if the inspection and modification specified in Airbus Service Bulletin A310–53–2124 was done after the accumulation of 22,600 flight cycles and 69,400 flight hours since the first flight of the airplane.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the Accomplishment Instructions of Airbus Service Bulletin A310–53–2124, dated April 4, 2005; or Airbus Service Bulletin A310–53–2124, Revision 02, dated May 22, 2008.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as provided by paragraph (h) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified 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 procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0197, dated October 5, 2016, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0695.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 206–231–3225.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) 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 this AD specifies otherwise.

(i) Airbus Service Bulletin A310–53–2124, Revision 03, dated December 22, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.*

(4) You may view this 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.

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

Issued in Renton, Washington, on March 2, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–05018 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0626; Product Identifier 2016–NM–210–AD; Amendment 39–19226; AD 2018–06–06]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes. This AD was prompted by reports of in-flight uncommanded rudder movements on airplanes with an installation similar to the installation on certain Model CL–600–2B16 (CL–604 Variant) airplanes. This AD requires modification of the wiring harness for the yaw damper control system. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 19, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 19, 2018.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; internet *http://www.bombardier.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–2017–0626.

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–2017–0626; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes. The NPRM published in the **Federal Register** on June 27, 2017 (82 FR 29014) (''the NPRM''). The NPRM was prompted by reports of in-flight uncommanded rudder movements on airplanes with an installation similar to the installation on certain Model CL–600–2B16 (CL–604 Variant) airplanes. The NPRM proposed to require modification of the wiring for the yaw damper control system. We are issuing this AD to prevent in-flight uncommanded rudder movements, which could lead to structural failure and subsequent loss of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–38, effective December 12, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes. The MCAI states:

> The [Canadian] AD CF–2013–22 [which corresponds to FAA AD 2014–16–06, Amendment 39–17930 (79 FR 48972, August 19, 2014)] was issued on 12 August 2013 to mandate the introduction of an emergency procedure to the Aeroplane Flight Manual to address the uncommanded rudder movement.
>
> Since the original issue of [Canadian] AD CF–2013–22, Bombardier Aerospace has developed a wiring modification for the yaw damper control system to prevent uncommanded movement of the rudder.
>
> This [Canadian] AD mandates the incorporation of Service Bulletins (SB) 604–22–007 and 605–22–002 * * * *.

This AD requires modification of the wiring for the yaw damper control system. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0626.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Clarify Airplane Model That Experienced In-Flight Uncommanded Rudder Movement

Bombardier, Inc., requested that the Reason section (paragraph (e) of the proposed AD) be revised to clarify that the in-flight uncommanded rudder movements occurred on airplanes with an installation similar to the installation on certain Model CL–600–2B16 airplanes and did not occur on Model CL–600–2B16 airplanes. Bombardier, Inc., stated that it is not aware of any in-flight uncommanded rudder movements that were experienced by operators of Model CL–600–2B16 airplanes, but as written, the Reason section of the NPRM implied that these events occurred on Model CL–600–2B16 airplanes.

For the reason provided by the commenter, we agree to revise the **SUMMARY** and Discussion sections of this final rule and paragraph (e) of this AD to clarify that the in-flight uncommanded rudder movements occurred on airplanes with an installation similar to the installation on certain Model CL–600–2B16 airplanes. We have issued AD 2013–14–11, Amendment 39–17516 (78 FR 44871, July 25, 2013) to address the same unsafe condition for Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, and Model CL–600–2D24 (Regional Jet Series 900) airplanes.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., issued Service Bulletin 604–22–007, Revision 01, dated July 25, 2016; and Service Bulletin 605–22–002, Revision 01, dated July 25, 2016. This service information describes procedures for modifying the wiring harness for the yaw damper control system. These documents are distinct since they apply to different airplane configurations. 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.

Costs of Compliance

We estimate that this AD affects 120 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	50 work-hours × $85 per hour = $4,250	Up to $478	Up to $4,728	Up to $567,360.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–06–06 Bombardier, Inc.: Amendment 39–19226; Docket No. FAA–2017–0626; Product Identifier 2016–NM–210–AD.

(a) Effective Date

This AD is effective April 19, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B16 (CL–604 Variant) airplanes, certificated in any category, serial numbers (S/Ns) 5301 through 5665 inclusive, 5701 through 5911 inclusive, 5913, and 5914.

(d) Subject

Air Transport Association (ATA) of America Code 22, Autopilot System.

(e) Reason

This AD was prompted by reports of in-flight uncommanded rudder movements on airplanes with an installation similar to the installation on certain Model CL–600–2B16 (CL–604 Variant) airplanes. We are issuing this AD to prevent in-flight uncommanded rudder movements, which could lead to structural failure and subsequent loss of the airplane.

(f) Compliance

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

(g) Modification

Within 48 months after the effective date of this AD: Modify the wiring harness for the yaw damper control system, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For airplanes having serial numbers (S/Ns) 5301 through 5665 inclusive: Bombardier Service Bulletin 604–22–007, Revision 01, dated July 25, 2016.

(2) For airplanes having S/Ns 5701 through 5911 inclusive, 5913, and 5914: Bombardier Service Bulletin 605–22–002, Revision 01, dated July 25, 2016.

(h) Part Installation Limitation

As of the effective date of this AD, no person may install on any airplane a yaw damper actuator having part number 622–9968–002, unless the modification required by paragraph (g) of this AD has been accomplished.

(i) Credit for Previous Actions

This paragraph provides credit for the modification required by paragraph (g) of this AD, if the modification was performed before the effective date of this AD using the applicable service information identified in paragraph (i)(1) or (i)(2) of this AD.

(1) Bombardier Service Bulletin 604–22–007, dated June 23, 2015.

(2) Bombardier Service Bulletin 605–22–002, dated June 23, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–38, effective December 12, 2016, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0626.

(2) For more information about this AD, contact Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7318; fax 516–794–5531.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Bombardier, Inc., Service Bulletin 604–22–007, Revision 01, dated July 25, 2016.

(ii) Bombardier, Inc., Service Bulletin 605–22–002, Revision 01, dated July 25, 2016.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com*; internet *http://www.bombardier.com.*

(4) You may view this 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.

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

Issued in Des Moines, Washington, on March 6, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–05021 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0953; Airspace Docket No. 17–AEA–15]

Amendment of Class E Airspace; Massena, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Massena, NY, as the Massena collocated VHF omnidirectional range tactical air navigation system (VORTAC) has been decommissioned, requiring airspace reconfiguration at Massena International-Richards Field Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of this airport.

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

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, Georgia 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** for Docket No. FAA–2017–0953 (82 FR 57888, December 8, 2017), proposing to amend Class E surface airspace and Class E airspace extending upward from 700 feet or more above the surface at Massena International-Richards Field Airport., Massena, NY.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Massena International-Richards Field Airport, Massena, NY. The segment within 1.8 miles each side of the Massena VORTAC 286° radial extending from the 4-mile radius to the VORTAC is removed in Class E surface airspace; and the segment within 2.7 miles each side of the Massena VORTAC 106° radial extending from the 7.4-mile radius to 7 miles east of the VORTAC is removed in Class E airspace extending upward from 700 feet above the surface, due to the decommissioning of the Massena VORTAC, and cancelation of associated approaches. This action enhances the safety and management of IFR operations at the airport.

The geographic coordinates of the airport are adjusted to coincide with the FAA's aeronautical database

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA NY E2 Massena, NY [Amended]

Massena International-Richards Field Airport, NY
(Lat. 44°56′11″ N, long. 74°50′42″ W)

Within a 4-mile radius of the Massena International-Richards Field Airport, excluding the airspace within Canada.

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

* * * * *

AEA NY E5 Massena, NY [Amended]

Massena International-Richards Field Airport, NY
(Lat. 44°56′11″ N, long. 74°50′42″ W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Massena International-Richards Field Airport, excluding the airspace within Canada.

Issued in College Park, Georgia, on March 6, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–05045 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1064; Airspace Docket No. 17–ANM–32]

Establishment of Class E Airspace, Yuma, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Yuma Municipal Airport, Yuma, CO, to accommodate new area navigation (RNAV) procedures at the airport. This action is necessary for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

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

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the earth at Yuma Municipal Airport, Yuma, CO, to support IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 58144; December 11, 2017) for Docket No. FAA–2017–1064 to establish Class E airspace extending upward from 700 feet above the surface at Yuma Municipal Airport, Yuma, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Yuma Municipal Airport, Yuma, CO. This airspace is necessary to accommodate the development of RNAV (IFR) operations in standard instrument approach and departure procedures at the airport.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM CO E5 Yuma, CO [New]

Yuma Municipal Airport, CO
(Lat. 40°06′21″ N, long. 102°42′52″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Yuma Municipal Airport.

Issued in Seattle, Washington, on March 5, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–05047 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0969; Airspace Docket No. 17–ANM–18]

Amendment of Class D and Class E Airspace; Twin Falls, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace designated as an extension, and modifies Class E airspace extending upward from 700 feet above the surface at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID. Also, the part-time Notice to Airmen (NOTAM) status is removed from Class E airspace designated as an extension. Additionally, an editorial change is made to the Class D airspace, Class E surface airspace, and Class E extension airspace legal descriptions replacing ''Airport/Facility Directory'' with the term ''Chart Supplement.'' Also, this action removes the words ''Twin Falls'' from the airport name in the airspace designations for Class D and E airspace. These actions are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

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

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published in the **Federal Register** (82 FR 57556; December 6, 2017) for Docket FAA–2017–0969, a notice of proposed rulemaking to modify Class D airspace, Class E surface area airspace, Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace designated as an extension to a Class D or Class E surface area, and Class E airspace extending upward from 700 feet above the surface at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID.

Class E airspace designated as an extension to a Class D or Class E surface area is reduced to a 5-mile wide segment (from 8.6-miles wide) extending to 7 miles (from 9.2 miles) east, and a 5-mile wide segment (from 8.6 miles wide) extending to 7.1 miles (from 9.2 miles) west of the airport. Also, the part-time Notice to Airmen (NOTAM) status is removed from Class E airspace designated as an extension, as this airspace is continuous.

Class E airspace extending upward from 700 feet above the surface is reduced to a 12-mile wide segment (from a 16.5-mile segment) extending to 21.9 miles (from 26.1 miles) east, and 16 miles (from 20 miles) west of the airport. Also, the small extension to 8.2 miles southeast of the airport is removed.

Finally, this action replaces the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the Class D, and Class E surface airspace legal descriptions, and removes the words ''Twin Falls'' from the airport name in the airspace designations for Class D and E airspace noted in this action.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

ANM ID D Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28′55″ N, long. 114°29′16″ W)

That airspace extending upward from the surface to and including 6,700 feet MSL within a 4.3-mile radius of Joslin Field-Magic Valley Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a

Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ANM ID E2 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28′55″ N, long. 114°29′16″ W)

That airspace within a 4.3-mile radius of Joslin Field-Magic Valley Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM ID E4 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28′55″ N, long. 114°29′16″ W)

That airspace extending upward from the surface within 2.5 miles each side of the 087° bearing from Joslin Field-Magic Valley Regional Airport extending from the 4.3 mile radius of the airport to 7 miles east of the airport, and within 2.5 miles each side of the airport 274° bearing extending from the airport 4.3-mile radius to 7.1 miles west of the airport.

ANM ID E5 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28′55″ N, long. 114°29′16″ W)

That airspace extending upward from 700 feet above the surface within 4.3 miles south and 8 miles north of the 091° bearing from Joslin Field-Magic Valley Regional Airport extending from the airport to 22 miles east of the airport, and within 4.3 miles south and 8 miles north of the airport 275° bearing extending from the airport to 16 miles west of the airport. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°22′00″ N, long. 115°08′00″ W; to lat. 43°09′00″ N, long. 114°03′00″ W; to lat. 42°33′00″ N, long. 114°03′00″ W; to lat. 42°18′00″ N, long. 114°06′00″ W; to lat. 41°48′00″ N, long. 115°00′00″ W; to lat. 43°01′00″ N, long. 115°20′00″ W, thence to the point of beginning.

Issued in Seattle, Washington, on March 6, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–05050 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0986; Airspace Docket No. 17–ANM–16]

Amendment of Class D and Class E Airspace; Lewiston, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This actions amends controlled airspace at Lewiston-Nez Perce County Airport, Lewiston, ID, by enlarging Class D airspace, and Class E surface airspace, and reducing Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface. Also, this action removes the part-time Notice to Airmen (NOTAM) status from Class E airspace designated as an extension. Additionally, an editorial change is made to the legal descriptions replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''. This action enhances safety and management of instrument flight rules (IFR) operations at the airport.

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

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published in the **Federal Register** (82 FR 57558; December 6, 2017) for Docket FAA–2017–0986, a notice of proposed rulemaking to modify Class D airspace, Class E surface area airspace, Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface at Lewiston-Nez Perce County Airport, Lewiston, ID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received.

Discussion of Comments

The commenter objected to the expansion of Class D airspace based on a belief that the FAA erred in calculating the Class D area radius as described in FAA Order 7400.2K, Procedures for Handling Airspace Matters, Chapter 17, Figure 17–2–1, specifically by enlarging the Class D area from a 4.1-mile radius to a 4.3-mile radius. After a second review, the FAA agrees a 4.1-mile radius for some areas of the Class D is sufficient. The proposed enlargement of Class D airspace to a 4.3-mile radius was not based on Figure 17–2–1, but instead was intended to contain all IFR circling aircraft utilizing an expanded circling approach maneuvering airspace radius. After a second review the FAA has determined the proposed Class D airspace east, southeast, and west would adequately contain the circling aircraft. The FAA will therefore preserve Class D airspace within a 4.1-mile radius of the airport where additional airspace is not required.

The commenter also objected to the proposed expansion of Class D airspace greater than 2 miles beyond the 4.1-mile radius based on FAA Order 7400.2K paragraph 17–2–7 (d) ARRIVAL EXTENSIONS, stating all extensions should be Class E. The FAA does not agree. The proposed expansion areas of Class D airspace east, southeast, and west are not arrival extensions, but are designed to contain the specific departure procedures for the airport in accordance with paragraph 17–2–6 DEPARTURES. The expanded areas are therefore a part of the Class D and should not be Class E extensions.

The commenter also states that ''Class D should be a basic round circle''. The FAA does not agree. Paragraph 17–2–1 CONFIGURATION states that the Class D size and shape may vary to allow for safe and efficient handling of operations, and must be sized to contain the intended operations. Use of a basic circle of Class D airspace would result in an excessive degree of airspace restriction. The shape of the proposed Class D airspace area is designed to contain the existing IFR operations at the airport with a minimum of airspace restriction, thereby protecting the public's right to freedom of transit.

Lastly, the commenter suggests the FAA has not complied with paragraph 17–1–2, REGIONAL/SERVICE AREA OFFICE EVALUATION, by failing to follow the policies and procedures within FAA Order 7400.2L. The FAA does not agree. The proposed airspace modifications were designed based on the requirements contained within FAA Order 7400.2L. This action by its very nature is intended to ensure the airspace configuration at Lewiston-Nez Perce County Airport, Lewiston, ID is in compliance with FAA policies and guidelines.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class D airspace, Class E airspace designated as a surface area, Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface at Lewiston-Nez Perce County Airport, Lewiston, ID. This airspace redesign is necessary for the safety and management of instrument flight rules operations at the airport.

Class D and Class E surface area airspace are amended to within a 4.1-mile radius of the airport (no change) from the airport 290° bearing clockwise to the airport 066° bearing; and within a 5.1-mile radius of the airport (from the 4.1-mile radius) from the airport 066° bearing clockwise to the airport 115° bearing; and within a 6.6-mile radius of the airport (from the 4.1-mile radius) from the airport 115° bearing clockwise to the airport 164° bearing; and within a 4.3-mile radius of the airport (from the 4.1-mile radius) from the airport 164° bearing clockwise to the airport 230° bearing; and within a 6.6-mile radius of the airport (from the 4.1-mile radius) from the airport 230° bearing clockwise to the airport 290° bearing. Also, the class D airspace extending upward from the surface is reduced to up to and including 2,700 feet MSL (from 3,900 feet).

Class E airspace designated as an extension is modified to within 1.0 mile each side of the 100° bearing from the airport extending from the 5.1-mile radius of the airport to 7.9 miles east of the airport (from 2.7 miles each side of the Lewiston-Nez Perce ILS localizer course extending from the 4.1-mile radius of the airport to 14 miles east), and within 1.0 mile each side of the 313° bearing from the airport extending from the airport 4.1-mile radius to 6.1 miles northwest of the airport (from 3.5 miles each side of the Nez Perce VOR/DME 266° radial extending from the 4.1-mile radius of the airport to 13.1 miles west of the airport). Also, the part-time Notice to Airmen (NOTAM) status is removed.

Class E airspace extending upward from 700 feet above the surface is modified to within a 6.3-mile radius of the airport, and within 8.5 miles north and 4.3 miles south of the airport 099° and 279° bearings extending to 27.8 miles east and 22.5 miles west of the airport (from an irregularly shaped polygon generally extending to 19 miles northeast, 24 miles east, 19 miles southeast, and 25 miles west).

Additionally, this action replaces the term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the Class D and Class E surface airspace.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and

effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM ID D Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID
(Lat. 46°22′28″ N, long. 117°00′55″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius from Lewiston-Nez Perce County Airport clockwise from the airport 290° bearing to the 066° bearing, and within a 5.1-mile radius of the airport from the 066° bearing to the airport 115° bearing and within a 6.6-mile radius of the airport from the 115° bearing to the airport 164° bearing, and within a 4.1-mile radius of the airport from the airport 164° bearing to the airport 230° bearing, and within a 6.6-mile radius of the airport from the 230° bearing to the airport 290° bearing. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas

* * * * *

ANM ID E2 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID
(Lat. 46°22′28″ N, long. 117°00′55″ W)

That airspace extending upward from the surface within a 4.1-mile radius from the Lewiston-Nez Perce County Airport clockwise from the airport 290° bearing to the 066° bearing, and within a 5.1-mile radius of the airport from the 066° bearing to the airport 115° bearing and within a 6.6-mile radius of the airport from the 115° bearing to the airport 164° bearing, and within a 4.1-mile radius of the airport from the airport 164° bearing to the airport 230° bearing, and within a 6.6-mile radius of the airport from the 230° bearing to the airport 290° bearing. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM ID E4 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID
(Lat. 46°22′28″ N, long. 117°00′55″ W)

That airspace within one mile each side of the 100° bearing from the Lewiston-Nez Perce County Airport extending from the airport 5.1-mile radius to 7.9 miles east of the airport, and within 1.0 mile each side of the 313° bearing from the airport extending from the airport 4.1-mile radius to 6.1 miles northwest of the airport.

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

* * * * *

ANM ID E5 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID
(Lat. 46°22′28″ N, long. 117°00′55″ W)

That airspace upward from 700 feet above the surface within a 6.3-mile radius of Lewiston-Nez Perce County Airport, and within 8.5 miles north and 4.3 miles south of the airport 099° and 279° bearings extending to 27.8 miles east and 22.5 miles west of the airport; that airspace extending upward from 1,200 feet above the surface within a 62-mile radius of the Lewiston-Nez Perce County Airport, and within 24 miles each side of the 056° bearing from the airport extending from the 62-mile radius to 92 miles northeast of the airport.

Issued in Seattle, Washington, on March 5, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–05049 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Vinyl Chloride

CFR Correction

■ In Title 29 of the Code of Federal Regulations, Part 1910.1000 to End, revised as of July 1, 2017, on page 81, in § 1910.1017, paragraph (n) is reinstated to read as follows:

§ 1910.1017 Vinyl chloride.

* * * * *

(n) The employer must, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results and the steps being taken to reduce exposures within the permissible exposure limit either individually in writing or by posting the results in an appropriate location that is accessible to affected employees.

[FR Doc. 2018–05312 Filed 3–14–18; 8:45 am]

BILLING CODE 1301–00–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in April 2018 and interest assumptions under the asset allocation regulation for valuation dates in the second quarter of 2018. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective April 1, 2018.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@PBGC.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–326–4400, ext. 3839. (TTY users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 3839.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's website (*http://www.pbgc.gov*).

The interest assumptions in appendix B to part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in appendix B to part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for April 2018 and

updates the asset allocation interest assumptions for the second quarter (April through June) of 2018.

The second quarter 2018 interest assumptions under the allocation regulation will be 2.27 percent for the first 20 years following the valuation date and 2.59 percent thereafter. In comparison with the interest assumptions in effect for the first quarter of 2018, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), a decrease of 0.12 percent in the select rate, and a decrease of 0.01 percent in the ultimate rate (the final rate).

The April 2018 interest assumptions under the benefit payments regulation will be 1.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for March 2018, these interest assumptions represent a 0.25 percent increase in the immediate rate and no changes in i1, i2, or i3.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during April 2018, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication. PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 294 is added at the end of the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
	*	*	*	*	*	*	*	*
294	4–1–18	5–1–18	1.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 294 is added at the end of the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
	*	*	*	*	*	*	*	*
294	4–1–18	5–1–18	1.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, an entry for ''April–June 2018'' is added at the end of the table to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
April–June 2018	0.0227	1–20	0.0259	>20	N/A	N/A

Issued in Washington, DC.

Deborah Chase Murphy,

Assistant General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–05197 Filed 3–14–18; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0108]

Drawbridge Operation Regulation; Narrow Bay, Suffolk County, NY

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 Smith Point Bridge across Narrow Bay, mile 6.1, at Suffolk County, New York. This deviation is necessary in order to facilitate a Triathlon Event and allows the bridge to remain in the closed position for two hours.

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

ADDRESSES: The docket for this deviation, USCG–2018–0108, 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 Stephanie Lopez, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4335, email *Stephanie.E.Lopez@uscg.mil.*

SUPPLEMENTARY INFORMATION: Event Power requested and the bridge owner, Suffolk County DPW, concurred with this temporary deviation from the normal operating schedule to facilitate a Triathlon Event.

The Smith Point Bridge across Narrow Bay, mile 6.1, has a vertical clearance of 18 feet at mean high water and 19 feet at mean low water in the closed position. The existing drawbridge operating regulation is listed at 33 CFR 117.799(d).

The temporary deviation will allow the Smith Point Bridge to remain closed from 7 a.m. to 9 a.m. on August 5, 2018. Narrow Bay is transited by seasonal recreational vessels. Coordination with Coast Guard Sector Long Island Sound has indicated no mariner objections to the proposed short-term closure of the draw.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will 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: March 6, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–05205 Filed 3–14–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0033]

Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Beach Thorofare, Margate City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation; modification.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the Margate Boulevard/Margate Bridge, which carries Margate Boulevard across the New Jersey Intracoastal Waterway, Beach Thorofare, mile 74.0, at Margate City, NJ. This modified deviation is necessary to facilitate bridge maintenance. This modified deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This modified deviation is effective without actual notice from March 15, 2018 through 7 p.m. on March 26, 2018. For the purposes of enforcement, actual notice will be used from 7:01 p.m. on March 12, 2018 until March 15, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0033] 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 modified temporary deviation, call or email Mr. Michael R. Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email *Michael.R.Thorogood@uscg.mil.*

SUPPLEMENTARY INFORMATION: On February 1, 2018, the Coast Guard published a temporary deviation entitled, ''Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Beach Thorofare, Margate City, NJ'' in the **Federal Register** (83 FR 4585). That document resulted from Ole Hansen and Sons, Inc.'s, request for a temporary deviation, occurring from 7 a.m. on February 26, 2018, through 7 p.m. on March 12, 2018, from normal operation of the drawbridge to facilitate bridge maintenance. Subsequent to the approval of that request, Ole Hansen & Sons Inc. requested a modification, extending the temporary deviation from 7:01 p.m. on March 12, 2018, through 7 p.m. on March 26, 2018, to allow more time to perform and complete bridge maintenance unable to be performed due to extreme inclement weather events during the previous temporary deviation. Therefore, the Coast Guard modifies the dates of the previously approved temporary deviation to allow the Margate Boulevard/Margate Bridge that carries Margate Boulevard across the New Jersey Intracoastal Waterway, Beach Thorofare, mile 74.0, at Margate City, NJ, to remain in the closed-to-navigation position from 7:01 p.m. on March 12, 2018, through 7 p.m., on March 26, 2018. The bridge has a vertical clearance of 14 feet above mean high water in the close position and unlimited clearance in the open position. The current operating schedule is set out in 33 CFR 117.5.

The Beach Thorofare is used by a variety of vessels including recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and 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 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 transit

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: March 12, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–05297 Filed 3–14–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2017–0453; FRL–9975–33–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to reaffirm and reapprove a negative declaration for existing hospital/medical/infectious waste incinerator (HMIWI) units within the City of Philadelphia. This negative declaration certifies that existing HMIWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the Philadelphia Air Management Service (AMS). EPA is accepting the negative declaration in accordance with the requirements of the CAA.

DATES: This rule is effective on April 16, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2017–0453. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Mike Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. CAA section 129 directs EPA to establish standards of performance for new sources and emissions guidelines for existing sources for each category of solid waste incineration unit. CAA section 129(a) and (b). EPA also must specify numerical emissions limitations for particulate matter (total and fine), opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. CAA section 129(a)(4).

On September 15, 1997 (62 FR 48348), EPA first promulgated HMIWI unit new source performance standards, 40 CFR part 60, subpart Ec, and emission guidelines for existing facilities, subpart Ce. These regulations were then amended on October 6, 2009 (74 FR 51368) and on April 4, 2011 (76 FR 18407).

The designated facilities to which the EG apply are existing HMIWI units that: (1) Commenced construction on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or (2) commenced construction after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010, with limited exceptions as provided in paragraphs 40 CFR 60.32e(b) through (h).

Subpart B and Ce of 40 CFR part 60 establish procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants from existing HMIWI facilities. Also, 40 CFR part 62 provides the procedural framework for the submission of these plans. When existing designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect (*i.e.,* negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a section 111(d)/129(b) plan.

On October 12, 2017 (82 FR 47398 and 82 FR 47421), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the City of Philadelphia approving a negative declaration from Philadelphia AMS that there are no existing HMIWI units subject to the requirements of sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. EPA explained that if it did not receive an adverse comment on the NPR, the DFR would take effect with no further administrative action. EPA received an adverse comment on the NPR and attempted to withdraw the DFR prior to its effective date of December 11, 2017. However, EPA inadvertently did not withdraw the DFR prior to that date and the rule prematurely became effective on December 11, 2017, revising 40 CFR part 62 to reflect the approval of the negative declaration. In the NPR, EPA had proposed to approve the negative declaration. In this final rulemaking, EPA is responding to the comment submitted on the proposed approval of the negative declaration and approving the negative declaration. This action supersedes the prior DFR which went in to effect prematurely and had an effective date of December 11, 2017.

II. State Submittal and EPA Analysis

Philadelphia AMS has determined that there are no existing HMIWI units subject to the requirements of sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. Accordingly, Philadelphia AMS submitted a negative declaration letter to EPA certifying this fact on August 2, 2011. The negative declaration letter and EPA's technical support document for this action are available in the docket for this rulemaking and online at *www.regulations.gov.*

III. Public Comment and EPA Response

EPA received one adverse comment on the proposed approval of the negative declaration for existing HMIWI units submitted by Philadelphia AMS.

Comment: The commenter stated that EPA must ensure that no additional HMIWI units have been constructed since the time of Philadelphia's

certification letter. The commenter also asserted that since so much time has passed since the submittal of the negative declaration, EPA cannot rely on such an outdated form of information to ensure no units have been built.

Response: EPA does not agree with the commenter's assertion that EPA must ensure that no additional HMIWI units have been constructed since Philadelphia AMS submitted the negative declaration on August 2, 2011 in order to finalize this action. As stated in the technical support document for the NPR and the emission guidelines for existing HMIWI units (40 CFR 60 subpart Ce), the designated facilities to which the EG apply are existing HMIWI units that: (1) Commenced construction on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or (2) commenced construction after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010, with limited exceptions as provided in paragraphs 40 CFR 60.32e(b) through (h). 40 CFR 60.32e(a). Thus, to obtain EPA approval of Philadelphia's negative declaration regarding existing HMIWI units, Philadelphia only needed to assert no HMIWI units exist that commenced construction before December 1, 2008 or commenced modification before April 6, 2010. Because Philadelphia's August 2, 2011 submittal meets that criterion, Philadelphia's negative declaration did not need to address whether any new units have been constructed since the time of Philadelphia's certification letter on August 2, 2011. EPA's acceptance of Philadelphia's negative declaration therefore is appropriate.

HMIWI units constructed in Philadelphia after the above cited dates would be considered ''new,'' as opposed to ''existing,'' and therefore would be subject to a separate rule—40 CFR 60 subpart Ec, ''Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators.'' EPA is not aware of any new HMIWI units within the jurisdictional boundaries of Philadelphia AMS. If EPA became aware of a new HMIWI unit in Philadelphia, it would have no bearing on the approvability of this HMIWI negative declaration because it only pertains to existing sources.

At the time of Philadelphia's submission, EPA worked with Philadelphia AMS and reviewed Philadelphia's inventory of sources to ensure no existing HMIWI units existed within Philadelphia, and the commenter has not provided any information to the contrary that would cause EPA to reconsider the assessment of Philadelphia AMS's negative declaration. EPA is therefore finalizing the negative declaration for existing HMIWI units in this action.

IV. Final Action

In this final action, EPA is reaffirming and reapproving the previous amendment to part 62 to reflect receipt of the negative declaration letter from Philadelphia AMS. EPA is accepting the negative declaration in accordance with the requirements of the CAA and 40 CFR 60.23(b) and 62.06.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely notifies the public of EPA receipt of a negative declaration from an air pollution control agency without any existing HMIWI units in their jurisdiction. This action imposes no requirements. Accordingly, EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This action also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves the negative declaration for existing HMIWI units from the Philadelphia AMS and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

With regard to negative declarations for designated facilities received by EPA from states, EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to approve or disapprove a CAA section 111(d)/129 plan negative declaration submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a CAA section 111(d)/129 negative declaration, to use VCS in place of a section 111(d)/129 negative declaration that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *May 14, 2018.* Filing a petition for reconsideration by the

Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the negative declaration for existing HMIWI units within the City of Philadelphia may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: February 23, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–05294 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2017–0509; FRL–9975–38–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to notify the public that it has received a negative declaration for sewage sludge incineration (SSI) units within the City of Philadelphia. This negative declaration certifies that SSI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist in Pennsylvania within the jurisdictional boundaries of the Philadelphia Air Management Service (AMS). EPA is accepting the negative declaration in accordance with the requirements of the CAA.

DATES: This rule is effective on April 16, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2017–0509. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Mike Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. CAA section 129 directs EPA to establish standards of performance for new sources and emissions guidelines for existing sources for each category of solid waste incineration unit. CAA section 129(a) and (b). EPA also must specify numerical emissions limitations for particulate matter (total and fine), opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. CAA section 129(a)(4).

On March 21, 2011 (76 FR 15372), EPA promulgated SSI unit new source performance standards, 40 CFR part 60, subpart LLL, and EG at 40 CFR part 60, subpart MMMM. The designated facilities to which the EG apply are existing SSI units that: (1) Commenced construction on or before October 14, 2010; (2) meet the definition of a SSI unit as defined in 40 CFR 60.5250; and (3) are not exempt under 40 CFR 60.5065.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Also, 40 CFR part 62 provides the procedural framework for the submission of these plans. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect (*i.e.,* negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a CAA section 111(d)/129 plan.

On October 26, 2017 (82 FR 49563 and 82 FR 49511), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the City of Philadelphia approving a negative declaration from Philadelphia AMS that there are no existing SSI units subject to the requirements of sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. EPA received an adverse comment on the rulemaking and withdrew the DFR prior to the effective date on December 26, 2017 (82 FR 60872). In this final rulemaking, EPA is responding to the comment submitted on the proposed approval of the negative declaration and is approving the negative declaration.

II. State Submittal and EPA Analysis

Philadelphia AMS has determined that there are no existing SSI units subject to the requirements of sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. Accordingly, Philadelphia AMS submitted a negative declaration letter to EPA certifying this fact on March 28, 2012. The negative declaration letter and EPA's technical support document for this action are available in the docket for this rulemaking and are available online at *www.regulations.gov.*

III. Public Comments and EPA Responses

EPA received one adverse comment on the proposed approval of the negative declaration for SSI units submitted by Philadelphia AMS. All other comments received were either supportive of or not specific to this action and thus are not addressed here.

Comment: The commenter stated that EPA must confirm that no additional SSI units exist or have been constructed since the time of Philadelphia's certification letter, citing the amount of time between receipt of the negative declaration and the proposed approval.

Response: EPA does not agree with the commenter's assertion that EPA must ensure that no additional SSI units have been constructed since Philadelphia AMS submitted the negative declaration in order to finalize this action. As stated in the technical support document for the NPR and in the EG for existing SSI units (40 CFR 60,

subpart MMMM), the designated facilities to which the EG apply are SSI units that: (1) Commenced construction on or before October 14, 2010; (2) meet the definition of a SSI unit as defined in 40 CFR 60.5250; and (3) are not exempt under 40 CFR 60.5065. Thus, for EPA approval of Philadelphia AMS' negative declaration regarding existing SSI, Philadelphia only needed to assert no SSI units exist that commenced construction on or before October 14, 2010. Because Philadelphia's negative declaration was submitted on March 28, 2012—after the October 14, 2010 deadline to be considered an existing SSI unit—there is no need to revisit the initial determination of Philadelphia AMS that no existing SSI units exist within the jurisdictional boundaries of the local air pollution control agency. Prior to Philadelphia's submission, EPA worked with Philadelphia AMS and reviewed Philadelphia's inventory of sources to ensure no existing SSI units existed within Philadelphia, and the commenter has not provided any information to the contrary that would cause EPA to reconsider the assessment of Philadelphia AMS's negative declaration. EPA's acceptance of Philadelphia's negative declaration therefore is appropriate. SSI units constructed after the above cited date (*i.e.,* October 14, 2010) would be considered ''new,'' as opposed to ''existing,'' and therefore would be subject to a separate rule—40 CFR 60 subpart LLL, ''Standards of Performance for new Sewage Sludge Incineration Units.'' EPA is therefore finalizing the negative declaration for existing SSI units in this action.

IV. Final Action

In this final action, EPA is amending 40 CFR part 62 to reflect receipt of the negative declaration letter from Philadelphia AMS. EPA is accepting the negative declaration in accordance with the requirements of the CAA and 40 CFR 60.23(b) and 62.06.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely notifies the public of EPA receipt of a negative declaration from an air pollution control agency without any existing SSI units in their jurisdiction. This action imposes no requirements. Accordingly, EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This action also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves the negative declaration for existing SSI units from the Philadelphia AMS and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

With regard to negative declarations for designated facilities received by EPA from states, EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to approve or disapprove a CAA section 111(d)/129 plan negative declaration submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a CAA section 111(d)/129 negative declaration, to use VCS in place of a section 111(d)/129 negative declaration that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *May 14, 2018.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the negative declaration for SSI units within the City of Philadelphia may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: February 23, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart NN—Pennsylvania

■ 2. Subpart NN is amended by adding a new undesignated centerheading and § 62.9665 to read as follows:

Emissions From Existing Sewage Sludge Incineration Units

§ 62.9665 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted March 28, 2012, certifying that there are no existing sewage sludge incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart MMMM.

[FR Doc. 2018–05293 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0365; FRL–9973–20]

Trinexapac-ethyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of trinexapac-ethyl in or on poppy, seed. Syngenta Crop Protection, LLC requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA) in order to cover residues of trinexapac-ethyl in imported poppy seed commodities.

DATES: This regulation is effective March 15, 2018. Objections and requests for hearings must be received on or before May 14, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0365, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; Main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0365 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 14, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0365, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8462) by Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419. The petition requested that 40 CFR part 180 be amended by establishing a tolerance for residues of the herbicide trinexapac-ethyl, ethyl 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylate expressed as its primary metabolite trinexpac, 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylic acid, in or on poppy, seed at 8 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA

defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for trinexapac-ethyl including exposure resulting from the tolerances established by this action.

In the **Federal Register** of May 20, 2015 (80 FR 28843) (FRL–9926–62), EPA amended tolerances for herbicide trinexapac-ethyl, ethyl 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylate expressed as its primary metabolite trinexpac, 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylic acid in or on several commodities. Because the majority of the Agency's conclusions remain the same, EPA is incorporating the discussions from the May 20, 2015, **Federal Register** document into this document and relying on the same supporting documents. The only difference is the potential to impact dietary exposure; because the use on poppy seeds is not approved in the United States, there is no impact on drinking water exposures or residential exposures.

The Agency has determined that a new dietary exposure assessment is not needed because poppy seed is not a significant part of the diet, and residues of trinexapac-ethyl do not concentrate in poppy seed oil. Therefore, residues in poppy seed oil are not expected to have an impact on the EPA's previous findings. Therefore, EPA relies upon the findings made in the May 20, 2015, **Federal Register** document, as well as the review of the poppy seed data in support of this rule. EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to trinexapac-ethyl residues.

For a detailed discussion of the aggregate risk assessments and determination of safety for these tolerances please refer to the May 20, 2015, **Federal Register** document and its supporting documents, available at *http://www.regulations.gov* in document ''Trinexapac-ethyl; Pesticide Tolerances'' (80 FR 28843, May 20, 2015) in docket ID number EPA–HQ–OPP–2014–0340; FRL–9926–62. Further information about EPA's determination that an updated risk assessment was not necessary may be found in the document ''Trinexapac-ethyl. Section 3 Registration Request for New Uses on Imported Poppy Seeds. Summary of Analytical Chemistry and Residue Data'' in docket ID number EPA–HQ–OPP–2016–0365.

International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for trinexapac-ethyl.

IV. Conclusion

Therefore, tolerances are established for residues of trinexapac-ethyl, ethyl 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylate expressed as its primary metabolite trinexpac, 4-(cyclopropylhydroxymethylene)-3,5-dioxocyclohexanecarboxylic acid, in or on poppy, seed at 8 ppm.

V. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology

Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 7, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.662 adding alphabetically the entry for ''Poppy, seed imported'' and footnote 1 to the table in paragraph (a) to read as follows:

§ 180.662 Trinexapac-ethyl; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Poppy, seed imported [1]	8
* * * * *	

* * * * *

[FR Doc. 2018–05284 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

[1] There are no U.S. registrations for Poppy, seed as of March 15, 2018.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 17–141, CC Docket No. 96–128, WC Docket No. 16–132; FCC 18–21]

Modernization of Payphone Compensation Rules

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: In this document, a Report and Order takes a number of actions aimed at modernizing the Commission's payphone compensation procedure rules by eliminating costly requirements that are no longer necessary in light of technological and marketplace changes. These actions further the Commission's goal of regularly examining and updating its rules to keep pace with technology and the changing communications landscape, and to eliminate requirements that are no longer necessary, thereby reducing the costs and burdens of rules that have outlived their purpose. These have no impact on Completing Carriers' continuing obligations under the Commission's rules to maintain accurate call tracking systems and to fully compensate payphone service providers for the calls covered by these rules.

DATES: Effective April 16, 2018, except for the amendment to 47 CFR 64.1310(a)(3), which contains information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Competition Policy Division, Michele Berlove, at (202) 418–1477, *Michele.Berlove@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket No. 17–141, FCC 18–21, adopted and released February 22, 2018. The full text of this document is available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It is available on the Commission's website at *https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0222/FCC-18-21A1.pdf.*

Synopsis

I. Introduction

1. In this Report and Order, we continue our efforts to modernize our rules by eliminating costly requirements that are no longer necessary in light of technological and marketplace changes. Based on the substantial decline in payphone use and corresponding payphone compensation, we eliminate rules that are no longer needed to ensure that payphone service providers (PSPs) receive the compensation to which they are entitled. Specifically, first, we eliminate all payphone call tracking system audit and associated reporting requirements. Second, we revise our rules to permit a company official other than the chief financial officer (CFO) to certify that a Completing Carrier's quarterly compensation payments to PSPs are accurate and complete. A Completing Carrier is ''a long distance carrier or switch-based long distance reseller that completes a coinless access code or subscriber toll-free payphone call or a local exchange carrier that completes a local, coinless access code or subscriber toll-free payphone call.'' Our rules require that ''a Completing Carrier that completes a coinless access code or subscriber toll-free payphone call from a switch that the Completing Carrier either owns or leases shall compensate the payphone service provider for that call at a rate agreed upon by the parties by contract.'' Finally, we eliminate expired interim and intermediate per-payphone compensation rules that no longer apply to any entity. The actions we take today further our goal of regularly examining and updating our rules to keep pace with technology and the changing communications landscape, and to eliminate requirements that are no longer necessary, thereby reducing the costs and burdens of rules that have outlived their purpose.

II. Background

2. Section 276 of the Communications Act of 1934, as amended, directs the Commission to ensure that PSPs are fairly compensated for all completed calls using their payphones. In 2003, the Commission revised its rules to require Completing Carriers to establish effective call tracking systems, undergo initial and annual audits verifying the accuracy of those tracking systems, and file associated audit reports with the Commission.

3. On June 22, 2017, the Commission adopted a *Notice of Proposed Rulemaking and Order (NPRM)* proposing and seeking comment on

reforms to its payphone compensation procedures. The *NPRM* was published in the **Federal Register** on July 10, 2017 (82 FR 31743). Specifically, the *NPRM* proposed eliminating or revising the annual audit and associated reporting requirements. It also sought comment on other potential reforms, including eliminating the initial audit and associated requirements, and revising the quarterly CFO certification requirement to allow certification by some other company official. The Commission received nine comments in response to its *NPRM,* all of which support revising the Commission's payphone compensation procedures. The Commission initiated this proceeding in response to waiver petitions and to comments filed in the 2016 Biennial Review.

III. Modernizing Payphone Compensation Regulatory Obligations

A. Eliminating Audits and Associated Requirements

4. Today, we eliminate both the initial and annual audit and all associated requirements contained in our payphone compensation compliance rules. The record strongly supports these actions, and no commenter opposes them.

5. We identify several reasons why the audit requirements are no longer necessary. First, the steady and steep decline over more than a decade of the number of payphones in service demonstrates that they no longer play as critical a role in society's communications as they once did, as would-be users rely instead on mobile subscriptions. At the peak of payphone usage in 1999, over 2.1 million payphones were in service across the United States. By 2013, due to the rapid growth of mobile service subscribership, that number had dropped by more than 90 percent, and subsequently dropped again by almost half over the following three years, with fewer than 100,000 payphones remaining in service at the end of 2016. In contrast, mobile voice subscriptions have consistently grown each year since 1999, when approximately 79.1 million mobile voice subscriptions were reported, to approximately 310.7 million in 2013, and approximately 341 million mobile voice subscriptions in the United States as of the end of 2016. Until 2005, however, carriers with under 10,000 subscribers in a state were not required to report Form 477 data, so not all mobile voice subscriptions were reflected in reported data. Moreover, the data show that, as of November 2016, over 90 percent of households and between 92 percent and 95 percent of adults in the United States own a mobile phone. The Pew Center's demographic findings regarding mobile phone ownership indicate that 100% of adults ages 18–29, 99% of adults ages 30–49, and 97% of adults ages 50–64 own mobile phones.

6. The decline in the number of payphones reflects a concomitant decline in the number of payphone calls completed, and together these trends have led to a massive decrease in the amount of compensation paid by Completing Carriers to PSPs. CenturyLink and Verizon each maintain that the amount of payphone compensation paid each year has declined by over 90 percent in the last 10 years and 98.5 percent in the last 12 years, respectively. And Sprint asserts that since its peak in 2005, the amount of payphone compensation it pays each year has declined by 99.3 percent. In light of the foregoing data, we agree with commenters that there is no reason to expect the declining trend of payphone use to change.

7. Additionally, the record indicates that audit requirements are no longer needed as safeguards to ensure that PSPs receive the compensation they are due. No commenter refutes this fact. No formal or informal payphone compensation-related complaints have been filed with the Commission in recent years, and there is no evidence of looming disputes likely to lead to such complaints in the near future. Many Completing Carriers use clearinghouse vendors to calculate and distribute the compensation due to PSPs. These clearinghouses act as intermediaries between PSPs and Completing Carriers, and they have dispute resolution procedures in place in the event a disagreement regarding the accuracy of compensation should arise. According to National Payphone Clearinghouse, its services include: (1) ''electronically accept[ing] claims of payphone ownership from Payphone Service Providers (PSPs) and ownership verification data from the Local Exchange Carriers (LECs)''; (2) ''validat[ing] the PSP claims against the LEC reported data to ensure that the correct payphone ownership has been established''; (3) us[ing] direct deposit to make quarterly compensation payments to the industry on behalf of the IXCs''; (4) serv[ing] its Clients as a control point to facilitate communication with all PSPs and Aggregators''; (5) ''utiliz[ing] a 3rd party auditor to audit all processes in an effort to aide their Clients with the FCC Audit/Attestation requirements''; (6) ''provid[ing] a central site for the sharing of CFO certifications and audit/attestation reports to the industry''; and (7) ''produc[ing] valuable and detailed End of Quarter reports to the NPC Clients and to the industry to aid in compensation reconciliation.'' And, the Commission retains the authority to investigate any payphone compensation compliance issues of which it becomes aware, as today's actions have no impact on Completing Carriers' continuing obligations under our rules to maintain an accurate call tracking system and to fully compensate PSPs for the calls covered by these rules. The requirement that Completing Carriers compensate PSPs for 100 percent of all completed calls originating from the PSPs' payphones remains in place, as does the requirement that Completing Carriers maintain call tracking systems that ''accurately track[] coinless access code or subscriber toll-free payphone calls to completion.'' There have been no formal or informal complaints filed with the Commission in recent years.

8. *Annual Audit Requirement.* We eliminate a Completing Carrier's obligation to annually certify that there have been no material changes to its payphone call tracking system, an obligation that required an annual audit by the Completing Carrier. In light of the changed payphone marketplace dynamics since this requirement was adopted and the unanimous record reflecting that the costs of this requirement far exceed any remaining benefit, we find that the annual audit and associated reporting requirements are no longer necessary. While the number of payphones and associated compensation have dramatically declined, the costs of complying with the annual audit requirement have either remained steady or increased, dwarfing the compensation paid out. For example, Puerto Rico Telephone's audit cost is now 18 times the amount of payphone compensation it pays. And according to Cincinnati Bell, the cost of its audit on a per-call basis increased 900%, from $0.10 per call in 2007 to over $1.00 per call in 2016. And while Sprint paid $226,920.88 in compensation for fiscal year 2016, an audit, absent the Commission's waiver earlier this year, would have cost Sprint $46,500. Likewise, as noted above, Verizon stated that its compensation payments decreased by 98.5 percent from 2004 to 2016. By comparison, Completing Carriers must pay PSPs $0.494 per compensable call.

9. Moreover, the record confirms that the only option under the rules to avoid an annual audit, *i.e.,* to enter into alternative compensation agreements with PSPs, is not an economically

feasible alternative. We agree with commenters that the transaction costs of negotiating, implementing, and managing alternative compensation agreements with numerous individual PSPs would significantly outweigh the amount of compensation paid. In addition, unless a Completing Carrier entered into an alternative compensation arrangement with *every* PSP to which it owed compensation, an annual audit would still be required.

10. We thus conclude that the benefits, if any, of the annual audit, which were expressly adopted ''[t]o ensure the accuracy'' of Completing Carriers' call tracking systems, no longer outweigh the burden imposed on Completing Carriers, and eliminating these requirements will avoid unnecessary regulatory costs while not harming PSPs. For these same reasons, we see no need to adopt a new annual self-certification obligation in lieu of the annual audit as Sprint and Cincinnati Bell proposed in their waiver petitions.

11. *Initial Audit Requirement.* We likewise eliminate the initial audit and associated requirements. The drastically changed communications landscape that precipitated the decline in payphones today has similarly made it unlikely that many, if any, new carriers will become Completing Carriers. Moreover, we agree with commenters that the industry has successfully developed systems that work to ensure accurate PSP call tracking. Any new Completing Carrier has the benefit of this development in establishing its own accurate payphone call tracking and compensation system, obviating the need to expend significant costs associated with a burdensome initial audit requirement. This is particularly true in light of the rules that remain in place to ensure that PSPs receive the compensation to which they are entitled.

12. *Other Audit-Related Requirements.* Finally, because this Order eliminates both the initial and annual payphone call tracking system audit requirements, the remaining requirements associated with these audit requirements no longer serve any purpose. Consequently, we eliminate § 64.1320 in its entirety. As a result, Completing Carriers no longer must file statements with the Commission, PSPs, or other carriers identifying and updating contact information for persons responsible for handling the Completing Carrier's payphone compensation. While one commenter suggests that the Commission may wish to retain this requirement to help protect PSPs' rights to full compensation, our rules already require that Completing Carriers provide this same information to PSPs on a quarterly basis, and that requirement remains in effect. We see no added benefit to retaining a redundant provision. Similarly, because Completing Carriers will no longer be required to conduct audits and file audit reports, we eliminate the requirement that Completing Carriers make underlying audit documents available upon request. Aside from the fact that there will be no associated underlying audit documents for PSPs to request, the record suggests PSPs may not have relied on this provision, as one Completing Carrier commenter states it never received a request from a PSP for this information. Completing Carriers must continue to retain call verification data for 27 months after submitting their quarterly compensation payments and reports to PSPs and provide such data to PSPs upon request.

B. Quarterly Sworn Statement

13. We also revise the requirement that a Completing Carrier provide a sworn statement from its chief financial officer (CFO) certifying to the accuracy and completeness of its quarterly payphone compensation to PSPs. Under our revised rule, any company official with knowledge of and responsibility for the accuracy of payphone compensation by the carrier may provide the requisite sworn statement. We agree with commenters that requiring this certification only from a senior level corporate executive such as the CFO, who necessarily must rely on assurances from company personnel responsible for payphone compensation, consumes unnecessary time and resources. We note that no commenter opposed eliminating the CFO certification. Some Completing Carrier commenters do not object to retaining the CFO sworn statement obligation.

14. We decline to eliminate the quarterly sworn statement altogether, as some commenters request. Since PSPs have no contractual relationships with Completing Carriers, the quarterly sworn statement accompanying Completing Carriers' required quarterly compensation payments remains the only assurance PSPs now have that they are being appropriately compensated for the use of their payphones. Implicit in a certification that the quarterly compensation payment ''is accurate and is based on 100% of all completed calls that originated from that payphone service provider's payphones,'' as required under our rules, is the fact that the carrier's payphone call tracking system is necessarily operating effectively. And though we recognize such quarterly sworn statements impose some burden on carriers, our action today eliminating the CFO requirement reduces that burden substantially. But because ''most completing carriers . . . have contracted with vendors to calculate their payphone compensation,'' they presumably already require and receive assurances from those vendors upon which they can rely in making their sworn statements. We also decline the suggestion that we replace the quarterly sworn statement with an annual sworn statement to the PSPs because it was raised for the first time in response to the *NPRM* and the record is accordingly spare.

C. Expired Interim and Intermediate Per-Payphone Compensation Rules

15. Finally, we eliminate interim and intermediate per-payphone compensation rules that, by their own terms, expired 18 and 20 years ago. Sections 64.1301(a)–(d) were adopted as interim and intermediate compensation measures to ensure that PSPs remained compensated while carriers established effective call-tracking systems. Sections 64.1301(a)–(c), which established interim default compensation for certain types of payphone calls, by its express terms applied for the period ''beginning November 7, 1996, and ending October 6, 1997.'' Similarly, § 64.1301(d), also applicable to certain payphone calls, established default compensation for an intermediate period ''beginning October 7, 1997, and ending April 20, 1999.'' No commenters opposed elimination of these rules, nor did they bring any similarly expired provisions warranting elimination to our attention.

IV. Final Regulatory Flexibility Analysis

16. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *NPRM* for the payphone compensation proceeding. The Commission sought written public comment on the proposals in the *Notice,* including comment on the IRFA. The Commission received no comments on the IRFA. Because the Commission amends its rules in this Order, the Commission has included this Final Regulatory Flexibility Analysis (FRFA). This present FRFA conforms to the RFA.

A. Need for, and Objectives of, the Rules

17. In the *NPRM,* the Commission proposed to eliminate the audit and associated reporting requirements, easing the burden on carriers

responsible for completing coinless access and subscriber toll-free calls originating from payphones (Completing Carriers). The Commission also proposed to revise its rules to allow a company official capable of binding the carrier, as opposed to requiring a carrier's chief financial officer (CFO), to provide quarterly sworn statements that compensation to Payphone Service Providers (PSPs) is accurate. Additionally, the Commission proposed to eliminate the interim and intermediate per-phone compensation rules. In so doing, the Commission sought to modernize its rules to reflect the changing communications landscape based on the substantial decline in payphone use and eliminate interim and intermediate expired rules.

18. Pursuant to these objectives, this Order adopts changes to Commission rules regarding payphone audit and associated reporting requirements and interim and intermediate rules. The Order adopts changes to the payphone rules that: (1) Eliminate the payphone call tracking system initial and annual audits, (2) eliminate the associated audit reporting requirements, (3) modify the quarterly sworn statements, allowing a company official responsible for payphone compensation for the Completing Carrier to provide quarterly sworn statements, and (4) eliminate the interim and intermediate per-phone compensation rules. The modifications to our payphone rules, which reflect the changing communications landscape, advance our goals of reducing regulatory burdens and abolishing unnecessary rule provisions.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

19. The Commission did not receive comments specifically addressing the rules and policies proposed in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

20. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

21. The Chief Counsel did not file any comments in response to this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

22. The RFA directs agencies to provide a description and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and by the rule revisions on which the NPRM seeks comment, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

23. The majority of our changes will affect obligations on carriers who complete calls originating from payphones, including incumbent LECs and, in some cases, competitive LECs.

24. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses.

25. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of Aug 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS). Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than $100,000. Of this number, 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of $50,000 or less on the IRS Form 990–N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of $100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date.

26. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. The Census of Government is conducted every five (5) years compiling data for years ending with ''2'' and ''7.'' Of this number there were 37,132 General purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts and special districts) with populations of less than 50,000. There were 2,114 county governments with populations less than 50,000. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000. There were 12,184 independent school districts with enrollment populations less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments the majority of the 38,266 special district governments have populations of less than 50,000. Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

27. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

28. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is for Wired Telecommunications Carriers, as defined in paragraph 27 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

29. *Incumbent Local Exchange Carriers (incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 27 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. One thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees.

30. *Competitive Local Exchange Carriers (competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers, as defined in paragraph 27 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on this data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. In addition, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by the adopted rules.

31. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 27 of this FRFA. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. According to Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees and 42 have more than 1,500 employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by rules adopted.

32. *Operator Service Providers* (*OSPs*). Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 33 carriers have reported that they are engaged in the provision of operator services. Of these, an estimated 31 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of OSPs are small entities that may be affected by the adopted rules.

33. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers, as defined in paragraph 27 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers that may be affected by our rules are small.

34. *Payphone Service Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to payphone service providers (PSPs). The closest applicable definition under the SBA rules is for Wired Telecommunications Carriers. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's Form 499 Filer Database, 1,100 PSPs reported

that they were engaged in the provision of payphone services. The Commission does not have data regarding how many of these 1,100 companies have 1,500 or fewer employees. The Commission does not have data specifying the number of these payphone service providers that are not independently owned and operated, and thus is unable at this time to estimate with greater precision the number of PSPs that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are 1,100 or fewer PSPs that may be affected by the rules.

35. *Prepaid Calling Card Providers.* The SBA has developed a definition for small businesses within the category of Telecommunications Resellers. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's Form 499 Filer Database, 500 companies reported that they were engaged in the provision of prepaid calling cards. The Commission does not have data regarding how many of these 500 companies have 1,500 or fewer employees. Consequently, the Commission estimates that there are 500 or fewer prepaid calling card providers that may be affected by the rules.

36. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services. Of this total, an estimated 261 have 1,500 or fewer employees. Consequently, the Commission estimates that approximately half of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

37. *All Other Telecommunications.* ''All Other Telecommunications'' is defined as follows: ''This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client supplied telecommunications connections are also included in this industry.'' The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million. Consequently, we conclude that the majority of All Other Telecommunications firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

38. *Completing Carriers.* The Order finds that eliminating the Commission's payphone call tracking system audit and associated reporting requirements reflects changes to the current communications landscape. The Order determines that due to the substantial decline in payphone use, Completing Carriers, and the corresponding decline in payphone compensation, removing the costly audits and associated requirements outweigh any benefits to PSPs and will ease the burden on small carriers. The Order also determines that it is reasonable to allow a company official responsible for payphone compensation for the carrier, as opposed to requiring a carrier's CFO, to provide quarterly sworn statements that compensation to PSPs is accurate in § 64.1310(a)(3). Additionally, the Order finds it appropriate to eliminate §§ 64.1301(a)-(d), the interim and intermediate per-phone compensation rules, as they expired and no longer apply to any entity.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

39. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

40. In this Order, the Commission modifies its payphone rules to reduce costs for Completing Carriers, reform quarterly sworn statements procedures, and eliminate expired interim and intermediate rules. Overall, we believe the actions in this document will reduce burdens on small carriers.

G. Report to Congress

41. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

V. Procedural Matters

A. Final Regulatory Flexibility Analysis

42. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is contained in section IV above.

B. Paperwork Reduction Act

43. The Order contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4),

we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

44. In this document, we have assessed the effects of revising or eliminating certain payphone compensation procedural requirements, and find that doing so will serve the public interest and is unlikely to directly affect businesses with fewer than 25 employees.

C. Congressional Review Act

45. The Commission will send a copy of this Report and Order, including a copy of the Final Regulatory Flexibility Certification, in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

In addition, the Report and Order and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration (SBA), and will be published in the **Federal Register**.

D. Contact Person

46. For further information about this proceeding, please contact Michele Levy Berlove, FCC Wireline Competition Bureau, Competition Policy Division, Room 5–C313, 445 12th Street SW, Washington, DC 20554, (202) 418–1477, *Michele.Berlove@fcc.gov.*

VI. Ordering Clauses

47. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1–4, 11, and 276 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 161, 276, this Report and Order is adopted.

48. *It is further ordered* that part 64 of the Commission's rules *is amended* as set forth in Appendix A, and that any such rule amendments that contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act *shall be effective* after announcement in the **Federal Register** of Office of Management and Budget approval of the rules, and on the effective date announced therein.

49. *It is further ordered* that this Report and Order *shall be* effective 30 days after publication in the **Federal Register**, except for 47 CFR 64.1310(a)(3), which contains information collection requirements previously approved by OMB and which provision shall become effective as set forth in the preceding paragraph.

50. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

51. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 64

Common carriers, Communications, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 202, 225, 251(e), 254(k), 403(b)(2)(B), (c), 616, 620, Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 202, 218, 222, 225, 226, 227, 228, 254(k), 276, 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. Section 64.1301 is revised to read as follows:

§ 64.1301 Per-payphone compensation.

In the absence of a negotiated agreement to pay a different amount, each entity listed in Appendix C of the *Fifth Order on Reconsideration and Order on Remand* in CC Docket No. 96–128, FCC 02–292, must pay default compensation to payphone service providers for access code calls and payphone subscriber 800 calls for the period beginning April 21, 1999, in the amount listed in Appendix C for any payphone for any month during which per-call compensation for that payphone for that month was or is not paid by the listed entity. A complete copy of Appendix C is available at *www.fcc.gov.*

■ 3. Section 64.1310 is amended by revising paragraph (a)(3) to read as follows:

§ 64.1310 Payphone compensation procedures.

(a) * * *

(3) When payphone compensation is tendered for a quarter, a company official with the authority to bind the Completing Carrier shall submit to each payphone service provider to which compensation is tendered a sworn statement that the payment amount for that quarter is accurate and is based on 100% of all completed calls that originated from that payphone service provider's payphones. Instead of transmitting individualized statements to each payphone service provider, a Completing Carrier may provide a single, blanket sworn statement addressed to all payphone service providers to which compensation is tendered for that quarter and may notify the payphone service providers of the sworn statement through any electronic method, including transmitting the sworn statement with the § 64.1310(a)(4) quarterly report, or posting the sworn statement on the Completing Carrier or clearinghouse website. If a Completing Carrier chooses to post the sworn statement on its website, the Completing Carrier shall state in its § 64.1310(a)(4) quarterly report the web address of the sworn statement.

* * * * *

§ 64.1320 [Removed]

■ 4. Remove § 64.1320.

[FR Doc. 2018–05201 Filed 3–14–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151215999–6960–02]

RIN 0648–XG087

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2018 River Herring and Shad Catch Cap Reached for Midwater Trawl Vessels in the Mid-Atlantic/Southern New England Catch Cap Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is reducing the Atlantic herring possession limit for federally permitted vessels fishing with midwater trawl gear in the Mid-Atlantic/Southern New England Catch Cap Closure Area, based on a projection that the threshold catch for the corresponding catch cap area has been reached. This action is necessary to comply with the regulations

implementing the Atlantic Herring Fishery Management Plan and is intended to limit the harvest of river herring and shad in the Mid-Atlantic/Southern New England Catch Cap Area.

DATES: Effective 00:01 hr local time, March 14, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282–8457.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic herring fishery can be found at 50 CFR part 648, including requirements for setting annual catch cap allocations for river herring and shad. NMFS set the 2018 catch cap in the Mid-Atlantic/Southern New England Catch Cap Area at 129.6 mt. NMFS established this value in the 2016 through 2018 herring specifications (81 FR 75731, November 1, 2016).

The NMFS Administrator of the Greater Atlantic Region (Regional Administrator) monitors the herring fishery in each of the catch cap areas based on vessel and dealer reports, state data, and other available information. The regulations at § 648.201 require that when the Regional Administrator projects that river herring and shad catch will reach 95 percent of a catch cap for vessels fishing with a specified gear type in a specified catch cap area, NMFS must prohibit, through notification in the **Federal Register**, federally permitted herring vessels fishing with that gear type from fishing for, possessing, catching, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from that specified catch cap closure area for the remainder of the fishing year.

The Regional Administrator has determined, based on available information, that the herring midwater trawl vessels will have caught 95 percent of the river herring and shad catch cap allocated to the Mid-Atlantic/Southern New England Catch Cap Area by March 14, 2018. Therefore, effective 00:01 hr local time, March 14, 2018, federally permitted vessels fishing with midwater trawl gear may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from the Mid-Atlantic/Southern New England Catch Cap Closure Area through December 31, 2018. Midwater trawl vessels that have entered port before 00:01 hr local time, March 14, 2018, may land and sell more than 2,000 lb (907.2 kg) of herring from the Cap Closure Area from that trip. Midwater trawl vessels may transit through the Mid-Atlantic/Southern New England Catch Cap Closure Area with more than 2,000 lb (907.2 kg) of herring on board, provided all herring in excess of 2,000 lb (907.2 kg) was caught outside of this area and all fishing gear is stowed and not available for immediate use as defined by § 648.2.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action restricts the catch of herring in the Mid-Atlantic/Southern New England Catch Cap Closure Area for the remainder of the fishing year. Data have only recently become available indicating that herring midwater trawl vessels will have caught 95 percent of the river herring and shad catch cap allocated to that gear type in the Catch Cap Area. Once NMFS projects that river herring and shad catch will reach 95 percent of the cap for the Catch Cap Area, NMFS is required by Federal regulation to implement a 2,000-lb (907.2-kg) herring trip and calendar day possession limit for Cap Closure Area through December 31, 2018. The regulations at § 648.201(a)(4)(ii) require such action to ensure that herring vessels do not exceed the river herring and shad catch cap allocated to midwater trawl vessels in the Mid-Atlantic/Southern New England Catch Cap Area. If implementation of this closure is delayed to solicit prior public comment, the midwater trawl catch cap for the Mid-Atlantic/Southern New England Catch Cap Area for this fishing year will be exceeded, thereby undermining the conservation objectives of the Atlantic Herring Fishery Management Plan. For the reasons stated above, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: March 12, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05288 Filed 3–12–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XG076

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2018 total allowable catch of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 12, 2018, through 1200 hours, A.l.t., May 31, 2018.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The B season allowance of the 2018 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 1,317 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish in the GOA (83 FR 8768, March 1, 2018).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2018 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,217 mt and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting

directed fishing for pollock in Statistical Area 610 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 8, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 9, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05211 Filed 3–12–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 51
Thursday, March 15, 2018

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

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Regulation J; Docket No. R–1599]

RIN 7100 AE 98

Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and comment request.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is publishing for comment proposed amendments to Regulation J. The proposed amendments are intended to clarify and simplify certain provisions of Subpart A of Regulation J, remove obsolete provisions, and align the rights and obligations of sending banks, paying banks, and Federal Reserve Banks (Reserve Banks) with the Board's recent amendments to Regulation CC, Availability of Funds and Collection of Checks, to reflect the virtually all-electronic check collection and return environment. The proposed rule would also amend subpart B of Regulation J to clarify that terms used in financial messaging standards, such as ISO 20022, do not confer legal status or responsibilities.

DATES: Comments must be submitted by May 14, 2018.

ADDRESSES: You may submit comments, identified by Docket No. R–1599 and RIN 7100–AE98, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx*
- *Email: regs.comments@federalreserve.gov.* Include docket and RIN numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

Instructions: All public comments will be made available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW (between 18th and 19th Streets NW), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

FOR FURTHER INFORMATION CONTACT: Clinton N. Chen, Senior Attorney (202/452–3952), Legal Division; or Ian C.B. Spear, Manager (202–452–3959), Division of Reserve Bank Operations and Payment Systems; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Background

Subpart A of Regulation J governs the collection of checks and other items by the Reserve Banks. This subpart includes the warranties and indemnities that are given to the Reserve Banks by parties that send items to the Reserve Banks for collection and return, as well as the warranties and indemnities for which the Reserve Banks are responsible in connection with the items they handle. Subpart A also describes the methods by which the Reserve Banks may recover for losses associated with their collection of items. Subpart A authorizes the Reserve Banks to issue operating circulars governing the details of the collection of checks and other items and provides that such operating circulars have binding effect on all parties interested in an item handled by a Reserve Bank. The Reserve Banks' Operating Circular No. 3, ''Collection of Cash Items and Returned Checks'' (OC 3),[1] is the operating circular that is most relevant to the Reserve Banks' check collection activities. Subpart B of Regulation J provides rules to govern funds transfers through the Reserve Banks' Fedwire Funds Service. This service is also governed by the Reserve Banks' Operating Circular No. 6, ''Funds Transfers through the Fedwire Funds Service'' (OC 6).[2]

II. Overview of Proposed Amendments

A. Alignment With Regulation CC Amendments Addressing Electronic Checks

In 2004, the Board amended Regulation J to cover electronic check processing options that the Reserve Banks offered after the Check Clearing for the 21st Century Act (Check 21 Act) took effect in October 2004.[3] The Board's amendments to Regulation J at the time included provisions to address the rights and obligations of banks and Reserve Banks relating to electronic items handled by Reserve Banks.[4]

As a result of the 2004 amendments, Regulation J defines an ''electronic item'' as an electronic image of, and information describing, an item that a Reserve Bank agrees to handle pursuant to an operating circular.[5] Regulation J also sets forth certain warranties provided to the Reserve Banks by the sender of an electronic item and certain

[1] *See, https://www.frbservices.org/assets/resources/rules-regulations/072315-operating-circular-3.pdf.*

[2] *See, https://www.frbservices.org/assets/resources/rules-regulations/operating-circular-6-102917.pdf.*

[3] The Board's Regulation CC implements the Expedited Funds Availability Act of 1987 (EFA Act), 12 U.S.C. 4001 *et seq.;* and the Check Clearing for the 21st Century Act of 2003 (Check 21 Act), 12 U.S.C. 5001 *et seq.* The Check 21 Act facilitated electronic collection and return of checks by permitting banks to create a paper ''substitute check'' from an electronic image and electronic information derived from a paper check. The Check 21 Act authorized banks to provide substitute checks to a bank or a customer that had not agreed to electronic exchange. The Board implemented the Check 21 Act primarily in subpart D of Regulation CC.

[4] At the time, the Board's Regulation CC presumed that banks generally handled checks in paper form, and the Uniform Commercial Code did not explicitly address electronic checks other than to say the terms of electronic presentment may be governed by agreement (U.C.C. 4–110).

[5] 12 CFR 210.2(i).

warranties provided by the Reserve Banks when sending or presenting an electronic item.[6] Specifically, Regulation J provides that for electronic items, the sender and the Reserve Banks make warranties (1) as set forth in the Uniform Commercial Code (U.C.C) and Regulation CC as if the electronic item were subject to their terms; and (2) similar to those made for substitute checks under the Check 21 Act (''Check-21-like warranties'').[7] Regulation J also currently provides similar provisions related to checks that are returned as electronic items.[8]

In 2017, the Board published a final rule amending Regulation CC to reflect the virtually all-electronic check collection and return environment.[9] Among other things, the amendments created a regulatory framework for the collection and return of electronic items (*i.e.,* electronic images and electronic information derived from a paper item) by defining the terms ''electronic check'' and ''electronic returned check,'' creating Check-21-like warranties for electronic checks and electronic returned checks, and applying existing paper-check warranties to electronic checks and electronic returned checks.

Accordingly, the Board is proposing amendments to align subpart A of Regulation J with the Board's 2017 amendments to Regulation CC and incorporate certain provisions by reference, thereby reducing the need for duplication and improving consistency between the regulations. Under the Board's proposal, the term ''electronic item'' would be removed from Regulation J and ''check'' and ''returned check'' would be defined to include an electronic check and electronic returned check as defined in § 229.2 of Regulation CC. The term ''item'' would also be defined to include an electronic check as defined in Regulation CC. The Board also proposes to eliminate duplicative provisions by removing the Check-21-like warranties currently provided under Regulation J by the sender and the Reserve Banks. Instead, Regulation J would provide that the sender of an item (including an electronic check) and the Reserve Banks would (as applicable and unless otherwise provided) make all the warranties and indemnities set forth in and subject to the terms of subparts C and D in Regulation CC. The Board proposes similar amendments to the provisions of Regulation J that currently address returning checks as electronic items.

B. Electronically Created Items

In the 2017 amendments to Regulation CC, the Board included certain indemnities with respect to electronically-created items (ECIs), which are check-like items created in electronic form that never existed in paper form. ECIs can be difficult to distinguish from electronic images of paper checks. As a practical matter, a bank receiving an ECI often handles it as if it were derived from a paper check. However, because there was no original paper check corresponding to the ECI, the warranties, indemnities, and other provisions of Regulation CC would not apply to those items. As the Board explained in the 2017 Regulation CC amendments, the payee and the depositary bank are best positioned to know whether an item is electronically created and to prevent the item from entering the check-collection system. Therefore, to protect banks that receive ECIs during the check collection process, the Board's Regulation CC amendments provided indemnities that ultimately shift liability for losses to the depositary bank because either the ECI (1) is not derived from a paper check, (2) was unauthorized, or (3) was transferred or presented for payment more than once.[10] The proposed amendments to incorporate Regulation CC's warranties and indemnities into Regulation J by reference would include these ECI indemnities.

Currently, neither Regulation CC nor Regulation J explicitly address the sending of ECIs to the Reserve Banks. However, the definition of item in Regulation J as currently drafted does not encompass ECIs and therefore does not allow for the handling of ECIs by the Reserve Banks. Regulation J defines an item, in part, as ''an instrument or a promise or order to pay money, whether negotiable or not'' that meets several other requirements.[11] The terms ''instrument,'' ''promise,'' and ''order'' are defined under the U.C.C. as requiring a writing.[12] Because they never existed in tangible form and therefore do not qualify as writings, ECIs are not ''items'' as currently defined in Regulation J. To provide greater clarity, the Board proposes to amend the definition of ''item'' in subpart A of Regulation J to explicitly state that the term does not include an ECI as defined Regulation CC.

Furthermore, because Regulation J is intended to provide rules for the collection and return of items by the Reserve Banks, the Board is proposing amendments to Regulation J that would allow the Reserve Banks to require senders to provide warranties and indemnities that only ''items'' and any ''noncash items'' the Reserve Banks have agreed to handle will be provided to the Reserve Banks. The Board's proposed amendments would also permit the Reserve Banks to provide a subsequent collecting bank and a paying bank the warranties and indemnities provided by the sender. As with the amendments to Regulation CC, the Board believes the proposed amendments will help to shift liability to parties better positioned to know whether an item is electronically created and to prevent the item from entering the check-collection system.

The Board recognizes that the proposed amendments may affect the creation and acceptance of ECIs. However, the Board's proposed amendments would not prevent parties that desire to exchange ECIs from doing so by agreement using direct exchange relationships or other methods not involving the Reserve Banks. The Board believes such arrangements are more

[6] 12 CFR 210.5(a)(3)–(4) sets forth warranties provided by the sender of an electronic item; 12 CFR 210.6(b)(2)–(3) sets forth warranties provided by the Reserve Banks related to electronic items.

[7] That is, warranties that a bank will not be asked to pay an item twice and that the electronic image and electronic information are sufficient to create a substitute check.

[8] 12 CFR 210.12(c)(3)–(4) sets forth warranties provided by the sender of a returned check that is an electronic item; 12 CFR 210.12(e)(1)(ii)–(iii) sets forth warranties provided by the Reserve Banks related to a returned check that is an electronic item.

[9] 82 FR 27552 (June 15, 2017).

[10] 12 CFR 229.34(g) provides that ''each bank that transfers or presents an electronically-created item and receives a settlement or other consideration for it shall indemnify, as set forth in § 229.34(i), each transferee bank, any subsequent collecting bank, the paying bank, and any subsequent returning bank against losses that result from the fact that—(1) The electronic image or electronic information is not derived from a paper check; (2) The person on whose account the electronically-created item is drawn did not authorize the issuance of the item in the amount stated on the item or to the payee stated on the item (for purposes of this paragraph (g)(2), ''account'' includes an account as defined in section 229.2(a) as well as a credit or other arrangement that allows a person to draw checks that are payable by, through, or at a bank); or (3) A person receives a transfer, presentment, or return of, or otherwise is charged for an electronically-created item such that the person is asked to make payment based on an item or check it has already paid.''

[11] 12 CFR 210.2(i).

[12] Terms not otherwise defined in Regulation J or Regulation CC have the meanings set forth in the U.C.C. Under the U.C.C., ''instrument'' means a ''negotiable instrument'' which is defined in part as ''unconditional promise or order to pay a fixed amount of money.'' U.C.C. 3–104. ''Promise'' is defined as ''a written undertaking to pay money signed by the person undertaking to pay.'' U.C.C. 3–103. ''Order'' is defined as ''a written instruction to pay money signed by the person giving the instruction.'' U.C.C. 3–103. ''Writing'' and ''written'' are defined as including ''printing, typewriting, or any other intentional reduction to tangible form.'' U.C.C. 1–201.

appropriate to ensure all parties knowingly accept any corresponding risks arising from the fact that the ECI never existed in paper form and therefore does not carry with it the warranties, indemnities, and other provisions associated with a check. The Board requests comment on possible implications that this clarification and change related to ECIs in Regulation J may have on financial institutions or the industry more broadly. The Board also requests comment on whether, and to what extent, the Board should consider amending Regulation J as part of a future rulemaking to permit the Reserve Banks to accept ECIs.

C. Settlement and Payment

Regulation J currently provides that settlement with a Reserve Bank for cash items ''shall be made by debit to an account on the Reserve Bank's books, cash, or other form of settlement'' to which the Reserve Bank has agreed.[13] With respect to noncash items, Regulation J provides that a Reserve Bank may require settlement by cash, by a debit to an account on a Reserve Bank's books or ''by any of the following that is in a form acceptable to the collecting Reserve Bank: Bank draft, transfer of funds or bank credit, or any other form of payment authorized by State law.'' [14] Regulation J also currently provides that a Reserve Bank may require a nonbank payor to settle for items by cash, or by ''any of the following that is in a form acceptable to the Reserve Bank: Cashier's check, certified check, or other bank draft or obligation.'' [15] In order to facilitate the efficient collection of items, the Reserve Banks' current practice is generally to settle for items by debit to an account on the Reserve Bank's books. The use of cash is rare, typically only done in emergency situations, and could be covered by a provision allowing ''other form of settlement to which the Reserve Bank agrees.'' The Board therefore proposes to revise certain settlement provisions of Regulation J to remove references to cash and other specified forms of settlement (*e.g.,* cashier's checks or certified checks) and instead state that the Reserve Banks may settle by a debit to an account on the Reserve Bank's books, or another form of settlement acceptable to the Reserve Banks. The Board requests comment on possible implications that the proposed changes may have on financial institutions with which the Reserve Banks settle for the presentment of items.

D. Legal Status of Terms Used in Financial Messaging Standards

Financial messaging standards provide a common format that allows different financial institutions to communicate. Federal Reserve Banks plan to migrate to the ISO 20022 financial messaging standard for the Fedwire Funds Service. ISO 20022 is an international standard that employs terminology that differs in key respects from that used in U.S. funds-transfer law, including Regulation J. The Board proposes an amendment to subpart B of Regulation J that would clarify that terms used in financial messaging standards, such as ISO 20022, do not confer or connote legal status or responsibilities.

E. Additional Aspects of the Proposal

The Board also proposes several other amendments to Regulation J, which include removal of obsolete material and corrections to include certain provisions that were unintentionally omitted by previous amendatory instructions to Regulation J.

F. Effective Date

The Board proposes an effective date of July 1, 2018, to align with the effective date of the Board's amendments to subpart C of Regulation CC.

III. Section-by-Section Analysis

The paragraph citations in this section are to the paragraphs of the proposed rule unless otherwise stated. The Board requests comment on all aspects of the proposed rule.

Subpart A—Collection of Checks and Other Items by Federal Reserve Banks

Section 210.2 Definitions

1. Section 210.2(h)—Check

Regulation J currently includes the term ''check'' (a draft as defined in the U.C.C. drawn on a bank and payable on demand). The Board proposes to revise the definition of ''check'' to mean a ''check'' and an ''electronic check'' as those terms are defined in Regulation CC. This amendment will align the terminology in the two regulations.

Regulation J also includes the term ''check as defined in 12 CFR 229.2(k)'' (the Regulation CC definition of ''check''). This term is used in Regulation J in those provisions that require specific references to the Regulation CC definition of ''check.'' (See §§ 210.2(m), 210.7(b)(2), and § 210.12(a)(2).) The Board proposes to delete the definition of ''check as defined in 12 CFR 229.2(k)'' because it is no longer needed in light of the proposed revision of the Regulation J definition of ''check'' to cross-reference the Regulation CC definition. The Board proposes to revise the three provisions where it is used by deleting the reference to ''check as defined in 12 CFR 229.2(k),'' as described in more detail in the corresponding section-by-section analysis.

2. Section 210.2(i)—Item

Regulation J uses the term ''item'' to refer to the instruments and electronic images that the Reserve Banks handle. Regulation J uses the term ''electronic item'' to refer to an electronic image of an item, and information describing that item, that a Reserve Bank agrees to handle as an item pursuant to an operating circular. To align the terminology of Regulation J with Regulation CC, the Board proposes to delete the definition of ''electronic item'' and revise the definition of ''item'' in § 210.2(i) to include a check, which, under the proposed amendment discussed above would include both a check and an electronic check as defined in Regulation CC. The Board also proposes to add a clarifying statement that the term ''item'' does not include an electronically-created item as defined in § 229.2 of Regulation CC (as discussed in detail above).

3. Section 210.2(m)—Returned Check

Current § 210.2(m) defines a ''returned check'' as ''a cash item or a check as defined in 12 CFR 229.2(k) returned by a paying bank.'' To align the definition of ''returned check'' with ''check,'' the Board proposes to delete the reference to ''check as defined in 12 CFR 229.2(k)'' and instead refer to the definition of ''electronic returned check'' in Regulation CC.

4. Section 210.2(n)—Sender

Current § 210.2(n) defines sender by providing a set of entities that sends an item to a Reserve Bank for forward collection. The Board proposes to add ''member bank, as defined in section 1 of the Federal Reserve Act'' in § 210.2(n)(2) to include a bank or trust company that is a member of one of the Federal Reserve Banks to ensure inclusion of any member bank that does not fall under the existing definition. The Board proposes to redesignate current §§ 210.2(n)(2)–(6) to §§ 210.2(n)(3)–(7) to accommodate the insertion.

[13] 12 CFR 210.9(b)(5).

[14] 12 CFR 210.9(c).

[15] 12 CFR 210.9(d).

5. Section 210.2(q)—Fedwire

Current § 210.2(q) defines ''Fedwire'' as having the same meaning set forth in § 210.26(e). The Board proposes to amend this definition to refer to both ''Fedwire Funds Service and Fedwire'' to conform to the proposed amendment to § 210.26(e).

Section 210.3 General Provisions

Section 210.3(a) provides general provisions concerning the obligations of Reserve Banks and the role of operating circulars. For reasons described above in connection with electronically-created items, the Board proposes to add a sentence stating that the operating circulars may require a sender to provide warranties and indemnities that only items and any noncash items the Reserve Banks have agreed to handle will be sent to the Reserve Banks. Additionally, in order to allow the Reserve Banks to pass any such warranties and indemnities forward, the Board proposes to authorize the Reserve Banks to provide to a subsequent collecting bank and to the paying bank any warranties and indemnities provided by the sender pursuant to this paragraph.

Section 210.4 Sending Items to Reserve Banks

Section 210.4(a) sets forth the rule for determining the Reserve Bank to which an item should be sent. The Board proposes to clarify this paragraph to provide that a sender's Administrate Reserve Bank may direct a sender (other than a Reserve Bank) to send any item to a specified Reserve Bank, whether or not the item is payable in the Reserve Bank's district. This amendment reflects current practice in the Reserve Banks' check service and is not expected or intended to have a substantive affect. The Board is also proposing to capitalize the term ''Administrative Reserve Bank'' wherever it appears to conform to the defined term in § 210.2(c).

Section 210.5 Sender's Agreement; Recovery by Reserve Bank

1. Section 210.5(a)—Sender's Agreement

Current § 210.5(a) lists the warranties, authorizations, and agreements made by a sender. The first two paragraphs (current §§ 210.5(a)(1) and (2)) apply to all items and require the sender to authorize the Reserve Banks to handle the item sent and warrant that the sender is entitled to enforce the item, that the item has not been altered, and that the item bears the indorsements applied by all prior parties. The Board is not proposing to revise these paragraphs. Current §§ 210.5(a)(3) and (4) set out warranties for electronic items and electronic items that are not representations of substitute checks, respectively. These warranties are now specified in Regulation CC, and the Board proposes to revise Regulation J accordingly. Proposed § 210.5(a)(3) would require the sender to make all applicable warranties and indemnities set forth in Regulation CC and the U.C.C. The proposal would retain the existing requirement that the sender make all warranties set forth in and subject to the terms of U.C.C. 4–207 for an electronic check as if it were an item subject to the U.C.C. These proposed changes would streamline Regulation J, align § 210.5(a) with the Regulation CC provisions that set out warranties and indemnities for electronic checks, and ensure a seamless chain of warranties for the items handled by the Reserve Banks.

The Board also proposes to require a sender to make any warranties or indemnities regarding the sending of items that the Reserve Banks include in an operating circular issued in accordance with § 210.3(a) to ensure that only items and any noncash items the Reserve Banks have agreed to handle will be sent to the Reserve Banks (proposed § 210.5(a)(4)). Finally, the Board proposes to add a reference to ''indemnities'' to the introductory text of § 210.5(a) to reflect that the sender would provide indemnities pursuant to proposed §§ 210.5(a)(3) and (4).

2. Section 210.5(a)(5)—Sender's Liability to Reserve Bank

Current § 210.5(a)(5) sets out the sender's liability to Reserve Banks. The Board proposes to make a number of amendments to this subsection that align this paragraph to changes elsewhere in the proposed rule.

Current § 210.5(a)(5)(i)(C) states that the sender agrees to indemnify the Reserve Bank for any loss or expense resulting from ''[a]ny warranty or indemnity made by the Reserve Bank under § 210.6(b), part 229 of this chapter, or the U.C.C.'' The Board proposes to amend this provision to provide that the sender will also indemnify a Reserve Bank for any loss or expense sustained resulting from any warranties and indemnities regarding the sending of ''items'' required by the Reserve Bank in an operating circular issued pursuant to proposed § 210.3(a).

Current § 210.5(a)(5)(ii) specifies conditions and limitations to a sender's liability for warranties and indemnities that a Reserve Bank makes for a substitute check, a paper or electronic representation thereof, or any other electronic item. The Board proposes to delete the term ''electronic item'' in current § 210.5(a)(5)(ii) and replace it with ''electronic check.''

Current § 210.5(a)(5)(ii)(A) provides that a sender of an original check is not liable for any amount that the Reserve Bank pays under subpart D of Regulation CC for a subsequently created substitute check or under § 210.6(b)(3) for an electronic item, absent the sender's agreement to the contrary. The Board proposes to delete the reference to current § 210.6(b)(3), which lists warranties and an indemnity for an electronic item that is not a representation of a substitute check, and replace it with a reference to § 229.34 of this chapter with respect to an electronic check, consistent with other proposed amendments to § 210.6(b) described below.

Current § 210.5(a)(5)(ii)(B) provides that nothing in Regulation J alters the liability structure that applies to substitute checks and paper or electronic representations of substitute checks under subpart D of Regulation CC. The Board proposes to add that this subpart also does not alter the liability of a sender of an electronic check under § 229.34, consistent with the other proposed revisions to Regulation J.

Current § 210.5(a)(5)(ii)(C) provides that a sender of an electronic item that is not a representations of a substitute check is not liable for any related warranties or indemnities that a Reserve Bank pays that are attributable to the Reserve Bank's own lack of good faith or failure to exercise ordinary care. The Board proposes to broaden this provision by applying the limitation on liability to all senders for any amount that the Reserve Bank pays that is attributable to the Reserve Bank's own lack of good faith or failure to exercise ordinary care under Regulation J or Regulation CC. The Board proposes to redesignate this section as § 210.5(a)(5)(iii) and make conforming changes to cross-references.

3. Section 210.5(c) & (d)—Recovery by Reserve Bank and Methods of Recovery

Section 210.5(c) sets out the procedures by which a Reserve Bank may recover against a sender if certain actions or proceedings related to the sender's actions are brought against (or defense is tendered to) a Reserve Bank. A portion of this section was inadvertently dropped from the Code of Federal Regulations. The Board proposes to reinstate the dropped language, which provides that, upon entry of a final judgment or decree, a Reserve Bank may recover from the

sender the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay because of the judgment or decree or the tender of defense, with interest. In addition, the Board proposes to correct cross-references to this provision in § 210.5(d).

4. Section 210.5(e)—Security Interest

Current § 210.5(e) provides that when a sender sends an item to a Reserve Bank, the sender and any prior collecting bank grant to the sender's Administrative Reserve Bank a security interest in all of their respective assets in the possession of, or held for the account of, any Reserve Bank to secure their respective obligations due or to become due to the Administrative Reserve Bank under this subpart or subpart C of part 229 of this chapter (Regulation CC). The Board proposes to amend this subsection to reference subpart D of Regulation CC in addition to subpart C, as senders may have obligations to Reserve Banks under that subpart as well.

Section 210.6 Status, Warranties, and Liability of Reserve Bank

1. Section 210.6(a)(2)—Limitations on Reserve Bank Liability

Section 210.6(a)(2) limits a Reserve Bank's liability with respect to an item to three instances: (1) The Reserve Bank's own lack of good faith or failure to exercise ordinary care, (2) as provided in this section of Regulation J, and (3) as provided in subparts C and D of Regulation CC. The Board proposes to expand this list to provide that a Reserve Bank may be liable under any warranties and indemnities provided in an operating circular issued in accordance with § 210.3(a) regarding the sending of items.

2. Section 210.6(b)—Warranties and Liability

Section 210.6(b) sets forth the warranties and indemnities made by a Reserve Bank when it presents or sends an item. In alignment with the Board's proposed amendments to the sender's warranties in § 210.5(a), the Board proposes to replace current §§ 210.6(b)(2) and (3), which provide warranties and indemnities for electronic items and electronic items that are not representations of substitute checks, respectively. Those warranties are now covered by Regulation CC. The Board also proposes to make a conforming amendment to § 210.6(b)(1)(iii) to eliminate the unnecessary reference to ''paper or electronic form.''

The Board proposes a new § 210.6(b)(2) to provide that a Reserve Bank would make any warranties or indemnities regarding the sending of items as set forth in an operating circular issued pursuant to proposed § 210.3(a). This language corresponds to the similar proposed provision for sender liability in § 210.5(a)(4).

The Board proposes a new § 210.6(b)(3) to provide that the Reserve Bank makes to a subsequent collecting bank and to the paying bank all the warranties and indemnities set forth in subparts C and D for Regulation CC. Proposed § 210.6(b)(3) would retain the existing application of U.C.C. 4–207 warranties to electronic items (now called electronic checks).

In § 210.6(b)(4), the Board proposes to retain the existing Reserve Bank indemnity for substitute checks created from electronic checks, which is in current § 210.6(b)(3)(ii). This provision provides an indemnity chain for substitute check indemnity claims under Regulation CC, enabling receiving banks (and, in turn, Reserve Banks) to pass the loss on such claims to the bank whose choice to handle an item electronically necessitated the later creation of a substitute check.

3. Section 210.6(c)—Limitation on Liability

The limitations on Reserve Bank liability are set forth in proposed (and current) § 210.6(a)(2). The Board is proposing to delete this subsection as it is redundant and to redesignate current subsection (d) as subsection (c).

Section 210.7 Presenting Items for Payment

Section 210.7(b) provides the places of presentment for a Reserve Bank or subsequent collecting bank. Current § 210.7(b)(2) states ''In the case of a check as defined in 12 CFR 229.2(k), in accordance with 12 CFR 229.36.'' In alignment with the Board's proposed deletion of the defined term ''check as defined in 12 CFR 229.2(k),'' the Board proposes to delete the use of that term in § 210.7(b)(2), as it is no longer needed, and make other minor edits. As a result, proposed § 210.7(b)(2) would state ''In accordance with § 229.36 of this chapter (Regulation CC).''

Section 210.9 Settlement and Payment

1. Section 210.9(b)(5), (c), & (d)—Manner of Settlement, Noncash Items, & Nonbank Payor

Current § 210.9(b)(5) requires that settlement for cash items with a Reserve Bank be made by debit to an account on the Reserve Bank's books, cash, or other form of settlement to which the Reserve Bank agrees. As discussed in the overview section, the use of cash as a means of settlement is quite rare and generally used only in emergencies. Accordingly, the Board proposes to amend this provision by removing the reference to cash as a means of settlement. A Reserve Bank could continue to accept cash or other forms of settlement by agreement in special situations. The Board also proposes to make conforming amendments to §§ 210.9(c) and (d), as well as to remove the references to other rarely-used forms of settlement (cashier's checks, certified checks, or other bank drafts or obligations). The Board is also proposing to correct cross-references and to capitalize the term ''Administrative Reserve Bank'' wherever it appears to conform to the defined term in § 210.2(c).

2. Section 210.9(e)—Handling of Payment

Current § 210.9(e) states that a Reserve Bank may handle a bank draft or other form of payment it receives in payment of a cash item as a cash item and that a Reserve Bank may handle a bank draft or other form of payment it receives in payment of a noncash item as either a cash item or a noncash item. The Board proposes to delete this section as it is now obsolete.

3. Section 210.9(f)—Liability of Reserve Bank

Current § 210.9(f) states that a Reserve Bank that acts in good faith and exercises ordinary care shall not be liable for the nonpayment of, or failure to realize upon, any bank draft or other form of payment that it accepts pursuant to § 210.9(b)–(d). The Board proposes to renumber this subsection as § 210.9(e) and to replace the reference to ''bank draft or other form of payment'' with ''any non-cash form of payment'' to conform to the proposed changes to the other provisions of this section.

Section 210.10 Time Schedule and Availability of Credits for Cash Items and Returned Checks

Section 210.10(a) states that each Reserve Bank shall ''include in its operating circulars'' its time schedules for availability of cash items and returned checks and, correspondingly, when credits can be counted toward reserve balance requirements for purposes of Regulation D (12 CFR part 204). The Reserve Banks' practice is to publish the time schedules on the Federal Reserve website for financial services. Accordingly, the Board proposes to amend this section to delete

the requirement that time schedules be included in the operating circulars and, instead, require only that the time schedules be published.

Section 210.11 Availability of Proceeds of Noncash Items; Time Schedule

1. Section 210.11(b)—Time Schedule

Section 210.11(b) states that a Reserve Bank may give credit for the proceeds of a noncash item subject to payment in actually and finally collected funds in accordance with a time schedule included in its operating circulars. To conform to amendments made in proposed § 210.10, the Board proposes to delete the reference to operating circulars and require only that the time schedule be published.

2. Section 210.11(c)—Handling of Payment

Current § 210.11(c) prohibits a Reserve Bank from providing credit for a bank draft or other form of payment for a noncash item until it receives payment in actually and finally collected funds. The Board proposes to delete this subsection, as actually and finally collected funds are already required by § 210.11(a).

Section 210.12 Return of Cash Items and Handling of Returned Checks

Section 210.12 sets out the provisions governing the handling of returned checks. It is the counterpart to §§ 210.5 and 210.6, which govern the handling of items for forward collection.

1. Section 210.12(a)—Return of Items

Current § 210.12(a)(2) sets out the procedures by which a paying bank may return checks not handled by Reserve Banks and references ''check as defined in § 229.2(k) of this chapter (Regulation CC).'' In alignment with the Board's proposal to delete the defined term ''check as defined in § 229.2(k)'' in § 210.2(h), the Board proposes to delete the use of this term in this section, as it is no longer needed, and to use the term ''check'' instead.

2. Section 210.12(c)—Paying Bank's and Returning Bank's Agreement

Current § 210.12(c) provides the warranties, authorizations, and agreements related to returned checks made by paying banks and returning banks. The Board proposes amendments to this section that are parallel to the proposed amendments for forward-collection items with respect to the liability of the sender (§ 210.5(a)(3)) and the Reserve Banks (§ 210.6(b)(2)). Specifically, the Board proposes to replace current §§ 210.12(c)(3) and (4), which provide warranties for all returned checks that are electronic items and warranties for returned checks that are electronic items that are not representations of substitute checks, respectively, with a provision that requires the paying bank or returning bank to make all the warranties and indemnities as set forth in Regulation CC, as applicable (proposed § 210.12(c)(3)).

Current § 210.12(c)(5) sets out the conditions under which a paying bank or returning bank is liable to a Reserve Bank. The Board proposes to redesignate this paragraph as § 210.12(c)(4) and amend the paragraph to correspond with the proposed amendments to the section on sender's liability to a Reserve Bank (§ 210.5(a)(4)). These proposed amendments are intended to create consistent liability provisions for senders, paying banks, and returning banks.

3. Section 210.12(d)—Liability Under Other Law

Current § 210.12(d) is titled ''Preservation of other warranties and indemnities.'' The Board proposes to change the title of this section to ''Returning bank's or paying bank's liability under other law'' to mirror the heading for the corresponding section for senders (§ 210.5(b)).

4. Section 210.12(e)—Warranties by and Liability of Reserve Bank

Current § 210.12(e) sets forth a Reserve Bank's liability when it handles a returned check, including warranties and liabilities. The Board proposes to amend this section to correspond to the amendments proposed in § 210.6(b) related to the warranties and liabilities that are made by Reserve Banks when presenting or sending an item.

5. Section 210.12(f) & (g)—Recovery by Reserve Bank & Method of Recovery

Section 210.12(f) parallels § 210.5(c) and sets out the procedures by which a Reserve Bank may recover against a paying bank or returning bank if certain actions or proceedings related to the paying bank's or returning bank's actions are brought against (or defense is tendered to) a Reserve Bank. A portion of this section was inadvertently dropped from the Code of Federal Regulations. The Board proposes to reinstate the dropped language, which provides that, upon entry of a final judgment or decree, a Reserve Bank may recover from the paying bank or returning bank the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay because of the judgment or decree or the tender of defense, with interest. In addition, the Board proposes to correct cross-references and make organizational changes in § 210.12(g).

Subpart B—Funds Transfers Through Fedwire

Section 210.25 Authority, Purpose, and Scope

Section 210.25 sets out the authority, purpose, and scope for subpart B of Regulation J, which governs Fedwire funds transfers. The Board proposes to add a new § 210.25(e) to clarify that financial messaging standards (*e.g.,* ISO 20022), including the financial messaging components, elements, technical documentation, tags, and terminology used to implement those standards, do not confer or connote legal status or responsibilities. The proposed amendment would specify that Regulation J, Article 4A of the U.C.C., and the operating circulars of the Reserve Banks govern the rights and obligations of parties to the Fedwire Funds Service and supersede any inconsistency between a financial messaging standard adopted by the Fedwire Funds Service. Additionally, the Board proposes to add in the commentary examples of inconsistent terminology between the ISO 20022 financial messaging standard and U.S. funds transfer law.

Section 210.26 Definitions

Section 210.2(e) defines the term ''Fedwire'' to mean the funds-transfer system owned and operated by the Federal Reserve Banks that is used primarily for the transmission and settlement of payment orders governed by Subpart B. The Board is proposing to amend this definition so that it applies to the official title of the service, ''Fedwire Funds Service,'' as well as the shorthand term ''Fedwire.'' The Board also proposes to change references to ''Fedwire'' to ''Fedwire Funds Service'' in §§ 210.9(b)(4)(i), 210.25(a) and (b)(3), and 210.29(b).

Section 210.32 Federal Reserve Bank Liability; Payment of Interest

Current § 210.32 sets out provisions that govern Federal Reserve Bank liability and payment of interest. Section 210.32(b) provides that compensation that is paid by Federal Reserve Banks in the form of interest shall be calculated in accordance with section 4A–506 of Article 4A. Under section 4A–506(a), the amount of interest may be determined by agreement between the sender and

receiving bank or by funds-transfer system rule. If there is no such agreement, under section 4A–506(b), the amount of interest is based on the federal funds rate. The current commentary to § 210.32(b) states that ''Interest would be calculated in accordance with the procedures specified in section 4A–506(b).'' The Board proposes to delete this statement and rearrange the commentary to clarify that interest can be calculated in accordance with both section 4A–506(a) and (b).

IV. Competitive Impact Analysis

The Board conducts a competitive impact analysis when it considers an operational or legal change, if that change would have a direct and material adverse effect on the ability of other service providers to compete with the Federal Reserve in providing similar services due to legal differences or due to the Federal Reserve's dominant market position deriving from such legal differences. All operational or legal changes having a substantial effect on payments-system participants will be subject to a competitive-impact analysis, even if competitive effects are not apparent on the face of the proposal. If such legal differences exist, the Board will assess whether the same objectives could be achieved by a modified proposal with lesser competitive impact or, if not, whether the benefits of the proposal (such as contributing to payments-system efficiency or integrity or other Board objectives) outweigh the materially adverse effect on competition.[16]

The Board does not believe that the amendments to Regulation J will have a direct and material adverse effect on the ability of other service providers to compete effectively with the Reserve Banks in providing similar services due to legal differences. The amendments would align the provisions in Regulation J governing Reserve Bank services to the generally applicable provisions in Regulation CC. The proposed amendment would not affect the competitive position of private-sector presenting banks vis-à-vis the Reserve Banks.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a valid Office of Management and Budget (OMB) control number. The Board reviewed the proposed rule under the authority delegated to the Board by the OMB and determined that it contains no collections of information under the PRA.[17] Accordingly, there is no paperwork burden associated with the rule.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (the ''RFA'') (5 U.S.C. 601 *et seq.*) requires agencies either to provide an initial regulatory flexibility analysis with a proposed rule or to certify that the proposed rule will not have a significant economic impact on a substantial number of small entities. In accordance with section 3(a) of the RFA, the Board has reviewed the proposed regulation. In this case, the proposed rule would apply to all depository institutions. This Initial Regulatory Flexibility Analysis has been prepared in accordance with 5 U.S.C. 603 in order for the Board to solicit comment on the effect of the proposal on small entities. The Board will, if necessary, conduct a final regulatory flexibility analysis after consideration of comments received during the public comment period.

1. Statement of the Need for, Objectives of, and Legal Basis for, the Proposed Rule

The Board is proposing the foregoing amendments to Regulation J pursuant to its authority under the Federal Reserve Act, the EFA Act; the Check 21 Act, and other laws. The proposal clarifies and simplifies certain provisions of Subpart A of Regulation J, removes obsolete provisions, and aligns the rights and obligations of sending banks, paying banks, and Reserve Banks with the Board's recent amendments to Regulation CC to reflect the virtually all-electronic check collection and return environment. The proposed rule would also amend subpart B of Regulation J to clarify the legal status of terms in financial messaging standards.

2. Small Entities Affected by the Proposed Rule

The proposed rule would apply to all depository institutions regardless of their size.[18] Pursuant to regulations issued by the Small Business Administration (13 CFR 121.201), a ''small banking organization'' includes a depository institution with $550 million or less in total assets. Based on call report data as of June 2017, there are approximately 9,918 of depository institutions that have total domestic assets of $550 million or less and thus are considered small entities for purposes of the RFA.

3. Projected Reporting, Recordkeeping, and Other Compliance Requirements

The Board's proposed rule generally does not have any projected reporting, recordkeeping or other compliance requirements, as the proposed amendments to Regulation J align the rights and obligations of sending banks, paying banks, and Federal Reserve Banks (Reserve Banks) with the Board's recent amendments to Regulation CC. The proposed warranties and indemnities are similar to the warranties and indemnities that apply to paper and electronic checks under existing Regulation J and other law. The proposed amendments do not require any bank to change the form in which it submits checks, nor do they require any bank to submit reports, maintain records, or provide notices or disclosures.

With respect to ECIs, the Board recognizes that the proposed amendments that would allow the Reserve Banks to require senders to provide certain warranties and indemnities may affect the creation and acceptance of ECIs by small entities. However, the Board's proposed amendments would not prevent small entities that desire to exchange ECIs from doing so by agreement using direct exchange relationships or other methods not involving the Reserve Banks. The Board believes the proposed amendments will help to shift liability to parties better positioned to know whether an item is electronically created and that can either prevent the item from entering the check-collection system or assume the risk of sending it forward.

Furthermore, the Board does not expect the Board's proposed amendments to remove references to cash and other specified forms of settlement to burden small entities, as the use of cash as settlement is rare and typically only done in emergency situations. The Board's proposed amendment would allow use of cash as settlement in emergency situations by continuing to permit other forms of settlement to which the Reserve Banks agree.

4. Identification of Duplicative, Overlapping, or Conflicting Federal Rules

The Board notes that subparts C and D of Regulation CC overlap with the proposed rule with respect to checks collected or returned through the

[16] Federal Reserve Regulatory Service, 7–145.2.

[17] *See* 44 U.S.C. 3502(3).

[18] The proposed rule would not impose costs on any small entities other than depository institutions.

Reserve Banks. The Board's intent in proposing the amendments is, in part, to align Regulation J with Regulation CC and incorporate certain provisions by reference, thereby reducing the need for duplication and improving consistency between the regulations. The provisions of Regulation J would supersede any inconsistent provisions of Regulation CC, but only to the extent of the inconsistency.[19] The Board knows of no other duplicative, overlapping, to conflicting Federal rules related to this proposal.

5. Significant Alternatives to the Proposed Rule

The Board welcomes comment on the impact of the proposed rule on small entities and any approaches, other than the proposed amendments, that would reduce the burden on all entities.

List of Subjects in 12 CFR Part 210

Banks, Banking, Federal Reserve System.

Authority and Issuance

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 210 as follows:

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS AND FUNDS TRANSFERS THROUGH FEDWIRE (REGULATION J)—[AMENDED]

■ 1. The authority citation for part 210 is revised to read as follows:

Authority: 12 U.S.C. 248 (i), (j), and (o); 12 U.S.C. 342; 12 U.S.C. 360; 12 U.S.C. 464; 12 U.S.C. 4001–4010; 12 U.S.C. 5001–5018.

PART 210—[AMENDED]

■ 2. In part 210, revise all references to ''article 4A'' to read ''Article 4A''.

Subpart A—Collection of Checks and Other Items by Federal Reserve Banks

■ 3. In § 210.2, revise paragraphs (h), (i), (m), (n), (q), and (s)(1) to read as follows:

§ 210.2 Definitions.

* * * * *

(h) *Check* means a check or an electronic check, as those terms are defined in § 229.2 of this chapter (Regulation CC).

(i) *Item.*

(1) Item means—

(i) An instrument or a promise or order to pay money, whether negotiable or not, that is—

(A) Payable in a Federal Reserve District[1] (District);

(B) Sent by a sender to a Reserve Bank for handling under this subpart; and

(C) Collectible in funds acceptable to the Reserve Bank of the District in which the instrument is payable; or

(ii) A check.

(2) Unless otherwise indicated, *item* includes both a cash and a noncash item, and includes a returned check sent by a paying or returning bank. *Item* does not include a check that cannot be collected at par, or a *payment order* as defined in § 210.26(i) and handled under subpart B of this part. The term also does not include an electronically-created item as defined in § 229.2 of this chapter (Regulation CC).

* * * * *

(m) *Returned check* means a cash item returned by a paying bank, including an electronic returned check as defined in § 229.2 of this chapter (Regulation CC) and a notice of nonpayment in lieu of a returned check, whether or not a Reserve Bank handled the check for collection.

(n) *Sender* means any of the following entities that sends an item to a Reserve Bank for forward collection—

(1) A *depository institution,* as defined in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b));

(2) A member bank, as defined in section 1 of the Federal Reserve Act (12 U.S.C. 221);

(3) A clearing institution, defined as—

(i) An institution that is not a depository institution but that maintains with a Reserve Bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342); or

(ii) A corporation that maintains an account with a Reserve Bank in conformity with § 211.4 of this chapter (Regulation K);

(4) Another Reserve Bank;

(5) An international organization for which a Reserve Bank is empowered to act as depositary or fiscal agent and maintains an account;

(6) A foreign correspondent, defined as any of the following entities for which a Reserve Bank maintains an account: A foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that act (12 U.S.C. 358); or

(7) A branch or agency of a foreign bank maintaining reserves under section 7 of the International Banking Act of 1978 (12 U.S.C. 347d, 3105).

* * * * *

(q) *Fedwire Funds Service* and *Fedwire* have the same meaning as that set forth in § 210.26(e).

* * * * *

(s) * * *

(1) The terms not defined herein have the meanings set forth in § 229.2 of this chapter applicable to subpart C or subpart D of part 229 of this chapter (Regulation CC), as appropriate; and

* * * * *

■ 4. In § 210.3, revise paragraph (a) to read as follows:

§ 210.3 General provisions.

(a) *General.* Each Reserve Bank shall receive and handle items in accordance with this subpart, and shall issue operating circulars governing the details of its handling of items and other matters deemed appropriate by the Reserve Bank. The circulars may, among other things, classify cash items and noncash items, require separate sorts and letters, provide different closing times for the receipt of different classes or types of items, provide for instructions by an Administrative Reserve Bank to other Reserve Banks, set forth terms of services, and establish procedures for adjustments on a Reserve Bank's books, including amounts, waiver of expenses, and payment of compensation. As deemed appropriate by the Reserve Bank, the circulars may also require the sender to provide warranties and indemnities that only items and any noncash items the Reserve Banks have agreed to handle will be sent to the Reserve Banks. The Reserve Banks may provide to a subsequent collecting bank and to the paying bank any warranties and indemnities provided by the sender pursuant to this paragraph.

* * * * *

■ 5. In § 210.4, revise paragraphs (a), (b)(1)(ii), (b)(1)(iii), and (b)(3) to read as follows:

§ 210.4 Sending items to Reserve Banks.

(a) *Sending of items.* A sender's Administrative Reserve Bank may direct a sender other than a Reserve Bank to send any item to a specified Reserve Bank, whether or not the item is payable in the Reserve Bank's district.

(b) * * *

(1) * * *

(ii) The initial sender's Administrative Reserve Bank (which is deemed to have accepted deposit of the item from the initial sender);

(iii) The Reserve Bank that receives the item from the initial sender (if

[19] See 12 CFR 210.3(f).

[1] For purposes of this subpart, the Virgin Islands and Puerto Rico are deemed to be in the Second District, and Guam, American Samoa, and the Northern Mariana Islands in the Twelfth District.

different from the initial sender's Administrative Reserve Bank); and

* * * * *

(3) The identity and order of the parties under paragraph (b)(1) of this section determine the relationships and the rights and liabilities of the parties under this subpart, part 229 of this chapter (Regulation CC), section 13(1) and section 16(13) of the Federal Reserve Act, and the Uniform Commercial Code. An initial sender's Administrative Reserve Bank that is deemed to accept an item for deposit or handle an item is also deemed to be a sender with respect to that item. The Reserve Banks that are deemed to handle an item are deemed to be agents or subagents of the owner of the item, as provided in § 210.6(a).

* * * * *

■ 6. In § 210.5, revise paragraphs (a), (c), (d), and (e) to read as follows:

§ 210.5 Sender's agreement; recovery by Reserve Bank.

(a) *Sender's agreement.* The warranties, indemnities, authorizations, and agreements made pursuant to this paragraph may not be disclaimed and are made whether or not the item bears an indorsement of the sender. By sending an item to a Reserve Bank, the sender does all of the following.

(1) *Authorization to handle item.* The sender authorizes the sender's Administrative Reserve Bank and any other Reserve Bank or collecting bank to which the item is sent to handle the item (and authorizes any Reserve Bank that handles settlement for the item to make accounting entries), subject to this subpart and to the Reserve Banks' operating circulars, and warrants its authority to give this authorization.

(2) *Warranties for all items.* The sender warrants to each Reserve Bank handling the item that—

(i) The sender is a person entitled to enforce the item or authorized to obtain payment of the item on behalf of a person entitled to enforce the item;

(ii) The item has not been altered; and

(iii) The item bears all indorsements applied by parties that previously handled the item for forward collection or return.

(3) *Warranties and indemnities as set forth in Regulation CC and U.C.C.* As applicable and unless otherwise provided, the sender of an item makes to each Reserve Bank that handles the item all the warranties and indemnities set forth in and subject to the terms of subparts C and D of part 229 of this chapter (Regulation CC) and Article 4 of the U.C.C. The sender makes all the warranties set forth in and subject to the terms of 4–207 of the U.C.C. for an electronic check as if it were an item subject to the U.C.C.

(4) *Warranties and indemnities as set forth in Reserve Bank Operating Circulars.* The sender makes any warranties and indemnities regarding the sending of items as set forth in an operating circular issued in accordance with § 210.3(a).

(5) *Sender's liability to Reserve Bank.*

(i) Except as provided in paragraph (a)(5)(ii) and (iii) of this section, the sender agrees to indemnify each Reserve Bank for any loss or expense sustained (including attorneys' fees and expenses of litigation) resulting from—

(A) The sender's lack of authority to make the warranty in paragraph (a)(1) of this section;

(B) Any action taken by the Reserve Bank within the scope of its authority in handling the item; or

(C) Any warranty or indemnity made by the Reserve Bank under § 210.6(b), part 229 of this chapter, the U.C.C., or, regarding the sending of items, an operating circular issued in accordance with § 210.3(a).

(ii) A sender's liability for warranties and indemnities that the Reserve Bank makes for a substitute check, a paper or electronic representation thereof, or for an electronic check is subject to the following conditions and limitations—

(A) A sender of an original check shall not be liable under paragraph (a)(5)(i) of this section for any amount that the Reserve Bank pays under subpart D of part 229 of this chapter, or under § 229.34 of this chapter with respect to an electronic check, absent the sender's agreement to the contrary; and

(B) Nothing in this subpart alters the liability of a sender of a substitute check or paper or electronic representation of a substitute check under subpart D of part 229 of this chapter, or a sender of an electronic check under § 229.34 of this chapter.

(iii) A sender shall not be liable for any amount that the Reserve Bank pays under this subpart or part 229 of this chapter that is attributable to the Reserve Bank's own lack of good faith or failure to exercise ordinary care.

* * * * *

(c) *Recovery by Reserve Bank.*

(1) A Reserve Bank that has handled an item may recover as provided in paragraph (c)(2) if an action or proceeding is brought against (or if defense is tendered to) the Reserve Bank based on—

(i) The alleged failure of the sender to have the authority to make the warranty and agreement in paragraph (a)(1) of this section;

(ii) Any action by the Reserve Bank within the scope of its authority in handling the item; or

(iii) Any warranty or indemnity made by the Reserve Bank under § 210.6(b), part 229 of this chapter, or the U.C.C.

(2) Upon entry of a final judgment or decree in an action or proceeding described in paragraph (c)(1), a Reserve Bank may recover from the sender the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay because of the judgment or decree or the tender of defense, together with interest thereon.

(d) *Methods of recovery.*

(1) The Reserve Bank may recover the amount stated in paragraph (c) of this section by charging any account on its books that is maintained or used by the sender (or by charging a Reserve Bank sender), if—

(i) The Reserve Bank made seasonable written demand on the sender to assume defense of the action or proceeding; and

(ii) The sender has not made any other arrangement for payment that is acceptable to the Reserve Bank.

(2) The Reserve Bank is not responsible for defending the action or proceeding before using this method of recovery. A Reserve Bank that has been charged under this paragraph (d) may recover from its sender in the manner and under the circumstances set forth in this paragraph (d).

(3) A Reserve Bank's failure to avail itself of the remedy provided in this paragraph (d) does not prejudice its enforcement in any other manner of the indemnity agreement referred to in paragraph (a)(5) of this section.

(e) *Security interest.* When a sender sends an item to a Reserve Bank, the sender and any prior collecting bank grant to the sender's Administrative Reserve Bank a security interest in all of their respective assets in the possession of, or held for the account of, any Reserve Bank to secure their respective obligations due or to become due to the Administrative Reserve Bank under this subpart or subpart C or D of part 229 of this chapter (Regulation CC). The security interest attaches when a warranty is breached or any other obligation to the Reserve Bank is incurred. If the Reserve Bank, in its sole discretion, deems itself insecure and gives notice thereof to the sender or prior collecting bank, or if the sender or prior collecting bank suspends payments or is closed, the Reserve Bank may take any action authorized by law to recover the amount of an obligation, including, but not limited to, the exercise of rights of set off, the realization on any available collateral,

and any other rights it may have as a creditor under applicable law.

■ 7. Amend § 210.6 by:

■ a. Revising paragraphs (a)(2)(iii), (b), and (c);

■ b. Adding paragraph (a)(2)(iv); and

■ c. Removing paragraph (d).

The revisions and additions read as follows:

§ 210.6 Status, warranties, and liability of Reserve Bank.

(a) * * *

(2) * * *

(iii) As provided in an operating circular issued in accordance with § 210.3(a) regarding the sending of items; and

(iv) As provided in subparts C and D of part 229 of this chapter (Regulation CC).

* * * * *

(b) *Warranties and liability.* The following provisions apply when a Reserve Bank presents or sends an item.

(1) *Warranties for all items.* The Reserve Bank warrants to a subsequent collecting bank and to the paying bank and any other payor that—

(i) The Reserve Bank is a person entitled to enforce the item (or is authorized to obtain payment of the item on behalf of a person that is either entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item);

(ii) The item has not been altered; and

(iii) The item bears all indorsements applied by parties that previously handled the item for forward collection or return.

(2) *Warranties and indemnities as set forth in Reserve Bank Operating Circulars.* The Reserve makes any warranties and indemnities regarding the sending of items as set forth in an operating circular issued in accordance with § 210.3(a).

(3) *Warranties and indemnities as set forth in Regulation CC and U.C.C.* As applicable and unless otherwise provided, the Reserve Bank makes to a subsequent collecting bank and to the paying bank all the warranties and indemnities set forth in and subject to the terms of subparts C and D of part 229 of this chapter (Regulation CC) and Article 4 of the U.C.C. The Reserve Bank makes all the warranties set forth in and subject to the terms of 4–207 of the U.C.C. for an electronic check as if it were an item subject to the U.C.C.

(4) *Indemnity for substitute check created from an electronic check.*

(i) Except as provided in paragraph (b)(4)(ii) of this section, the Reserve Bank shall indemnify the bank to which it transfers or presents an electronic check (the recipient bank) for the amount of any losses that the recipient bank incurs under subpart D of part 229 of this chapter (Regulation CC) for an indemnity that the recipient bank was required to make under subpart D of part 229 of this chapter in connection with a substitute check later created from the electronic check.

(ii) The Reserve Bank shall not be liable under paragraph (b)(4)(i) of this section for any amount that the recipient bank pays under subpart D of part 229 of this chapter that is attributable to the lack of good faith or failure to exercise ordinary care of the recipient bank or a person that handled the item, in any form, after the recipient bank.

(c) *Time for commencing action against Reserve Bank.*

(1) A claim against a Reserve Bank for lack of good faith or failure to exercise ordinary care shall be barred unless the action on the claim is commenced within two years after the claim accrues. Such a claim accrues on the date when a Reserve Bank's alleged failure to exercise ordinary care or to act in good faith first results in damages to the claimant.

(2) A claim that arises under paragraph (b)(3) of this section shall be barred unless the action on the claim is commenced within one year after the claim accrues. Such a claim accrues as of the date on which the claimant first learns, or by which the claimant reasonably should have learned, of the facts and circumstances giving rise to the claim.

(3) This paragraph (d) does not alter the time limit for claims under § 229.38(g) of this chapter (which include claims for breach of warranty under § 229.34 of this chapter) or subpart D of part 229 of this chapter.

■ 8. In § 210.7, revise paragraphs (a)(1) and (b)(2) to read as follows:

§ 210.7 Presenting items for payment.

(a) * * *

(1) A Reserve Bank or a subsequent collecting bank may present an item for payment or send the item for presentment and payment; and

* * * * *

(b) * * *

(2) In accordance with § 229.36 of this chapter (Regulation CC);

* * * * *

■ 9. Amend § 210.9 by:

■ a. Revising paragraphs (b)(2)(i), (b)(3)(i)(A), (b)(3)(i)(B), (b)(4) through (b)(6), paragraphs (c) through (e); and

■ b. Removing paragraph (f).

The revisions read as follows:

§ 210.9 Settlement and payment.

* * * * *

(b) * * *

(2) * * *

(i) On the day a paying bank receives a cash item from a Reserve Bank, it shall settle for the item so that the proceeds of the settlement are available to its Administrative Reserve Bank, or return the item, by the latest of—

(A) The next clock hour or clock half-hour that is at least one half-hour after the paying bank receives the item;

(B) 8:30 a.m. eastern time; or

(C) Such later time as provided in the Reserve Banks' operating circulars.

* * * * *

(3) * * *

(i) * * *

(A) On that day, settle for the item so that the proceeds of the settlement are available to its Administrative Reserve Bank, or return the item, by the latest of the next clock hour or clock half-hour that is at least one half-hour after it ordinarily would have received the item, 8:30 a.m. eastern time, or such later time as provided in the Reserve Banks' operating circulars; or

(B) On the next day that is a banking day for both the paying bank and the Reserve Bank, settle for the item so that the proceeds of the settlement are available to its Administrative Reserve Bank by 8:30 a.m. eastern time on that day or such later time as provided in the Reserve Banks' operating circulars; and compensate the Reserve Bank for the value of the float associated with the item in accordance with procedures provided in the Reserve Bank's operating circular.

* * * * *

(4) *Reserve Bank closed.* If a paying bank receives a cash item from a Reserve Bank on a banking day that is not a banking day for the Reserve Bank, the paying bank shall—

(i) Settle for the item so that the proceeds of the settlement are available to its Administrative Reserve Bank by the close of Fedwire on the Reserve Bank's next banking day, or return the item by midnight of the day it receives the item (if the paying bank fails to settle for or return a cash item in accordance with this paragraph (b)(4)(i), it shall become accountable for the amount of the item as of the close of its banking day on the day it receives the item); and

(ii) Settle for the item so that the proceeds of the settlement are available to its Administrative Reserve Bank by 8:30 a.m. eastern time on the Reserve Bank's next banking day or such later time as provided in the Reserve Bank's operating circular, or return the item by midnight of the day it receives the item. If the paying bank fails to settle for or

return a cash item in accordance with this paragraph (b)(4)(ii), it shall be subject to any applicable overdraft charges. Settlement under this paragraph (b)(4)(ii) satisfies the settlement requirements of paragraph (b)(4)(i) of this section.

(5) *Manner of settlement.* Settlement with a Reserve Bank under paragraphs (b)(1) through (4) of this section shall be made by debit to an account on the Reserve Bank's books or other form of settlement to which the Reserve Bank agrees, except that the Reserve Bank may, in its discretion, obtain settlement by charging the paying bank's account. A paying bank may not set off against the amount of a settlement under this section the amount of a claim with respect to another cash item, cash letter, or other claim under § 229.34 of this chapter (Regulation CC) or other law.

(6) *Notice in lieu of return.* If a cash item is unavailable for return, the paying bank may send a notice in lieu of return as provided in § 229.31(f) of this chapter (Regulation CC).

(c) *Noncash items.* A Reserve Bank may require the paying or collecting bank to which it has presented or sent a noncash item to pay for the item by a debit to an account maintained or used by the paying or collecting bank on the Reserve Bank's books or by any other form of settlement acceptable to the Reserve Bank.

(d) *Nonbank payor.* A Reserve Bank may require a nonbank payor to which it has presented an item to pay for it by debit to an account on the Reserve Bank's books or other form of settlement acceptable to the Reserve Bank.

(e) *Liability of Reserve Bank.* Except as set forth in 12 CFR 229.35(b), a Reserve Bank shall not be liable for the failure of a collecting bank, paying bank, or nonbank payor to pay for an item, or for any loss resulting from the Reserve Bank's acceptance of any form of payment other than cash authorized in paragraphs (b), (c), and (d) of this section. A Reserve Bank that acts in good faith and exercises ordinary care shall not be liable for the nonpayment of, or failure to realize upon, any non-cash form of payment that it accepts under paragraphs (b), (c), and (d) of this section.

■ 10. In § 210.10, revise paragraph (a) to read as follows:

§ 210.10 Time schedule and availability of credits for cash items and returned checks.

(a) Each Reserve Bank shall publish a time schedule indicating when the amount of any cash item or returned check received by it is counted toward the balance maintained to satisfy a reserve balance requirement for purposes of part 204 of this chapter (Regulation D) and becomes available for use by the sender or paying or returning bank. The Reserve Bank that holds the settlement account shall give either immediate or deferred credit to a sender, a paying bank, or a returning bank (other than a foreign correspondent) in accordance with the time schedule of the receiving Reserve Bank. A Reserve Bank ordinarily gives credit to a foreign correspondent only when the Reserve Bank receives payment of the item in actually and finally collected funds, but, in its discretion, a Reserve Bank may give immediate or deferred credit in accordance with its time schedule.

* * * * *

■ 11. Amend § 210.11 by:

■ a. Revising paragraph (b) and;

■ b. Removing paragraph (c).

The revision reads as follows:

§ 210.11 Availability of proceeds of noncash items; time schedule.

* * * * *

(b) *Time schedule.* A Reserve Bank may give credit for the proceeds of a noncash item subject to payment in actually and finally collected funds in accordance with a published time schedule. The time schedule shall indicate when the proceeds of the noncash item will be counted toward the balance maintained to satisfy a reserve balance requirement for purposes of part 204 of this chapter (Regulation D) and become available for use by the sender. A Reserve Bank may, however, refuse at any time to permit the use of credit given by it for a noncash item for which the Reserve Bank has not yet received payment in actually and finally collected funds.

■ 12. In § 210.12, revise paragraphs (a) and (c) through (g) to read as follows:

§ 210.12 Return of cash items and handling of returned checks.

(a) *Return of items*—

(1) *Return of cash items handled by Reserve Banks.* A paying bank that receives a cash item from a Reserve Bank, other than for immediate payment over the counter, and that settles for the item as provided in § 210.9(b), may, before it has finally paid the item, return the item to any Reserve Bank (unless its Administrative Reserve Bank directs it to return the item to a specific Reserve Bank) in accordance with subpart C of part 229 of this chapter (Regulation CC), the Uniform Commercial Code, and the Reserve Banks' operating circulars. A paying bank that receives a cash item from a Reserve Bank also may return the item prior to settlement, in accordance with § 210.9(b) of this subpart and the Reserve Banks' operating circulars. The rules or practices of a clearinghouse through which the item was presented, or a special collection agreement under which the item was presented, may not extend these return times, but may provide for a shorter return time.

(2) *Return of checks not handled by Reserve Banks.* A paying bank that receives a check, other than from a Reserve Bank, and that determines not to pay the check, may send the returned check to any Reserve Bank (unless its Administrative Reserve Bank directs it to send the returned check to a specific Reserve Bank) in accordance with subpart C of part 229 of this chapter (Regulation CC), the Uniform Commercial Code, and the Reserve Banks' operating circulars. A returning bank may send a returned check to any Reserve Bank (unless its Administrative Reserve Bank directs it to send the returned check to a specific Reserve Bank) in accordance with subpart C of part 229 of this chapter (Regulation CC), the Uniform Commercial Code, and the Reserve Banks' operating circulars.

* * * * *

(c) *Paying bank's and returning bank's agreement.* The warranties, indemnities, authorizations, and agreements made pursuant to this paragraph may not be disclaimed and are made whether or not the returned check bears an indorsement of the paying bank or returning bank. By sending a returned check to a Reserve Bank, the paying bank or returning bank does all of the following.

(1) *Authorization to handled returned check.* The paying bank or returning bank authorizes the paying bank's or returning bank's Administrative Reserve Bank, and any other Reserve Bank or returning bank to which the returned check is sent, to handle the returned check (and authorizes any Reserve Bank that handles settlement for the returned check to make accounting entries) subject to this subpart and to the Reserve Banks' operating circulars.

(2) *Warranties for all returned checks.* The paying bank or returning bank warrants to each Reserve Bank handling a returned check that the returned check bears all indorsements applied by parties that previously handled the returned check for forward collection or return.

(3) *Warranties and indemnities as set forth in Regulation CC.* As applicable and unless otherwise provided, a paying bank or returning bank makes to each Reserve Bank that handles the returned check all the warranties and indemnities set forth in and subject to the terms of subparts C and D of part 229 of this chapter (Regulation CC).

(4) *Paying bank or returning bank's liability to Reserve Bank.*

(i) Except as provided in paragraph (c)(4)(ii) and (iii) of this section, a paying bank or returning bank agrees to indemnify each Reserve Bank for any loss or expense (including attorneys' fees and expenses of litigation) resulting from—

(A) The paying or returning bank's lack of authority to give the authorization in paragraph (c)(1) of this section;

(B) Any action taken by a Reserve Bank within the scope of its authority in handling the returned check; or

(C) Any warranty or indemnity made by the Reserve Bank under paragraph (e) of this section or part 229 of this chapter.

(ii) A paying bank's or returning bank's liability for warranties and indemnities that a Reserve Bank makes for a returned check that is a substitute check, a paper or electronic representation thereof, or an electronic returned check is subject to the following conditions and limitations—

(A) A paying bank or returning bank that sent an original returned check shall not be liable for any amount that a Reserve Bank pays under subpart D of part 229 of this chapter, or under § 229.34 of this chapter with respect to an electronic returned check, absent the paying bank's or returning bank's agreement to the contrary;

(B) Nothing in this subpart alters the liability under subpart D of part 229 of this chapter of a paying bank or returning bank that sent a substitute check or a paper or electronic representation of a substitute check or under § 229.34 of this chapter of a paying bank or returning bank that sent an electronic returned check; and

(iii) A paying bank or returning bank shall not be liable for any amount that the Reserve Bank pays under this subpart or part 229 of this chapter that is attributable to the Reserve Bank's own lack of good faith or failure to exercise ordinary care.

(d) *Paying bank or returning bank's liability under other law.* Nothing in paragraph (c) of this section limits any warranty or indemnity by a returning bank or paying bank (or a person that handled an item prior to that bank) arising under state law or regulation (such as the U.C.C.), other federal law or regulation (such as part 229 of this chapter), or an agreement with a Reserve Bank.

(e) *Warranties by and liability of Reserve Bank.*

(1) The following provisions apply when a Reserve Bank handles a returned check under this subpart.

(i) *Warranties for all items.* The Reserve Bank warrants to the bank to which it sends the returned check that the returned check bears all indorsements applied by parties that previously handled the returned check for forward collection or return.

(ii) *Warranties and indemnities as set forth in Regulation CC.* As applicable and unless otherwise provided, the Reserve Bank makes to the bank to which it sends the returned check all the warranties and indemnities set forth in and subject to the terms of subparts C and D of part 229 of this chapter (Regulation CC).

(2) *Indemnity for substitute check created from electronic returned check.*

(i) Except as provided in paragraph (e)(2)(ii) of this section, the Reserve Bank shall indemnify the bank to which it transfers or presents and electronic returned check (the recipient bank) for the amount of any losses that the recipient bank incurs under subpart D of part 229 of this chapter (Regulation CC) for an indemnity that the recipient bank was required to make under subpart D of part 229 of this chapter in connection with a substitute check later created from the electronic returned check.

(ii) The Reserve Bank shall not be liable under paragraph (e)(2)(i) of this section for any amount that the recipient bank pays under subpart D of part 229 of this chapter that is attributable to the lack of good faith or failure to exercise ordinary care of the recipient bank or a person that handled the item, in any form, after the recipient bank.

(3) A Reserve Bank shall not have or assume any other liability to any person except—

(i) For the Reserve Bank's own lack of good faith or failure to exercise ordinary care;

(ii) As provided in this paragraph (e); and

(iii) As provided in subparts C and D of part 229 of this chapter (Regulation CC).

(f) *Recovery by Reserve Bank.*

(1) A Reserve Bank that has handled a returned check may recover as provided in paragraph (f)(2) if an action or proceeding is brought against (or if defense is tendered to) the Reserve Bank based on—

(i) The alleged failure of the paying bank or returning bank to have the authority to give the authorization in paragraph (c)(1) of this section;

(ii) Any action by the Reserve Bank within the scope of its authority in handling the returned check; or

(iii) Any warranty or indemnity made by the Reserve Bank under paragraph (e) of this section or part 229 of this chapter,

(2) Upon entry of a final judgment or decree in an action or proceeding described in paragraph (f)(1), a Reserve Bank may recover from the paying bank or returning bank the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay because of the judgment or decree or the tender of defense, together with interest thereon.

(g) *Methods of recovery.*

(1) The Reserve Bank may recover the amount stated in paragraph (f) of this section by charging any account on its books that is maintained or used by the paying bank or returning bank (or by charging another returning Reserve Bank), if—

(i) The Reserve Bank made seasonable written demand on the paying bank or returning bank to assume defense of the action or proceeding; and

(ii) The paying bank or returning bank has not made any other arrangement for payment that is acceptable to the Reserve Bank.

(2) The Reserve Bank is not responsible for defending the action or proceeding before using this method of recovery. A Reserve Bank that has been charged under this paragraph (g) may recover from the paying or returning bank in the manner and under the circumstances set forth in this paragraph (g).

(3) A Reserve Bank's failure to avail itself of the remedy provided in this paragraph (g) does not prejudice its enforcement in any other manner of the indemnity agreement referred to in paragraph (c)(4) of this section.

* * * * *

■ 13. Amend § 210.25 by:

■ a. Revising the introductory text of paragraph (b)(2); and

■ b. Adding paragraph (e).

The revisions and additions read as follows:

Subpart B—Funds Transfers Through Fedwire

§ 210.25 Authority, purpose, and scope.

* * * * *

(b) * * *

(2) Except as otherwise provided in paragraphs (b)(3) and (b)(4) of this section, including Article 4A as incorporated herein, and operating circulars of the Reserve Banks issued in accordance with paragraph (c) of this section, this subpart governs the rights and obligations of:

* * * * *

(e) *Financial Messaging Standards.* Financial messaging standards (*e.g.,* ISO

20022), including the financial messaging components, elements, technical documentation, tags, and terminology used to implement those standards, do not confer or connote legal status or responsibilities. This subpart, including Article 4A as incorporated herein, and the operating circulars of the Reserve Banks issued in accordance with paragraph (c) of this section govern the rights and obligations of parties to funds transfers sent through the Fedwire Funds Service as provided in paragraph (b) of this section. To the extent there is any inconsistency between a financial messaging standard adopted by the Fedwire Funds Service and this subpart, this subpart shall prevail.

■ 14. In § 210.26, revise paragraph (e) to read as follows:

§ 210.26 Definitions.

* * * * *

(e) *Fedwire Funds Service* and *Fedwire* means the funds-transfer system owned and operated by the Federal Reserve Banks that is used primarily for the transmission and settlement of payment orders governed by this subpart. Fedwire does not include the system for making automated clearing house transfers.

* * * * *

§§ 210.9, 210.25, and 210.29 [Amended]

■ 15. In addition to the amendments set forth above, in 12 CFR part 210, remove the words ''Fedwire'' and add, in their place, the words ''the Fedwire Funds Service'' in the following places:

(a) Section 210.9(b)(4)(i)(A);

(b) Sections 210.25(a), (b)(3); and

(c) Section 210.29(b).

Appendix A to subpart B of part 210 [Amended]

■ 16. In Appendix A to subpart B of part 210:

(a) Under ''Section 210.25—Authority, Purpose, and Scope'', add paragraph (e).

(b) Under ''Section 210.32—Federal Reserve Bank Liability; Payment of Interest'', revise paragraph (b).

The additions and revisions read as follows:

Appendix A to Subpart B of Part 210—Commentary

* * * * *

Section 210.25—Authority, Purpose, and Scope

* * * * *

(e) *Financial messaging standards.* This paragraph makes clear that financial messaging standards, including the financial messaging components, elements, technical documentation, tags, and terminology used to implement those standards, do not confer or connote legal status or responsibilities. Instead, subpart B of Regulation J and Federal Reserve Bank operating circulars govern the rights and obligations of parties to funds transfers sent through the Fedwire Funds Service as provided in section 210.25(b). Thus, to the extent there is any inconsistency between a financial messaging standard adopted by the Fedwire Funds Service and subpart B of Regulation J, subpart B of Regulation J, including Article 4A as adopted in its appendix, will prevail. In the ISO 20022 financial messaging standard, for example, the term *agent* is used to refer to a variety of bank parties to a funds transfer (*e.g., debtor agent, creditor agent, intermediary agent*). Notwithstanding use of that term in the standard and in message tags, such banks are not the agents of any party to a funds transfer and owe no duty to any other party to such a funds transfer except as provided in subpart B of Regulation J (including Article 4A) or by express agreement. The ISO 20022 financial messaging standard also permits information to be carried in a funds-transfer message regarding persons that are not parties to that funds transfer (*e.g., ultimate debtor, ultimate creditor, initiating party*) for regulatory, compliance, remittance, or other purposes. An ''ultimate debtor'' is not an ''originator'' as defined in Article 4A. The relationship between the ultimate debtor and the originator (what the ISO 20022 standard calls the ''debtor'') is determined by law other than Article 4A.

* * * * *

Section 210.32—Federal Reserve Bank Liability; Payment of Interest

* * * * *

(b) Payment of interest. (1) Under article 4A, a Federal Reserve Bank may be required to pay compensation in the form of interest to another party in connection with its handling of a funds transfer. For example, payment of compensation in the form of interest is required in certain situations pursuant to sections 4A–204 (relating to refund of payment and duty of customer to report with respect to unauthorized payment order), 4A–209 (relating to acceptance of payment order), 4A–210 (relating to rejection of payment order), 4A–304 (relating to duty of sender to report erroneously executed payment order), 4A–305 (relating to liability for late or improper execution or failure to execute a payment order), 4A–402 (relating to obligation of sender to pay receiving bank), and 4A–404 (relating to obligation of beneficiary's bank to pay and give notice to beneficiary).

(2) Section 210.32(b) requires Federal Reserve Banks to provide compensation through an explicit interest payment. Under section 4A–506(a), the amount of such interest may be determined by agreement between the sender and receiving bank or by funds-transfer system rule. If there is no such agreement, under section 4A–506(b), the amount of interest is based on the federal funds rate.

Similarly, compensation in the form of explicit interest will be paid to government senders, receiving banks, or beneficiaries described in § 210.25(d) if they are entitled to interest under this subpart. A Federal Reserve Bank may also, in its discretion, pay explicit interest directly to a remote party to a Fedwire funds transfer that is entitled to interest, rather than providing compensation to its direct sender or receiving bank.

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 28, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–04486 Filed 3–14–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–007; Airspace Docket No. 17–AWP–18]

Proposed Amendment of Class E Airspace; Mesquite, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Mesquite Airport, Mesquite, NV, by enlarging the area southwest of the airport and updating the airport's geographic coordinates to match the FAA's aeronautical database. These changes are necessary to accommodate new area navigation (RNAV) procedures at this airport.

DATES: Comments must be received on or before April 30, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–007; Airspace Docket No. 17–AWP–18, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For

information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198–6547; telephone (206) 231–2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–007; Airspace Docket No. 17–AWP–18''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th St., Des Moines, WA 98198–6547.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Mesquite Airport, Mesquite, NV, to within 2.5 miles northwest and 5.5 miles southeast (from 1.8 miles each side) of the airport 233° bearing (from the Mormon Mesa VORTAC 068° bearing) extending to 10 miles southwest of the airport. This proposed airspace redesign is necessary to accommodate new RNAV procedures for this airport.

Additionally, this action would update the geographic coordinates of the airport to match the FAA's aeronautical database.. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP NV E5 Mesquite, NV [Amended]

Mesquite Airport, NV
(Lat. 36°49′59″ N, long. 114°03′21″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mesquite Airport and within 2.5 miles northwest and 5.5 miles southeast of the airport 233° bearing extending from the airport to 10 miles southwest of the airport.

Issued in Seattle, Washington, on March 5, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–05043 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0006; Airspace Docket No. 18–AGL–1]

Proposed Amendment of Class D Airspace; Appleton, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace at Appleton International Airport (formerly Outagamie County Airport), Appleton, WI. The FAA is proposing this action due to the decommissioning of the GAMIE locator outer marker (LOM) and collocated outer marker (OM) which provided navigation guidance to the airport. This action would enhance the safety and management of instrument flight rules (IFR) operations at this airport. Also, the airport name and geographic coordinates would be adjusted to coincide with the FAA's aeronautical database. Additionally, this action would replace the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the legal description, remove the city associated with the airport name in the airspace designation.

DATES: Comments must be received on or before April 30, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800)-647–5527. You must identify FAA Docket No. FAA–2018–0006; Airspace Docket No. 18–AGL–1 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0006/Airspace Docket No. 18–AGL–1.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed

in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class D airspace extending upward from the surface to and including 3,400 feet MSL within a 4.2-mile radius (decreased from a 4.4-mile radius) of Appleton International Airport (formerly Outagamie County Airport), Appleton, WI. Airspace reconfiguration is necessary due to the decommissioning of the GAMIE LOM/OM.

This proposal also would update the airport name and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Additionally, this action would make an editorial change to the Class D airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''.

Finally, an editorial change would be made removing the name of the city associated with the airport name in the airspace designation to comply with a recent change to FAA Order 7400.2L, Procedures for Handling Airspace Actions, dated October 12, 2017.

Class D airspace designations are published in paragraph 5000, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AGL WI D Appleton, WI [Amended]

Appleton International Airport, WI
(Lat. 44°15′29″ N, long 88°31′09″ W)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4.2-mile radius of Appleton International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, Texas, on March 8, 2018.

Christopher L. Southerland,

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

[FR Doc. 2018–05194 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0129; Airspace Docket No. 18–AEA–4]

Proposed Amendment of Class E Airspace; Altoona, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E surface area airspace, and Class E airspace extending upward from 700 feet or more above the surface at Altoona-Blair County Airport, Altoona, PA. This action would accommodate airspace reconfiguration due to the decommissioning of Altoona VHF omnidirectional range navigation system (VOR) and cancellation of the VOR approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before April 30, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2018–0129; Airspace Docket No. 18–AEA–4, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION, CONTACT: John Fornito, Operations Support

Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

Communications should identify both docket numbers (Docket No. FAA–2018–0129 and Airspace Docket No. 18–AEA–4) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0129; Airspace Docket No. 18–AEA–4.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E surface area airspace, and Class E airspace extending upward from 700 feet or more above the surface due to the decommissioning of the Altoona VOR and cancelation of associated approaches at Altoona-Blair County Airport, Altoona, PA.

The Class E surface area airspace would be amended to within a 4.7-mile (from a 4-mile) radius of the airport, with a segment 1.0-mile each side of the 026° bearing from the airport to 8.7 miles northeast. The segment extending from the Altoona VOR to 7.4 miles northeast of the VOR would be removed.

The Class E airspace area extending upward from 700 feet above the surface would be amended to within an 11.2-mile (from a 6.5-mile) radius of the airport. The segment extending from the Altoona VOR to 16 miles northeast of the VOR would be removed. These changes would enhance the safety and management of IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA PA E2 Altoona, PA [Amended]

Altoona-Blair County Airport, PA
(Lat. 40°17′47″ N, long. 78°19′12″ W)

Within a 4.7-mile radius of Altoona-Blair County Airport and within 1 mile each side of the 026° bearing from the airport to 8.7 miles northeast of the airport.

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

* * * * *

AEA PA E5 Altoona, PA [Amended]

Altoona-Blair County Airport, PA
(Lat. 40°17′47″ N, long. 78°19′12 W)

That airspace extending upward from 700 feet above the surface within an 11.2-mile radius of Altoona-Blair County Airport

Issued in College Park, Georgia, on March 6, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–05052 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0787; FRL–9974–72]

Receipt of a Pesticide Petition Filed for Residues of Pyroxasulfone in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before April 16, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0787, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket

EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

PP 6F8521. (EPA–HQ–OPP–2015–0787). K–I Chemical USA, Inc., 11 Martine Ave., Suite 970, White Plains, NY 10606, requests to establish tolerances in 40 CFR 180.659 for residues of the herbicide, pyroxasulfone (3-[(5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl) pyrazole-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), and its metabolites in or on Crop Subgroup 1C, tuberous and corm vegetables (except granular/flakes and chips) at 0.05 part per million (ppm); Crop Subgroup 3–07, bulb vegetables at 0.15 ppm; potatoes, granular/flakes at 0.3 ppm and potato chips at 0.06 ppm. The high performance liquid chromatography/triple quadrupole mass spectrometry (LC/MS/MS) methods has been proposed to enforce the tolerance expression for pyroxasulfone. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: February 28, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2018–05291 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1355

RIN 0970–AC72

Adoption and Foster Care Analysis and Reporting System

AGENCY: Children's Bureau (CB), Administration on Children Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: ACF is seeking public suggestions, in particular from state and tribal title IV–E agencies and Indian tribes and tribal consortiums and other stakeholders, for streamlining the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements and removing any undue burden related to reporting AFCARS.

DATES: Comments on this advance notice of proposed rulemaking must be received by June 13, 2018.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number], by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: CBComments@acf.hhs.gov.* Include [docket number and/or RIN number] in subject line of the message.
- *Mail:* Written comments may be submitted to Kathleen McHugh, United States Department of Health and Human Services, Administration for Children and Families, Director, Policy Division, 330 C Street SW, Washington, DC 20024. Please be aware that mail sent in response to this ANPRM may take an additional 3 to 4 days to process due to security screening of mail.

Instructions: When commenting, please identify the topic, data element, or issue to which your comment pertains. All submissions received must include the agency name and docket number or Regulatory Information Number for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kathleen McHugh, Division of Policy, Children's Bureau at (202) 401–5789.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking (ANPRM) has two sections: *Background* that describes the authority on which the ANPRM is based and establishes the rationale for its issuance, and *Questions for Comment* wherein we solicit comment on the AFCARS regulations.

I. Background

Section 479 of the Social Security Act (the Act) requires HHS to regulate a data collection system for national adoption and foster care data that provides comprehensive national information on the following:

- Demographic characteristics of adopted and foster children and their biological and adoptive or foster parents;
- Status and characteristics of the foster care population;
- Number and characteristics of children entering and exiting foster care, children adopted or for whom adoptions have been terminated, and children placed in foster care outside of the state which has placement and care responsibility for them;
- Extent and nature of assistance provided by government programs for foster care and adoption and the characteristics of the children that receive the assistance; and
- Number of foster children identified as sex trafficking victims before entering and while in foster care.

Section 474(f) of the Act requires HHS to impose penalties for non-compliant AFCARS data. Section 1102 of the Act instructs the Secretary to promulgate regulations necessary for the effective administration of the functions for which HHS is responsible under the Act.

We published a final rule to revise the AFCARS regulations on December 14, 2016 (81 FR 90524) and required title IV–E agencies to continue to report AFCARS data in accordance with § 1355.40 and the appendix to part 1355 until September 30, 2019 and provided two fiscal years for title IV–E agencies to comply with §§ 1355.41 through 1355.47 of the final rule. In a notice of proposed rulemaking published elsewhere in this issue of the **Federal Register**, we propose to delay the compliance dates in regulations and the effective date of revisions to the AFCARS regulations made in the final rule from October 1, 2019, to October 1, 2021.

The final rule was a culmination of two notices of proposed rulemaking (issued January 11, 2008 (73 FR 2082) and February 9, 2015 (80 FR 7132)) and a supplemental notice of proposed rulemaking (issued April 7, 2016 (81 FR 20283)). The final rule updated the AFCARS regulations to include child welfare legislative changes that occurred since 1993, included data elements related to the Indian Child Welfare Act of 1978 (ICWA), and implemented fiscal penalties for noncompliant AFCARS data.

On February 24, 2017, the President issued Executive Order 13777 on Enforcing the Regulatory Reform Agenda to lower regulatory burdens on the American people. In response to the President's direction that federal agencies establish a Regulatory Reform Task Force to review existing regulations and make recommendations regarding their repeal, replacement, or modification, we have identified the AFCARS regulation as one in which the reporting burden may impose costs that exceed benefits. We are specifically

soliciting comments on the data elements and their associated burden through this ANPRM.

Public comments to this ANPRM will allow us to assess whether and how we can potentially reduce burden on title IV–E agencies to report AFCARS data while still adhering to the requirements of section 479 of the Act and collecting useful data that will inform efforts to improve the child welfare system. We encourage state and tribal title IV–E agencies that did not previously comment to do so now. Some state title IV–E agencies provided in their previous comments specific information on compliance cost and burden estimates; however, we received too few estimates to reference for calculating the cost and burden associated with this final rule. We encourage agencies to be as specific as possible when commenting on this ANPRM. We will take comments and estimates into consideration in revising the regulation.

For a full picture of the AFCARS regulation, we invite commenters to review the AFCARS regulation and accompanying information that CB issued on our website, which can be found here: *https://www.acf.hhs.gov/cb/laws-policies/whats-new.*

II. Questions for Comment

1. Identify the data elements, non-ICWA-related, that are overly burdensome for state and tribal title IV–E agencies and explain why. Please be specific in identifying the data elements and provide a rationale for why collecting and reporting this information is overly burdensome. If possible, provide specific cost and burden estimates related to the following areas:

a. Recordkeeping hours spent annually:

i. Searching data sources, gathering information, and entering the information into the electronic case management system,

ii. Developing or modifying procedures and systems to collect, validate, and verify the information and adjusting existing procedures to comply with AFCARS requirements, and

iii. Training and administrative tasks associated with training personnel on the AFCARS requirements (*e.g.,* reviewing instructions, developing the training and manuals).

b. Reporting hours spent annually extracting the information for AFCARS reporting and transmitting the information to ACF.

2. Previously, we received comments regarding burden and the system changes needed to report the ICWA-related data elements of the 2016 SNPRM. We would like to receive more detailed comments on the specific limitations we should be aware of that states will encounter in reporting the ICWA-related data elements in the final rule. Please be specific in identifying the data elements and provide a rationale for why this information is overly burdensome. If possible, provide specific cost and burden estimates related to the following areas:

a. The number of children in foster care who are considered Indian children as defined in ICWA.

b. Recordkeeping hours spent annually:

i. Searching data sources, gathering information, and entering the information into the electronic case management system,

ii. Developing or modifying procedures and systems to collect, validate, and verify the information and adjusting existing ways to comply with AFCARS requirements, and

iii. Training and administrative tasks associated with training personnel on the AFCARS requirements (*e.g.,* reviewing instructions, developing the training and manuals).

c. Reporting hours spent annually extracting the information for AFCARS reporting and transmitting the information to ACF.

3. Previously, we received comments that particular data elements did not lend themselves to national statistics and were best assessed with qualitative methods such as case review. Please provide specific recommendations on which data elements in the regulation to retain that are important to understanding and assessing the foster care population at the national level. Also, provide a rationale for your suggestion that may include its relevance to monitor compliance with the title IV–B and IV–E programs or another strong justification for using the data at the national level.

4. Previously we received comments noting concerns with variability in some of the data elements across states and within jurisdictions. Please provide specific suggestions to simplify data elements to facilitate the consistent collection and reporting of AFCARS data. Also, provide a rationale for each suggestion and how the simplification would still yield pertinent data.

5. Previously we received comments questioning the utility, reliability, and purpose of certain data elements at the national level. Provide specific recommendations on which data elements in the regulation to remove because they would not yield reliable national information about children involved with the child welfare system or are not needed for monitoring the title IV–B and IV–E programs. Please be specific in identifying the data elements and provide a rationale for why this information would not be reliable or is not necessary.

Dated: February 27, 2018.

Steven Wagner,

Acting Assistant Secretary for Children and Families.

Approved: March 8, 2018.

Alex M. Azar II,

Secretary.

[FR Doc. 2018–05042 Filed 3–13–18; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1355

RIN 0970–AC47

Adoption and Foster Care Analysis and Reporting System

AGENCY: Children's Bureau (CB); Administration on Children, Youth and Families (ACYF); Administration for Children and Families (ACF); Department of Health and Human Services (HHS).

ACTION: Notice of Proposed Rulemaking; delay of compliance and effective dates.

SUMMARY: The Children's Bureau proposes to delay the compliance and effective dates in the Adoption and Foster Care Analysis and Reporting System (AFCARS) 2016 final rule for title IV–E agencies to comply with agency rules for an additional two fiscal years. We propose to delay the compliance and effective dates at the same time we seek public comment through an Advance Notice of Proposed Rulemaking (ANPRM), published elsewhere in this issue of the **Federal Register**, on suggestions to streamline the AFCARS data elements and remove any undue burden related to reporting AFCARS.

DATES: In order to be considered, we must receive written comments on this NPRM on or before April 16, 2018.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number], by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: CBComments@acf.hhs.gov.* Include [docket number and/or RIN number] in subject line of the message.

• *Mail:* Written comments may be submitted to Kathleen McHugh, United States Department of Health and Human Services, Administration for Children and Families, Director, Policy Division, 330 C Street SW, Washington, DC 20024. Please be aware that mail sent in response to this NPRM may take an additional 3 to 4 days to process due to security screening of mail.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kathleen McHugh, Division of Policy, Children's Bureau at (202) 401–5789.

SUPPLEMENTARY INFORMATION: In the AFCARS final rule issued on December 14, 2016 (81 FR 90524), ACF provided an implementation timeframe of two fiscal years for title IV–E agencies to comply with 45 CFR 1355.41 through 1355.47 (81 FR 90529). On February 24, 2017, the President issued Executive Order 13777 on Enforcing the Regulatory Reform Agenda. In response to the President's direction that federal agencies establish a Regulatory Reform Task Force to review existing regulations and make recommendations regarding their repeal, replacement, or modification, the HHS Task Force identified the AFCARS regulation as one where there may be areas for reducing reporting burden.

Therefore, we are engaging in two regulatory actions to adhere to our obligations under the EO. Through this NPRM, ACF proposes to revise § 1355.40 to provide an additional two fiscal years to comply with §§ 1355.41 through 1355.47. ACF also proposes to delay the effective dates of instructions 3 and 5 in the rule published December 14, 2016 (81 FR 90524), from October 1, 2019, to October 1, 2021. If this rule is finalized, the implementation timeframe would be delayed for title IV–E agencies to make revisions to their systems to comply with §§ 1355.41 through 1355.47. This NPRM is open for a 30-day comment period. Per Executive Order 12866, the typical comment period is 60 days. However, the reasons for the shorter comment period for this NPRM is that any delay in issuing a final rulemaking might lead to title IV–E agencies diverting resources to unnecessary changes to their systems to comply with the December 2016 AFCARS final rule. Furthermore, this rule does not establish additional regulatory obligations or impose any additional burden on regulated entities. ACF believes that a 30-day comment period on this non-substantive rulemaking is a sufficient amount of time for the public to comment and ACF does not believe that a 30-day comment period will hamper public comment. ACF is publishing an ANPRM elsewhere in this issue of the **Federal Register** to seek suggestions on streamlining the data elements and potentially reducing burden to title IV–E agencies to report AFCARS data.

Section-by-Section Discussion

Section 1355.40 Foster Care and Adoption Data Collection

We propose to revise the compliance date in the regulation to provide an additional two fiscal years to comply with §§ 1355.41 through 1355.47. State and tribal title IV–E agencies must continue to report AFCARS data in the same manner they do currently, per § 1355.40 and appendices A through E of part 1355 until September 30, 2021. We propose that as of October 1, 2021, state and tribal title IV–E agencies must comply with §§ 1355.41 through 1355.47.

In assessing the AFCARS regulation in response to E.O. 13777, we identified the following issues:

• In the December 2016 final rule, there are 272 individual data points, of which 153 data points are new items added to AFCARS. Of the 153 data points, 65 are new items related to the Indian Child Welfare Act (ICWA).

• State commenters expressed concerns with data points that could not be easily reported to AFCARS because they are qualitative data points of which nuances about the circumstances of the child cannot be reported to AFCARS a quantitative data system, they are of a sensitive nature, or could not be aggregated easily at the national level for national statistics. These points included child, adoptive parent, guardian, and foster parent sexual orientation, health assessments, educational information, adoption and guardianship subsidy amounts, and information on legal guardians.

• The scope and complexity of data elements related to ICWA was also a concern. We note that most of the ICWA-related data elements in the December 2016 AFCARS final rule are not tied to statutory reporting requirements in title IV–E or IV–B. Rather, they were finalized to be consistent with the Department of Interior's (DOI) final rule on ICWA (published on June 14, 2016, 81 FR 38778) which is directed to state courts. Furthermore, the majority of the ICWA-related data elements related to activities undertaken by the court are not routinely collected in child welfare electronic databases. The court findings and other activity taking place before the court represent a shift away from a child welfare agency reporting on its own activity to reporting on the activity of an independent third party. This raises questions of efficiency, reliability and consistency, which section 479(c)(1) and 479(c)(2) of the Social Security Act require for the AFCARS data collection.

• We also anticipate states having many questions about how to report the ICWA-related data elements. HHS has no expertise in ICWA compliance, statute, and regulations and is not the cognizant authority over it, yet the December 2016 final rule places HHS in the position of interpreting various ICWA requirements when providing technical assistance to state title IV–E agencies on how to report on those data elements. How states report the data ultimately impacts practice, potentially introducing inconsistency with DOJ and DOI's interpretation of ICWA.

• Costs for system changes, training to consistently collect and report ICWA-related data and time to gather/enter data (sometimes manually) into the case management system.

The Supplemental Notice of Proposed Rulemaking that added the ICWA compliance data elements to the AFCARS was only open for comment for 30 days. This was an insufficient amount of time for states to fairly analyze unfamiliar data elements, accurately calculate burden associated with these elements, and move any comments through their chain of command for submission to HHS for consideration. The ANPRM, on the other hand, will be open for comment for 90 days. It asks title IV–E agencies and the public to comment on the data elements of the December 2016 final rule.

Therefore, in order to get additional feedback on these and other issues we are issuing a proposed rule to delay implementation of the December 2016 AFCARS final rule. As States must go to the expense to revise their data collection systems in response to the December 2016 final rule, we do not want states to incur these costs unnecessarily as we further assess burden under the rule. This is an opportunity for commenters to provide HHS with specific feedback on the data elements and how HHS can revise AFCARS to balance updating requirements, the need for better data, and the burden on title IV–E agencies. Through the aforementioned ANPRM

commenters will have the opportunity to tie ICWA related data elements to HHS functions/provisions thus adequately justifying their inclusion in the AFCARS collection.

Regulatory Impact Analysis

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. ACF consulted with the Office of Management and Budget (OMB) and determined that this rule does meet the criteria for a significant regulatory action under E.O. 12866. Thus, it was subject to OMB review. ACF determined that the costs to title IV–E agencies as a result of this rule will not be significant as defined in Executive Order 12866 (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). Because the rule is not economically significant as defined in E.O. 12866, no cost-benefit analysis needs to be included in this NPRM. This proposed rule, if finalized as proposed, would be considered an E.O. 13771 deregulatory action.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this proposed rule will not result in a significant impact on a substantial number of small entities. This proposed rule does not affect small entities because it is applicable only to state and tribal title IV–E agencies.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act (Pub. L. 104–4) requires agencies to prepare an assessment of anticipated costs and benefits before proposing any rule that may result in an annual expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). That threshold level is currently approximately $146 million. This proposed rule does not impose any mandates on state, local, or tribal governments, or the private sector that will result in an annual expenditure of $146 million or more.

Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. 8.

Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 2000 (Pub. L. 106–58) requires federal agencies to determine whether a policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. This proposed rule will not have an impact on family well-being as defined in the law.

Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 35, as amended) (PRA), all Departments are required to submit to OMB for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. PRA rules require that ACF estimate the total burden created by this proposed rule regardless of what information is available. ACF provides burden and cost estimates using the best available information. Information collection for AFCARS is currently authorized under OMB number 0970–0422. This notice of proposed rulemaking does not make changes to the AFCARS requirements for title IV–E agencies; it delays the effective date and provides title IV–E agencies with additional time to comply with sections 1355.41 through 1355.47. Thus, the annual burden hours for recordkeeping and reporting does not change from those currently authorized under OMB number 0970–0422. Therefore, we are not seeking comments on any information collection requirements through this NPRM.

List of Subjects in 45 CFR Part 1355

Adoption and foster care, Child welfare, Computer technology, Grant programs—social programs, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 93.658, Foster Care Maintenance; 93.659, Adoption Assistance; 93.645, Child Welfare Services—State Grants).

Dated: February 27, 2018.

Steven Wagner,

Acting Assistant Secretary for Children and Families.

Approved: March 8, 2018.

Alex M. Azar II,

Secretary.

For the reasons set forth in the preamble, we propose to amend 45 CFR part 1355 as follows:

PART 1355—GENERAL

■ 1. The authority citation for part 1355 continues to read as follows:

Authority: 42 U.S.C. 620 *et seq.,* 42 U.S.C. 670 *et seq.,* 42 U.S.C. 1302.

■ 2. Amend § 1355.40 by revising paragraph (a) to read as follows:

§ 1355.40 Foster care and adoption data collection.

(a) *Scope.* State and tribal title IV–E agencies must follow the requirements of this section and appendices A through E of this part until September 30, 2021. As of October 1, 2021, state and tribal title IV–E agencies must comply with §§ 1355.41 through 1355.47.

* * * * *

[FR Doc. 2018–05038 Filed 3–13–18; 8:45 am]

BILLING CODE 4184–25–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; correction.

SUMMARY: The Federal Communications Commission (Commission) published a document in the **Federal Register** of March 2, 2018 (83 FR 8962), regarding Petitions for Reconsideration filed in the Commission's rulemaking proceeding. The document contained the incorrect deadline for filing replies to an opposition to the Petitions. This document corrects the deadline for replies to an opposition to the Petitions.

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 29, 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:

Correction

In the **Federal Register** of March 2, 2018, in FR Doc. 2018–04359, on page 8962, in the third column, correct the **DATES** section to read:

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 29, 2018.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05202 Filed 3–14–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2016–0078; 4500030113]

RIN 1018–BB64

Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule To List Chorizanthe parryi var. fernandina (San Fernando Valley Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), withdraw our September 15, 2016, proposed rule to list *Chorizanthe parryi* var. *fernandina* (San Fernando Valley spineflower), a plant from southern California, as a threatened species under the Endangered Species Act of 1973, as amended (Act). This withdrawal is based on our conclusion that the threats to this plant, as identified in the proposed rule, are no longer as significant as we believed them to be when we issued the proposed rule. We base this conclusion on our analysis of current and future threats and conservation efforts. We find the best scientific and commercial data available indicate that the threats to *C. parryi* var. *fernandina* and its habitat have been reduced below the level where this plant would meet the statutory definition of threatened or endangered. Therefore, we are withdrawing our proposal to list *C. parryi* var. *fernandina* as a threatened species.

DATES: The proposed rule that published on September 15, 2016 (81 FR 63454), to list *Chorizanthe parryi* var. *fernandina* as a threatened species under the Act, is withdrawn on March 15, 2018.

ADDRESSES: This document, comments on our proposed rule, and supplementary documents are available on the internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078. Comments and materials received, as well as supporting documentation used in the preparation of this withdrawal, are also available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93001; telephone 805–644–1766.

FOR FURTHER INFORMATION CONTACT: Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805–644–1766. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish this document. Under the Endangered Species Act, a species may warrant protection through listing if it is endangered or threatened throughout all or a significant portion of its range. Listing a species as an endangered or threatened species can only be completed by issuing a rule. We issued a proposed rule to list *Chorizanthe parryi* var. *fernandina* in 2016. This document withdraws that proposed rule because, based on our evaluation of the best scientific and commercial information available at this time, we have determined that threats have been reduced such that listing is no longer necessary for this plant.

The basis for our action. Under the Endangered Species Act, we can determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that threats have been reduced such that listing is no longer necessary for this plant.

Peer review and public comment. We sought comments from independent specialists to ensure that our analysis was based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment on the information we relied upon in making our listing proposal, including the Species Report for the San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandina*) (Service 2016). We also considered all comments and information we received during the comment periods.

Previous Federal Actions

On September 15, 2016, we published a proposed rule (81 FR 63454) to list *Chorizanthe parryi* var. *fernandina* as a threatened species under the Act (16 U.S.C. 1531 *et seq.*). Please refer to this proposed rule for information on Federal actions prior to September 15, 2016.

Under section 4(b)(6) of the Act, the Service is required to make a final listing determination within 1 year from the publication of the proposed rule, by publishing either a final listing rule or a withdrawal of the proposed rule, or extending the final determination by not more than 6 months under certain circumstances specified in the Act. On July 19, 2017, the Service published a 6-month extension of the final determination on the proposed threatened status for *C. parryi var. fernandina* and reopened the comment period on the proposal for an additional 30 days (82 FR 33035).

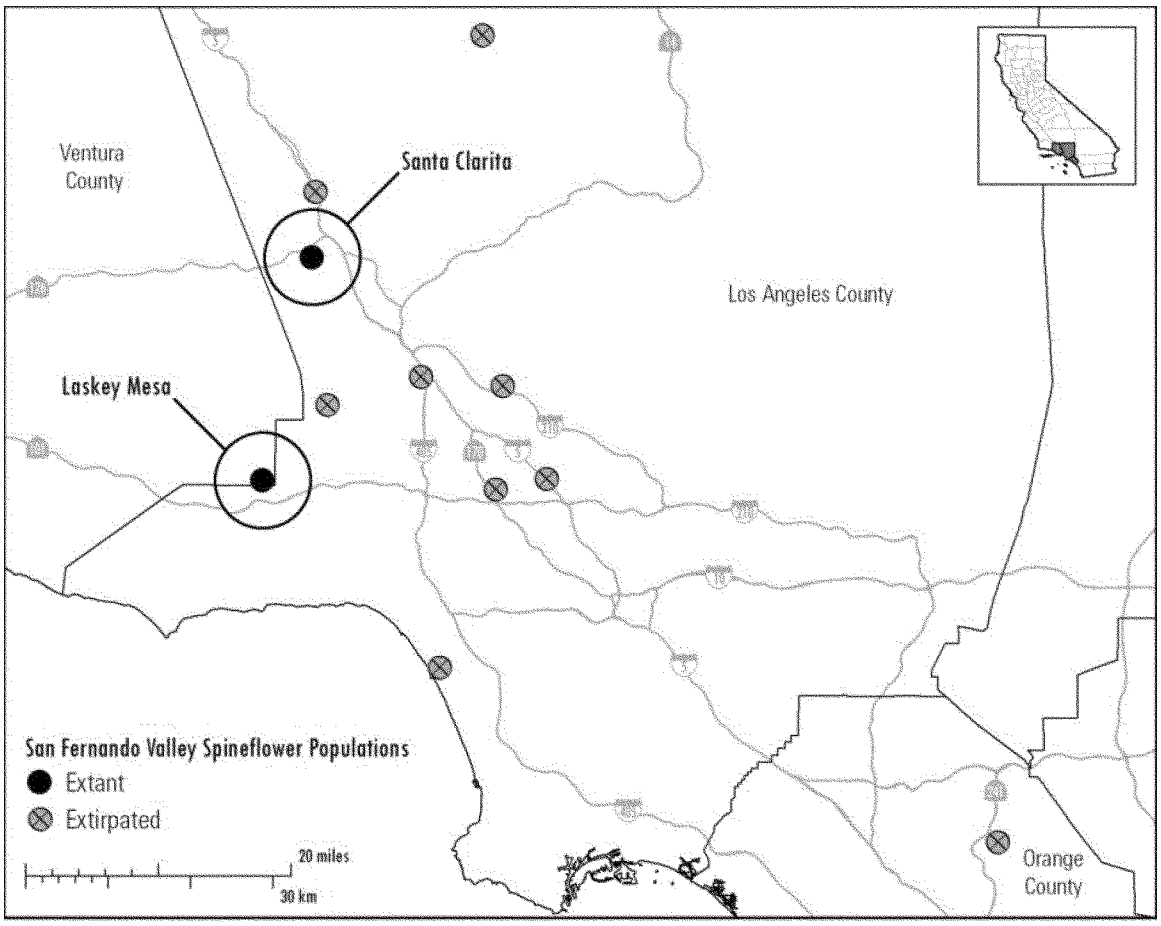
After publication of the proposed rule in the **Federal Register**, the Service and the Newhall Land and Farming Company (Newhall Land) developed a candidate conservation agreement (2017 CCA) for *C. parryi* var. *fernandina* to implement conservation measures to improve the status of the plant. On November 13, 2017 (82 FR 52262), the Service reopened the comment period on the proposed rule to list *C. parryi* var. *fernandina* as a threatened species for an additional 30 days so that interested parties and the public could review and comment on the additional conservation measures provided by the 2017 CCA.

During all three comment periods on the September 15, 2016, proposed rule, the Service requested additional information on the status of *C. parryi* var. *fernandina* or its habitat so that we could analyze this additional information as part of the final listing process. As part of our analysis, we also evaluated the certainty of effectiveness and certainty of implementation of the additional conservation measures that the 2017 CCA signatories have committed to implement.

Background

A thorough review of information that we relied on in making this determination—including information on taxonomy, life history, ecology, population distribution and abundance, land ownership, and potential threats—is presented in the Species Report for the San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandina*) (Species Report; Service 2016), available on the internet at *http://regulations.gov* under Docket No. FWS–R8–ES–2016–0078. A summary of this analysis is included in the September 15, 2016, proposed rule (81 FR 63454) and appears below. We used data specific to *C. parryi* var. *fernandina* when available.

Figure 1. Historical and current *Chorizanthe parryi* var. *fernandina* population locations in California.



Sources: California Department of Fish and Wildlife, California Natural Diversity Database (2015/11/01).

Current Abundance and Distribution

Chorizanthe parryi var. *fernandina* currently occupies up to a total of 35–40 acres (ac) (14–16 hectares (ha)) from two populations in Southern California that are 17 miles (mi) (27 kilometers (km)) apart (see Figure 1, above). The Laskey Mesa population is in Ventura County, California, within the Upper Las Virgenes Canyon Open Space Preserve on land owned by the Santa Monica Mountains Conservancy (SMMC) and the Mountains Recreation Conservation Authority (MRCA) (SMMC 2015). The Santa Clarita population is in Los Angeles County on land owned by Newhall Land (Dudek 2010, pp. 16–17). The Laskey Mesa population currently occupies approximately 15–20 ac (6.1–8.1 ha) (GLA 2000, p. 6; Sapphos 2001, p. 5–2; Sapphos 2003a, p. 3; Cooper 2015, pp. 8–10); the Santa Clarita population currently has a cumulative occupied area of approximately 20 ac (8.2 ha) (Dudek 2010, p. 63).

Comparing annual numbers of *C. parryi* var. *fernandina* individuals over time is complicated because: (1) Different methodologies and levels of effort have been used to estimate population numbers across both extant populations during survey efforts since 1999; and (2) as is typical of many annual plants, *C. parryi* var. *fernandina* shows inter-annual variation in abundance by several orders of magnitude, ranging from hundreds to millions of individuals. Therefore, occupied area or distribution of the populations is an appropriate surrogate measure for plant population size. The Santa Clarita population has roughly the same occupied acreage as Laskey Mesa but is more widely distributed across the landscape, scattered over a range of 4 mi (6.4 km) from east to west, and 4 mi (6.4 km) north to south.

Summary of Basis for Withdrawal

Based upon our review of the public comments, comments from other Federal and State and County agencies, partner and peer review comments (see Summary of Comments and

Recommendations, below) and any new relevant information that may have become available since the September 15, 2016, publication of the proposed rule, we reevaluated our proposal. That reevaluation is reflected in this document as follows:

(1) Based on our analyses, the Service has determined that *Chorizanthe parryi* var. *fernandina* should not be listed as a threatened species. This document withdraws the proposed rule published on September 15, 2016 (81 FR 63454).

(2) This document summarizes and evaluates the 2017 CCA and provides an analysis using the Service's Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE) (68 FR 15100; March 28, 2003). See Ongoing and Future Conservation Efforts, below.

(3) This document summarizes and evaluates the effects of the December 5, 2017, Rye Fire to *Chorizanthe parryi* var. *fernandina* at Newhall Ranch (Santa Clarita population). See Summary of Biological Status and Factors Affecting the Species, below.

Ongoing and Future Conservation Efforts

Below, we summarize conservation efforts that provide benefits to *C. parryi* var. *fernandina* that are already occurring or are expected to occur in the future. We have also completed an analysis of the newly initiated efforts in the 2017 CCA pursuant to PECE. The full PECE analysis can be found at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078.

Planned Conservation Measures

For the Santa Clarita population, the California Department of Fish and Wildlife (CDFW) approved the 2010 Newhall Ranch Spineflower Conservation Plan (SCP) and issued an incidental take permit (permit no. 2081–2008–012–05, the ITP) under the California Endangered Species Act, California Fish and Game Code section 2050–2085 (CESA) in 2010, for the SCP and proposed Newhall Land development within the SCP area that would result in the partial removal of *C. parryi* var. *fernandina.* The SCP serves as the mitigation and conservation plan for the purposes of the State ITP (CDFG 2010, p. 2). Through the SCP, the CDFW has required Newhall Land to provide for the perpetual conservation and management of seven spineflower preserves within the Santa Clarita population, totaling 228 ac (92 ha), located within the SCP enrolled lands on Newhall Land property. The SCP spineflower preserves contain approximately three-quarters of the cumulative occupied spineflower habitat on Newhall Land property, totaling approximately 15 ac (6 ha). Newhall Land has granted conservation easements to the CDFW over all of the SCP spineflower preserves. The SCP conservation measures include habitat enhancement and creation for spineflower, and experimental introduction of spineflower in areas outside of existing occupied habitat. The SCP also includes management actions within the preserves to reduce indirect effects of the proposed development (including those from nonnative, invasive grasses and Argentine ants). Newhall Land is implementing an adaptive management program for impacts under the SCP (Dudek 2010a, p. 141) and the Argentine Ant Control Plan (Dudek 2014c, p. 22). Permanent conservation easements for the preserves have been established. Newhall Land has already provided endowments to fund management and monitoring of the SCP spineflower preserves, and will provide more funding in SCP endowments as required by the ITP. The SCP is available at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2016–0078.

Newhall Land has also deposited funds with the National Fish and Wildlife Foundation for management of *C. parryi* var. *fernandina* at the Laskey Mesa population. The August 2014 PAR and September 2014 memorandum prepared by Dudek identify the management activities for *C. parryi* var. *fernandina* at Laskey Mesa as part of the SCP (Newhall Land and Dudek 2014, entire). The funding is to be used for on-the-ground management activities that include research studies, fencing, weeding, surveys, annual reporting, and other activities. When this funding becomes accessible, we anticipate that the MRCA will implement the identified management activities.

The rest of the SCP, including construction monitoring, habitat restoration, fencing and signing, and water control at the Santa Clarita population, has not yet been implemented. The implementation will occur in phases associated with the Newall Ranch development project.

Even with the conservation measures in the SCP, the proposed rule identified several threats that were still negatively acting on *C. parryi* var. *fernandina* and its habitat. Threats identified in the proposed rule included: (1) Historical and future loss of habitat and individuals from development (Santa Clarita); (2) having small, isolated populations (Santa Clarita and Laskey Mesa); (3) presence of invasive, nonnative plants (Santa Clarita and Laskey Mesa); (4) proliferation of Argentine ants (*Linepithema humile*) (Santa Clarita); (5) the potential effects of climate change (Santa Clarita and Laskey Mesa); and (6) synergistic effects of the individual factors listed above (Santa Clarita and Laskey Mesa) (81 FR 63454; September 15, 2016).

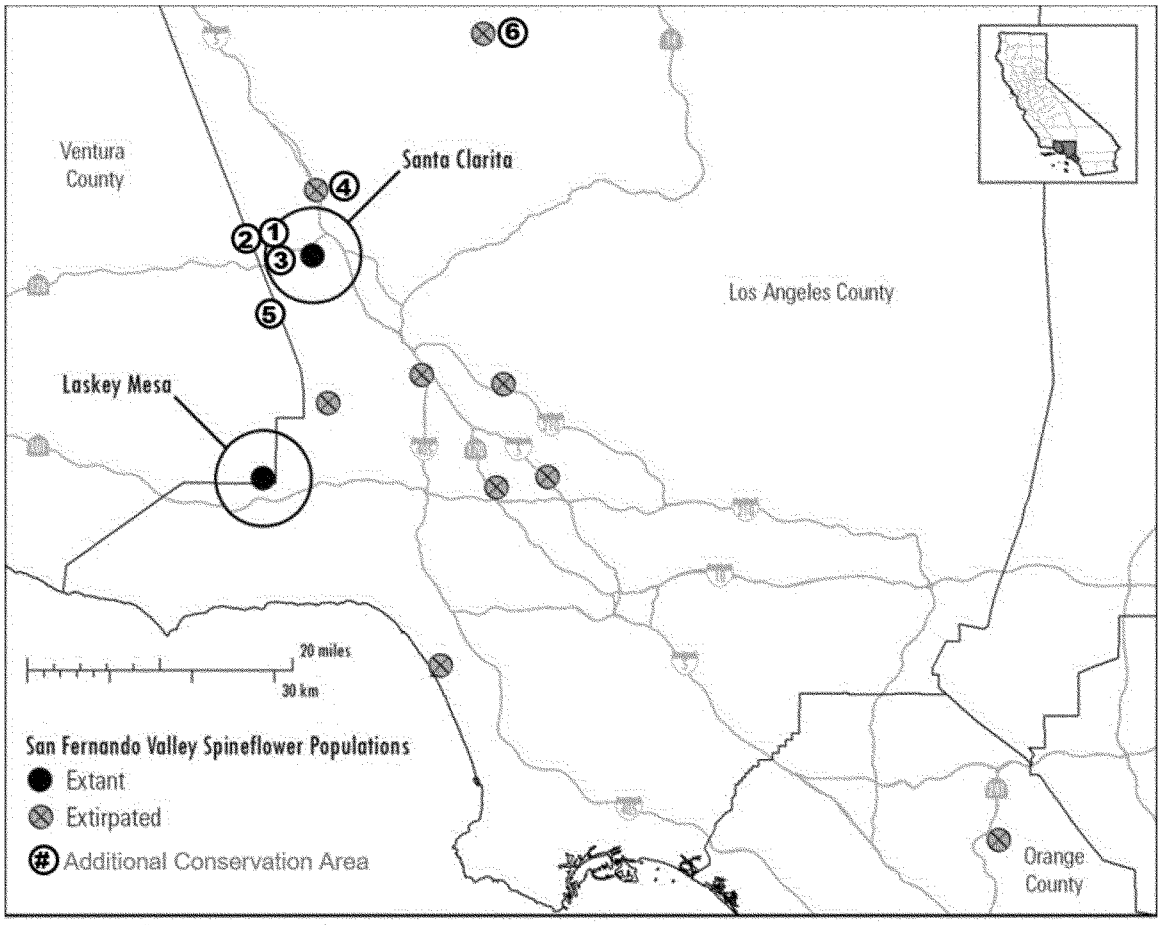
The 2017 CCA outlines several new conservation actions that will be enacted to address the current and future threats that we identified in our September 15, 2016, proposed rule (81 FR 63454). Additional conservation measures of the 2017 CCA are discussed below. We have also formally evaluated all 2017 CCA conservation measures pursuant to PECE, thereby taking all formalized conservation measures into consideration before making our final determination of the status of the plant. The Service's detailed PECE analysis, as well as the 2017 CCA and exhibits, are available for review at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078.

The 2017 CCA provides for Newhall Land to voluntarily implement additional conservation measures described in the introduction plan with the goal of enhancing the status of *C. parryi* var. *fernandina.* The introduction plan provides for Newhall Land to voluntarily establish new, protected *C. parryi* var. *fernandina* occurrences within the plant's historical range that are expected to increase the resiliency of the existing populations and expand the redundancy and representation of the spineflower. Newhall Land will voluntarily conserve an additional 1,498 ac (606 ha) of its property for the benefit of *C. parryi* var. *fernandina* and carry out additional conservation activities for the plant within portions of those 1,498 ac (606 ha) and within an approximately 7-ac (2.8-ha) portion of the existing CDFW Petersen Ranch Mitigation Bank (see Figure 2, below) collectively called the additional conservation areas associated with the CCA. *C. parryi* var. *fernandina* introduction will occur on a total of at least 10 ac (4 ha) within the additional conservation areas.

The additional conservation areas in the introduction plan are intended to further increase the distribution of *C. parryi* var. *fernandina* within its historic range and include approximately 1,505 ac (609 ha), as follows: (1) Three additional conservation areas totaling approximately 825 ac (334 ha) are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP (all of which would be considered part of the Santa Clarita population, Areas 1–3 in Figure 2, below); (2) an additional conservation area of 357 ac

(144 ha) is located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County (Area 5 in Figure 2); (3) an additional conservation area of approximately 316 ac (128 ha) is located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location (Area 4 in Figure 2); and (4) an additional conservation area is located in a 7-ac (2.8-ha) portion of the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location (Area 6 in Figure 2). *C. parryi* var. *fernandina* introduction will occur on a total of at least 10 ac (4 ha) within the additional conservation areas.

Figure 2. Numbered Additional Conservation Areas in the San Fernando Valley Spineflower Introduction Plan provided for by the 2017 CCA.



Sources: California Department of Fish and Wildlife, California Natural Diversity Database (2015/11/01).

In carrying out the additional conservation measures described in the introduction plan, Newhall Land will introduce *C. parryi* var. *fernandina* within portions of the additional conservation areas with the goal of establishing at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences, at least one of which will be in a different ecoregion from the existing populations. Newhall Land will put each of the additional conservation areas into permanent conservation to ensure that habitat values of the spineflower are maintained. Newhall Land has funded an endowment for all initial habitat enhancement and *C. parryi* var. *fernandina* introduction activities within the additional conservation areas, and will fund one or more endowments to provide perpetual management and monitoring within the additional conservation areas, based on a PAR.

Newhall Land began implementation of the introduction plan in 2016, by commencing site investigations to identify the additional conservation areas and suitable *C. parryi* var. *fernandina* introduction sites within the additional conservation areas, and by commencing seeding trials within the San Martinez Grande Preserve Expansion—Los Angeles County and Potrero Preserve Expansion Additional Conservation Areas. Newhall Land will continue to conduct seeding trials within each of the additional conservation areas in accordance with the introduction plan.

The first step for each introduction site is the establishment of seeding trials. A series of initial seeding trials will be implemented at the proposed introduction areas prior to widespread introductions. The seeding trials are expected to take a minimum of 2 years to implement and obtain meaningful results. The seeding trials will be followed by more widespread introductions. The locations for widespread introductions will be based on where seeding trials demonstrate a

reasonable probability of success and will occur on a minimum of 10 ac (4 ha) within the additional conservation areas. Following the initial 10-year implementation period for an additional conservation area under the introduction plan, and a determination made in consultation with the Spineflower Adaptive Management Working Group that newly occupied *C. parryi* var. *fernandina* habitat within the additional conservation area contains one or more self-sustaining occurrences, Newhall Land or its designee will conduct long-term management (including adaptive management), monitoring, and annual reporting of the newly occupied habitat within the additional conservation areas in perpetuity.

Enhancement activities in areas surrounding introduction sites will be implemented prior to or concurrently with *C. parryi* var. *fernandina* introduction. Anticipated enhancement activities include passive and active revegetation of native vegetation communities, including weed control to ameliorate the threat of invasive, nonnative grasses. Enhancement activities will occur with an adaptive management approach that will continue beyond the 10-year maintenance and monitoring period and into the long-term management period. Targeted areas for habitat enhancement correspond to the sites identified for introduction and an approximately 50-ft (15-meter (m)) area surrounding introduction sites.

All *C. parryi* var. *fernandina* introduction sites will be closed to public access. Existing dirt access roads and utility easement access roads within the additional conservation areas will function as the intended access points to the introduction sites for the project biologist, landscape contractor, utility personnel, and emergency services vehicles (*e.g.,* police, fire, and medical). Signs identifying restricted land and discouraging unauthorized access/entry into the introduction sites will be posted on all gates providing access to introduction sites, adjacent to any roads that border introduction sites, and along any introduction site fencing. The signs will indicate that enhancement activities are in progress and that the areas are to be protected.

The introduction plan describes in detail the biological monitoring of the introduction sites that will be conducted to determine the status of introduced *C. parryi* var. *fernandina* through monitoring and collection of qualitative and quantitative data. Monitoring will occur in the winter and spring of each year while the plants are actively growing and in bloom/seed. Additional monitoring at the sites will occur periodically throughout the year to determine the need for maintenance measures related to protecting the introduction sites from weed invasion or other disturbances. Reference sites will be established within both the Santa Clarita population and Laskey Mesa population to ensure that the reference sites encompass the range of conditions currently supporting *C. parryi* var. *fernandina.* A sufficient number of sampling plots will be established to capture site variability so that, collectively, the reference sites are representative of the range of conditions of occupied habitat. Annual monitoring of the introduction sites will include at least three quantitative biological assessments each year, to be timed with the peak of the growing season before plants have begun to desiccate, during the flowering period of *C. parryi* var. *fernandina,* and during seed set (approximately February, May, and June). The quantitative monitoring methods are established for the purpose of collecting adequate data to be able to analyze the relative success or failure of the introduction program in terms of achieving the project goals. Quantitative monitoring will begin in the first year after establishing seeding trials and will include monitoring of density, seed production, seed viability, population size, recruitment, and aerial extent. The monitoring period will commence upon initiation of seeding trials and continue for a period of 10 years.

Summary of PECE Analysis

The purpose of PECE is to ensure consistent and adequate evaluation of recently formalized conservation efforts when making listing decisions. The policy provides guidance on how to evaluate conservation efforts that have not yet been implemented or have not yet demonstrated effectiveness. The evaluation focuses on the certainty that the conservation efforts will be implemented and effective. The policy presents nine criteria for evaluating the certainty of implementation and six criteria for evaluating the certainty of effectiveness for conservation efforts. These criteria are not considered comprehensive evaluation criteria. The certainty of implementation and the effectiveness of a formalized conservation effort may also depend on species-specific, habitat-specific, location-specific, and effort-specific factors. We consider all appropriate factors in evaluating formalized conservation efforts. The specific circumstances will also determine the amount of information necessary to satisfy these criteria.

To consider that a formalized conservation effort contributes to forming a basis for not listing a species, or listing a species as threatened rather than endangered, we must find that the conservation effort is sufficiently certain to be (1) implemented, and (2) effective, so as to have contributed to the elimination or adequate reduction of one or more threats to the species identified through the section 4(a)(1) analysis. The elimination or adequate reduction of section 4(a)(1) threats may lead to a determination that the species does not meet the definition of endangered or threatened, or is threatened rather than endangered.

An agreement or plan may contain numerous conservation efforts, not all of which are sufficiently certain to be implemented and effective. Those conservation efforts that are not sufficiently certain to be implemented and effective cannot contribute to a determination that listing is unnecessary, or a determination to list as threatened rather than endangered. Regardless of the adoption of a conservation agreement or plan, however, if the best available scientific and commercial data indicate that the species meets the definition of ''endangered species'' or ''threatened species'' on the day of the listing decision, then we must proceed with appropriate rulemaking activity under section 4 of the Act. Further, it is important to note that a conservation plan is not required to have absolute certainty of implementation and effectiveness in order to contribute to a listing determination. Rather, we need to be certain that the conservation efforts will be implemented and effective such that the threats to the species are reduced or eliminated.

Using the criteria in PECE (68 FR 15100, March 28, 2003), we evaluated the certainty of implementation (for those measures not already implemented) and effectiveness of conservation measures pertaining to *Chorizanthe parryi* var. *fernandina.* The Service's detailed PECE analysis is available at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078. As summarized below, we have determined that there is sufficient certainty that the conservation efforts outlined in the 2017 CCA will be implemented and effective, and significantly reduce the identified threats and their impacts to *C. parryi* var. *fernandina* and its habitat.

Summary: Certainty That Conservation Efforts Will Be Implemented

We have certainty that the conservation efforts will be implemented because the implementation of the 2017 CCA has already begun and funding has been secured, providing certainty that funding will continue to be available to implement the conservation efforts. The seeding trails began in 2016, restrictive covenants have been placed over the CCA additional conservation areas on Newhall Property, consent has been obtained to perform *C. parryi* var. *fernandina* introduction within the Peterson Mitigation Bank, and the endowment for the initial phases of implementing the CCA has been established. In addition, the parties to the CCA have the legal and regulatory authority to implement the agreement, which includes an implementation schedule (including incremental completion dates) for the conservation efforts.

Summary: Certainty That Conservation Efforts Will Be Effective

We have certainty that the conservation efforts will be effective because the nature and extent of threats is adequately addressed in the 2017 CCA, including improving resiliency of the Santa Clarita population, increasing the number of ecoregions in which the plant is represented, and adding to the overall redundancy of the species. In addition, the combined factors of documented success with other *Chorizanthe* introductions, the introduction site selection based on scientific analysis of occupied sites, positive results of 2016 spineflower seeding trials, and the accompanying enhancement program to aid establishment and persistence provide the rationale and optimism for effectiveness of the introduction program. Further, explicit objectives for the conservation efforts are defined and the associated dates for achieving them are stated. Quantifiable, scientifically valid parameters are identified that will help demonstrate achievement of the objectives. Finally, Newhall Land has funded an endowment for the initial implementation of the 2017 CCA. For ongoing (in-perpetuity) management and monitoring associated with the CCA, Newhall Land has committed to fund additional endowments. Input from the Spineflower Adaptive Management Working Group, which is already in place, will be sought to guide the management, monitoring, and planning activities of the adaptive management program of the conservation efforts.

In conclusion, we have a high level of certainty that the conservation measures in the 2017 CCA will be implemented (for those measures not already begun) and effective, and thus they can be considered as part of the basis for our final listing determination for *Chorizanthe parryi var. fernandina.*

Summary of Comments and Recommendations

In the proposed rule published on September 15, 2016 (81 FR 63454), we requested that all interested parties submit written comments on the proposal by November 14, 2016. We also contacted appropriate Federal and State agencies, Tribes, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. On July 19, 2017, we published a 6-month extension of the final determination on the proposed threatened status for *C. parryi* var. *fernandina* (82 FR 33035) and reopened the comment period on the proposal for an additional 30 days, ending August 18, 2017. On November 13, 2017, we published a document (82 FR 52262) that again reopened the comment period on the September 15, 2016, proposed rule for an additional 30 days, ending December 13, 2017, so that interested parties and the public could review and comment on the additional conservation measures provided by the 2017 CCA. During all three comment periods, which totaled 120 days, the Service requested any additional information on the status of *C. parryi* var. *fernandina* or its habitat so that we could analyze this additional information as part of the final listing process. We did not receive any requests for a public hearing.

During the three comment periods on the proposed rule, we received six peer-review comment letters and four public comment letters on the proposed rule, one public comment letter on the 6-month extension, and five public comment letters on the reopening of the comment period for the 2017 CCA directly addressing the proposed listing of *Chorizanthe parryi* var. *fernandina.* Submitted comments were both for and against listing the species. We also received comments that were not related to the proposed listing of *Chorizanthe parryi* var. *fernandina.* All substantive information provided during the comment periods has either been incorporated directly into this withdrawal or is addressed below.

Peer Review

The purpose of peer review is to ensure that our analysis of the information and assumptions used for listing determination is scientifically sound. In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from six independent specialists with scientific expertise in the biology of *Chorizanthe parryi* var. *fernandina* biology, habitat, physical or biological factors, or threats. We received responses from all six peer reviewers. We reviewed the comments we received from the peer reviewers for substantive issues and new information regarding the listing of *C. parryi* var. *fernandina.* Peer reviewer comments are addressed in the following summary and incorporated into this withdrawal document as appropriate.

Comment (1): Three peer reviewers stated that Argentine ants are likely to impact *C. parryi* var. *fernandina* pollinators at Newhall Ranch, which could result in a species-level threat to the reproductive potential of the plant. Given potential ant control methods in existence, the peer reviewers recommended that qualified pest control professionals and conservation managers be allowed to review and approve any control or mitigation plan. They stated that, for such a plan to be effective, it will require constant vigilance and a substantial financial investment.

Response: In our proposed rule (81 FR 63454; September 15, 2016), we determined that loss of habitat and individuals and the associated edge effects (*i.e.,* proliferation of Argentine ants) at the Santa Clarita population are likely to decrease habitat quality, reducing resiliency at this population. The additional conservation areas that will be established as part of the CCA, including the three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero spineflower preserves established under the SCP (all of which would be considered part of the Santa Clarita population), are intended to buffer the Santa Clarita population from detrimental effects of loss of habitat and individuals and the associated edge effects, including Argentine ant invasion.

As of February 2016, Argentine ants were present within two preserves at the Santa Clarita population, Entrada and Potrero (Dudek 2016, pp. 17, 20). Therefore, the additional conservation area adjacent to the existing Potrero preserve is at risk of invasion by Argentine ants. However, the two additional conservation areas adjacent to the existing San Martinez Grande

preserve are farther from existing or proposed development (see Figure 2, below). None of the adjacent land uses near San Martinez Grande poses a heightened threat of Argentine ant invasion (Dudek 2016, p. 6); therefore, these additional conservation areas are not expected to be at risk of invasion of Argentine ants and should contribute to *C. parryi* var. *fernandina* numbers and recruitment at the Santa Clarita population.

The 2017 CCA requires that annual Argentine ant monitoring be conducted as part of the ongoing habitat maintenance and describes appropriate control measures consistent with the Argentine Ant Control Plan for Newhall Ranch (Dudek 2014, entire). If Argentine ants invade, Newhall Land proposes control methods as part of an integrated pest management plan, which will be both to remove Argentine ants and mitigate for the absence of native pollinators within the preserves (Dudek 2014c, pp. 25–42). Qualified pest control professionals and conservation managers will review and approve any control or mitigation plan. The endowment associated with long-term management and monitoring of the additional conservation areas would provide the substantial financial investment needed to implement this plan.

Chorizanthe parryi var. *fernandina* introduction sites in the 2017 CCA outside of the Santa Clarita population include an additional conservation area of 357 ac (114 ha) located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County; an additional conservation area of approximately 316 ac (128 ha) located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location; and an additional conservation area located in a 7-ac (2.8-ha) portion of the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location. Argentine ants are not considered to be a significant long-term risk to *C. parryi* var. *fernandina* at these introduction sites because the sites are all well separated from areas supporting potential source populations of Argentine ants, such as urban development areas.

Comment (2): Two peer reviewers questioned the available data on *C. parryi* var. *fernandina* pollinators and suggested that experiments should be done to determine: (a) If *C. parryi* var. *fernandina* can effectively self-pollinate, (b) if the plants make seeds when pollinators are excluded, (c) whether seeds produced by self-pollination suffer inbreeding depression compared to seeds produced by out-crossing, and (d) how much nectar or other rewards the flowers offer to pollinators.

Response: A wide range of arthropods have been observed visiting flowers in the vicinity of *C. parryi* var. *fernandina* plants in the field. Jones *et al.* (2009) conducted a series of dawn-to-dusk surveys at Laskey Mesa in 2001, and at Santa Clarita in 2004. During these surveys, more visits were made to plants by the pyramid ant (*Dorymyrmex insanus*) than any other ant taxon; the southern fire ant (*Solenopsis xyloni*) visited in much smaller numbers; and little red ant (*Forelius mccooki)* was an important visitor at the Santa Clarita populations (Jones *et al.* 2010, p. 165).

Jones *et al.* (2010) examined the effects the pyramid ant on spineflower seed production at Ahmanson Ranch with an exclusion study. They found that fruit set was 57 percent higher in flowers exposed to ant visitation, compared to 27 percent in control flowers where ants were excluded. Data indicate that 27 percent of seed set occurred where all potential pollinators were excluded, suggesting that SFVS is not productive at self-pollination (Jones et al. 2010, p. 166). This would seem to indicate that the viability of seeds produced by self-pollination is much lower than those produced by the cross-pollinating actions of ants and other insect pollinators, and may reflect inbreeding depression in self-produced seeds.

Comment (3): One peer reviewer stated that *C. parryi* var. *fernandina* seeds are not likely prompted to germinate by smoke or other features of fire, but that this needs to be studied more specifically. Also, studies should be done to determine how long seeds last and what proportion of seeds germinate under various conditions. This information is needed to successfully introduce or reintroduce *C. parryi* var. *fernandina* into additional sites near existing or historical sites.

Response: C. parryi var. *fernandina* is typical of many winter-spring native annuals that occur in the Mediterranean climate of California. Germination occurs following the onset of sufficient late-fall and winter rains and typically represents different cohorts from the seed bank. Because *C. parryi* var. *fernandina* is sensitive to annual levels of rainfall, germination of resident seed banks may be low or nonexistent in unfavorable years, with little or no visible aboveground expression of the plant, but a seedbank would be present.

The direct effects of fire on *C. parryi* var. *fernandina* are not known. We stated in the Species Report that seed germination of a related taxa, Parry's spineflower (*C. parryi* var. *parryi),* appears to be inhibited by fire (Ellstrand 1994 and Ogden 1999, in CBI 2000, pp. 4, 13), but despite the inhibitory effect of direct scorching, fire may prove beneficial to *C. parryi* var. *fernandina* by creating openings in ground cover and temporarily reducing competition (CBI 2000, p. 13). We agree that additional research on the *C. parryi* var. *fernandina* seed bank would be useful to inform future efforts to expand existing populations and reintroduce plants to historical sites.

Comment (4): One peer reviewer asked if there is evidence that ants secrete a substance that causes pollen grains to burst.

Response: Some ants have chemical secretions from the metapleural gland that reduce pollen viability and germination (Beattie *et al* 1984). However, from data presented by Jones *et al.* (2010), it appears to not be a problem for *C. parryi* var. *fernandina.* As noted above, seed production and the seed germination rate were much higher in the presence of ants, indicating that the presence of ant pollinators actually increases the viability of the seeds. Further, Jones *et al.* (2010) suggest that ant pollination may be more prevalent in drier climates and that ant production of inhibitory substances may not be a severe limitation to their function as pollinators.

Comment (5): One peer reviewer asked if there is adequate management of the State of California's conserved site (Laskey Mesa), and what specific management at this site benefits the spineflower.

Response: In 2010, CDFW issued an ITP under CESA to Newhall Land. The ITP requires Newhall Land to provide guaranteed long-term funding for the management of the *C. parryi* var. *fernandina* population at Laskey Mesa (CESA ITP# 2081–2008–012–05) (CDFG 2010, p. 17; Newhall Land and Dudek 2014, entire). On September 25, 2014, Newhall Land made the required deposit for the endowment at Laskey Mesa (K. Drewe 2016b, pers. comm.). Newhall Land cannot withdraw the funding for this account, and there is nothing in the ITP that would allow the funding to be returned to Newhall Land (K. Drewe 2016a, b, pers. comm.).

The CDFW, SMMC, and National Fish and Wildlife Foundation will execute the agreement that requires the endowment be spent for the conservation and management of *C. parryi* var. *fernandina* at Laskey Mesa (K. Drewe 2016a, b, pers. comm.;

Newhall Land and Dudek 2014, entire). The August 2014 PAR and September 2014 memorandum completed by Dudek (Newhall Land and Dudek 2014, entire) contains the management activities for *C. parryi* var. *fernandina* at Laskey Mesa (CDFW, in litt. 2016). The endowment is to be used for on-the-ground activities that include research studies, fencing, weeding, surveys, annual reports, and other activities that will benefit the plant. The agreement between CDFW and SMMC that would allow SMMC access to the endowment funds is currently undergoing internal review within CDFW.

Comment (6): One peer reviewer pointed out that while the SCP provides for a number of preserves to be established, some of the preserves do not afford great protection for the spineflower. For example, the proposed preserve area at Entrada shows that a large portion of the spineflower patches are located within a utility easement. Plants could easily be destroyed by large equipment activity in the easement.

Response: The Entrada preserve is connected to open space via an existing and frequently-maintained utility corridor. There may be risk to these plants from large equipment. This is one reason why it is important to establish additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population, including three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves. These areas are intended to expand the area of protected conservation land for *C. parryi* var. *fernandina* and increase the extent of protected occurrence locations within the Santa Clarita population.

Comment (7): One peer reviewer suggested that we might have conducted our assessment of the current impact level of development on *C. parryi* var. *fernandina* over a wider geographic area, to encompass its former geographic range. The peer reviewer emphasized that it is clear that habitat loss and other factors associated with development (agricultural and urban) are the reasons *C. parryi* var. *fernandina* now occurs in just two localities at the edge of the Los Angeles metropolitan area. Moreover, all of the stressors discussed in the proposed listing document have strong links to development.

Response: C. parryi var. *fernandina* is currently known from only two populations in southern California that are 17 mi (27 km) apart, one in Ventura County (Laskey Mesa population) and one in Los Angeles County (Santa Clarita population). Historically, the plant was known from no fewer than 10 additional locations in Los Angeles and Orange Counties. However, the scope of our stressor analysis was only the two extant populations because there is limited value in evaluating the potential for stressors in areas where the species is no longer considered extant. We presented our analysis of threats to the existing populations in our Species Report. Currently, there is no threat of development and there will be no development in the future at Laskey Mesa because the property is owned and managed by the SMMC and the MRCA.

Development was considered a future threat to the Santa Clarita population. However, the additional conservation areas proposed in the CCA are intended to further increase the number and extent of *C. parryi* var. *fernandina* within its historical range, which will reduce the threat of development at this population. We considered whether there are any known threats or potential stressors to the spineflower on these additional conservation areas, and determined them to be suitable for *C. parryi* var. *fernandina.* All of these will be in permanent conservation where development will be precluded.

Comment (8): One peer reviewer stated that the open structure of the vegetation in which *C. parryi* var. *fernandina* occurs suggests that external effects are likely to penetrate deeply into patches. The very small stature of *C. parryi* var. *fernandina* plants makes them likely to be especially vulnerable to disturbances such as trampling and erosion. Therefore, it seems likely that recreational impacts on the species will increase, particularly in Santa Clarita, where the proximity to high densities of humans will increase in the proposed developments.

Response: We recognize edge effects of increased trampling and soil compaction from recreation. Recreation has minimal direct effects on *C. parryi* var. *fernandina* habitat because recreation does not occur in the same areas where *C. parryi* var. *fernandina* occurs. Even though the plant is small in stature and may grow in open areas, such as old roads, making it vulnerable to trampling, there are currently no trails that overlap the plant's occurrences, and we do not expect trails to overlap the plant's occurrences in the future. Additionally, all additional conservation areas provided for in the 2017 CCA will be closed to the public.

Comment (9): One peer reviewer questioned our assessment that the impact of invasive, nonnative plants on *C. parryi* var. *fernandina* will decrease with time from moderate today to low in the future, as a result of ecological restoration plans at the Santa Clarita population.

Response: Nonnative, invasive plants are abundant at Laskey Mesa and Santa Clarita, and reduce available habitat. They compete with *C. parryi* var. *fernandina* for light, water, and soil nutrients; increase potential for wildfire; and alter pollinator communities. The August 2014 PAR and September 2014 memorandum outline the management activities to be undertaken at Laskey Mesa for *C. parryi* var. *fernandina.* The funding for these actions is set aside in the form of a non-wasting endowment. The endowment will fund on-the-ground activities, such as weeding and other methods to control the impacts of nonnative invasive plants. We anticipate that MRCA will address the abundance of nonnative vegetation at Laskey Mesa once they implement the management activities for *C. parryi* var. *fernandina* at that site.

At the Santa Clarita site, development of Newhall Ranch would remove ground coverage of nonnative plants. However, part of this development will create urban edges that would border some of the preserves. Nonnative weedy species are often edge species and become more prevalent or increase in abundance to the detriment of native species. Therefore, Newhall Land has proposed to restore *C. parryi* var. *fernandina* habitat and implement measures as part of the development of Newhall Ranch to reduce the abundance and impact of nonnative vegetation at this site. Overall, nonnative, invasive plants currently act as a moderate-level stressor to *C. parryi* var. *fernandina* and its habitat. The management activities at Laskey Mesa and the conservation measures at Santa Clarita are likely to reduce the direct impact of nonnative, invasive plants to a low-level stressor. The enhancement areas surrounding the 2017 CCA introduction sites are intended to help minimize invasion of nonnative plant species, which could degrade the quality of the habitat for *C. parryi* var. *fernandina* occupation in the additional conservation areas.

Comment (10): One peer reviewer questioned our prediction that future fire effects will be low. The proposed plan for development in Santa Clarita will put *Chorizanthe parryi* var. *fernandina* within the urban-wildland interface and thereby should increase the potential for fire to affect population patches.

Response: We anticipate that wildfire will occur in the future, based on the historical fires that have occurred in these areas and because wildfire is a natural phenomenon in southern California. Additionally, both

populations are surrounded by residential and commercial developments, and fire frequency tends to increase at the urban-wildland interface (Dudek 2010a, p. 136). Furthermore, due to climate change, drier conditions may result (PRBO Conservation Science 2011, pp. 41–42). However, because the fire intervals at these two populations have been relatively short in recent history, we do not anticipate an increased fire frequency at Laskey Mesa or Santa Clarita.

At Santa Clarita, proposed development in the area will break up large expanses of potential fuels and may reduce the risk of wildfire, but human-caused ignition may increase with increasing human presence and traffic. However, fire protection in the surrounding areas is also expected to increase because of the need to avoid loss of life and property; therefore, it is anticipated that any fires in the SCP preserves will be lighter rather than heavier in intensity (Dudek 2010a, p. 136). In addition, if fire-control lines or other forms of bulldozer damage occur within the preserves, Newhall Land proposed to repair and revegetate these areas to pre-burn conditions (Dudek 2010a, pp. 135–137). In our assessment of climate change, we analyze that drier conditions in the future may result in increased fire frequency, making the ecosystems in which a species currently grows more vulnerable to threats of nonnative plant invasion.

The December 2017 Rye Fire burned four out of seven of the SCP preserves on Newhall Ranch. The intensity of the fire was diagnosed as being light (Watershed Emergency Response Team 2018, pp. 18–20). Numerous previous wildfire events have occurred on Newhall Ranch since 1913, including at least 12 since 1983 (excluding the 2017 Rye Fire), and several of these fires have affected extensive areas of habitat occupied by the spineflower (Dudek 2017, p. 10). *Chorizanthe parryi* var. *fernandina* monitoring began on Newhall Ranch in 2002. Two fires have affected the Santa Clarita population since then. The 2003 Verdale Fire burned the Homestead North Project Site, including almost the entire San Martinez Grande preserve. The 2007 Magic Fire burned portions of the Grapevine Mesa and Entrada preserves. Both the 2003 Verdale Fire and the 2007 Magic Fire occurred in October, after spineflower surveys had been conducted for that year. The biggest concern is that fire may promote the invasion and spread of nonnative, invasive grasses that outcompete small native annuals like *C. parryi* var. *fernandina.*

Monitoring conducted under the SCP will continue to evaluate the performance of *C. parryi* var. *fernandina* within the SCP preserves, and if the monitoring shows that management is needed to address direct or indirect effects of the fire, such as an increase in nonnative, invasive grasses, measures will be incorporated into annual work plans as required by the SCP and reviewed by the Spineflower Adaptive Management Working Group. The primary management activities we anticipate to occur post-fire in the SCP preserves involves monitoring and controlling weeds that may invade burned areas following a fire event, specifically if weeds exceed 30 percent relative cover (Dudek 2017, p. 7).

Comment (11): One peer reviewer noted that because the historical range of *C. parryi* var. *fernandina* has been reduced, and now the plant has only two isolated populations, the plant's heterozygosity (having a varied genetic makeup) may be considerably reduced.

Response: While we agree that *C. parryi* var. *fernandina* likely has reduced heterozygosity due to a reduced range as compared to the historical distribution, the genetic characteristics have not been investigated. Dr. Deborah Rodgers is currently conducting research into genetic structure of *C. parryi* var. *fernandina* and potential degree of inbreeding depression (Dudek 2015, p. 2; Dudek 2016c, p. 9).

Comment (12): One peer reviewer pointed out that nitrogen deposition associated with fossil fuel combustion is a potential stressor to *C. parryi* var. *fernandina,* and this was not discussed in the Species Report. Several recent studies have shown that nitrogen can have important consequences to native and nonnative plant species in southern California although there is no information available about how nitrogen deposition has affected *C. parryi* var. *fernandina* and its ecosystem.

Response: Because there is no information available about how nitrogen deposition has affected *C. parryi* var. *fernandina* and the ecosystem it occupies, we did not analyze it in our stressor analysis.

Comment (13): One peer reviewer stated that Newhall Land may have destroyed *C. parryi* var. *fernandina* subpopulations on Newhall Ranch lands in the past, and investigations were purported to be initiated by CDFW into possible violation. This resulted in an agreement by Newhall to actively manage and restore *C. parryi* var. *fernandina* habitat. However, the reviewer did not believe any of these restoration and management activities have been initiated.

Response: There was a 2003 settlement agreement executed between Newhall Land and CDFW following an onsite investigation that occurred in 2002. This resulted in establishing two permanent conservation easements, one at Airport Mesa and one at Grapevine Mesa, totaling approximately 64 ac (26 ha). The settlement agreement required that a management plan for the plant be prepared, funded, and implemented in those two areas as mitigation for impacts affiliated with that investigation.

Comment (14): One peer reviewer stated that creating small rare plant preserves under the SCP has the potential to reduce long-term success to maintain a viable population into the future, as this eliminates connectivity to adjacent habitats to which populations might have migrated, beyond the borders of the preserve boundaries.

Response: The 2017 CCA establishes additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population, including three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. This will allow *C. parryi* var. *fernandina* populations to expand into the area of protected conservation land, and increase the extent of protected spineflower occurrence locations within the Santa Clarita population.

Comment (15): One peer reviewer stated that there are six other species in the genus *Chorizanthe* in California that have been listed under the Act as endangered species, all of which have larger populations than *C. parryi* var. *fernandina.* The Service's listing of these other plants as endangered has established a precedent for endangered plants of this genus.

Response: The Service evaluates each species individually, using the best available scientific and commercial information on that species, in making a listing determination. There are many factors and reasons why a determination for one species may be different than that for another species. The fact that a species has been determined to be endangered under the Act does not mean that other species within the same genus also automatically meet the Act's definition of endangered.

Comment (16): One peer reviewer stated that the introduction plan provided for by the 2017 CCA is more appropriately addressed under a *C. parryi* var. *fernandina* recovery plan

than as part of the proposed listing rule. The success or failure of the proposed plan will likely require decades to determine. The use of positive outcomes can only occur after a measured success. Since the effectiveness of proposed conservation measures cannot be evaluated for many years, it is premature to rely on potential future success of these measures when determining the vulnerability of *C. parryi* var. *fernandina.*

Response: We stated in the proposed rule (81 FR 63454, September 15, 2016, see p. 63458) that we will formally evaluate all measures included in Newhall Land's conservation strategy using PECE before making our final determination of the status of the plant. In determining whether a formalized conservation effort contributes to forming a basis for not listing a species, or for listing a species as threatened rather than endangered, we must evaluate whether proposed conservation efforts improve the status of the species under the Act. Two factors are key in that evaluation: (1) For those efforts yet to be implemented, the certainty that the conservation effort will be implemented; and (2) for those efforts that have not yet demonstrated effectiveness, the certainty that the conservation effort will be effective. In our PECE analysis of the 2017 CCA for the spineflower, we found that there is a high degree of certainty that the conservation measures under the plan will be implemented, and a high degree of certainty that the conservation measures will be effective. Please see the full PECE analysis at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078.

Public Comments

Comment (17): One commenter stated that McGraw (2012) found a strong positive correlation between percentage of the mapped cumulative footprint supporting *C. parryi* var. *fernandina* in a given year and total annual rainfall. However, the data of acres occupied annually by *C. parryi* var. *fernandina* demonstrate that there is no apparent overall increase or decreasing trend over the last 17 years; therefore, there is no reason to expect a trend change in the next 25 years based on the best available information.

Response: Interannual variability in total annual rainfall is a major driver of the variability in *C. parryi* var. *fernandina's* distribution, but additional factors, including temperature, timing of precipitation in fall or winter, and drought, may also play a role (McGraw 2012, p. A–6). The proposed development of Newhall Ranch would directly remove 25 percent of the *C. parryi* var. *fernandina* population at Santa Clarita, and the vast majority of the remaining 75 percent of this population would be surrounded and bordered by residential and commercial development. While the data may not show a trend over the survey period, reducing the population by 25 percent and fragmenting the remaining populations introduces new stressors into the population that will affect the persistence of the plant over the next 25 years at this population.

The 2017 CCA establishes additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population, including three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These areas are intended to expand the area of protected conservation land for *C. parryi* var. *fernandina* and increase the extent of protected occurrence locations within the Santa Clarita population to buffer it from the detrimental effects of loss of habitat and individuals and the associated edge effects, which should increase persistence of the plant over the next 25 years at this population.

Comment (18): One commenter stated that the Species Report overstates the extent to which habitat fragmentation will affect *C. parryi* var. *fernandina.* The commenter stated that *C. parryi* var. *fernandina* preserves and large, connected open spaces within and around the Newhall Land property development areas will preserve connectivity for mobile pollinators such as honeybees and potential seed dispersers, maintaining opportunities for genetic exchange between preserves. *C. parryi* var. *fernandina* preserve management, including habitat restoration and enhancement, will maintain and enhance floral and other habitat resources in the preserves for pollinators and seed dispersers.

Response: Development of Newhall Ranch will remove some occurrences that connect, or are intermittent between, the larger concentrations of *C. parryi* var. *fernandina* in the designated preserves. Removing some of the smaller scattered populations outside the preserves will likely make the distances between remaining concentrations of *C. parryi* var. *fernandina* larger and make the habitat that supports the plant more isolated. However, the implementation of the 2017 CCA will establish additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population, including three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These expansion areas will aid connectivity of populations, as well as establish new populations.

Comment (19): Future habitat conditions in *C. parryi* var. *fernandina* preserves will generally be resistant to permanent Argentine ant invasions. Consequently, there is little risk of long-term infestation by Argentine ants in numbers sufficient to permanently displace arthropods that provide pollinator and seed dispersal services.

Response: Our analyses in the Species Report indicate that if Argentine ants invade an area, they are likely to permanently displace arthropods that provide pollinator and seed dispersal services (Service 2016, pp. 44–62). Argentine ants are present on Newhall Ranch in at least two SCP preserves (Entrada and Potrero), and within the open space that acts as a corridor between the SCP preserves, the Santa Clara River (Dudek 2016b, pp. 17, 20). It is therefore reasonable to assume that conditions are currently suitable for Argentine ants within at least two preserves. Argentine ants are assumed to be present throughout the development and are expected to be present in the open areas adjacent to the preserves in the future post-development (Dudek 2010a, p. 130). Also, Dudek (2016b, pp. 5–18) states that five out of the seven SCP preserves (82 percent of the total preserve area) have a ''high potential for serious encroachment or invasion of Argentine ants'' given current and proposed adjacent land uses.

The 2017 CCA states that annual Argentine ant monitoring will be conducted as part of the ongoing habitat maintenance, and appropriate control measures consistent with the Argentine Ant Control Plan for Newhall Ranch (Dudek 2014, entire) will be implemented in the event that invasion occurs. If Argentine ants invade, Newhall Land proposes control methods as part of an integrated pest management plan to remove Argentine ants and mitigate for the absence of native pollinators within the preserves (Dudek 2014c, pp. 25–42). Qualified pest control professionals and conservation managers will review and approve any control or mitigation plan. Argentine ants are not considered to be a significant long-term risk to *C. parryi* var. *fernandina* at the introduction sites outside the Santa Clarita population because they are all well separated from areas supporting potential source

populations, such as urban development areas.

Comment (20): One commenter stated that in the proposed rule (81 FR 63454; September 15, 2016), the Service's conclusion that there may not be sufficient redundancy to sustain *C. parryi* var. *fernandina* over the long term is overstated, because evidence indicates the long-term threats to redundancy can be effectively managed through habitat restoration in the preserves, management of Argentine ants, and introduction of *C. parryi* var. *fernandina* into non-preserve areas.

Response: Redundancy does not just refer to the population at Santa Clarita but refers to the ability of a species to compensate for fluctuations in or loss of populations across the species' range such that the loss of a single population has little or no lasting effect on the structure and functioning of the species as a whole. Multiple interacting populations across a broad geographic area provide insurance against the risk of extinction caused by catastrophic events. Because historically there were no fewer than 10 additional populations across Los Angeles and Orange Counties in Southern California, and currently there are 2 populations, redundancy is decreased for *C. parryi* var. *fernandina.* If either of the two extant populations were permanently lost, the redundancy would be further lowered, thereby decreasing the plant's chance of survival in the face of potential environmental or demographic stochastic factors and catastrophic events (*e.g.,* wildfire, extreme drought).

The additional conservation areas proposed in the 2017 CCA are intended to increase the number and extent of *C. parryi* var. *fernandina* populations within its historical range and increase redundancy. The CCA provides for Newhall Land to introduce *C. parryi* var. *fernandina* within portions of the additional conservation areas with the goal of establishing at least two new self-sustaining, persistent occurrences to increase the redundancy of the species.

Comment (21): One commenter stated that the seven *C. parryi* var. *fernandina* preserves will help maintain the existing representation of the plant on Newhall property. Likewise, the endowment for management of the Laskey Mesa population will also contribute to continued representation of that population.

Response: Representation refers to a species' ability to adapt to changing environmental conditions, which is a species' adaptive capacity. Representation is characterized by the breadth of genetic and environmental diversity within and among populations; this can be related to the distribution of populations within the variation in a species' ecological settings. Historically, there were no fewer than 10 *C. parryi* var. *fernandina* populations across southern California, representing at least five ecoregions of the conterminous United States. Ecoregions denote areas of general similarity in ecosystems through analysis of patterns of biotic and abiotic phenomena, including geology, physiography, vegetation, climate, soils, land use, wildlife, and hydrology. Currently, there are only two *C. parryi* var. *fernandina* populations, 17 mi (27 km) apart, representing only one ecoregion.

The goal of the 2017 CCA is to establish at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences, at least one of which will be in a different ecoregion from the existing populations to increase the number of ecoregions in which the plant is represented. The two existing *C. parryi* var. *fernandina* populations are located in the Venturan-Angeleno Coastal Hills ecoregion. The additional conservation area in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location, is within the Southern California Lower Montane Shrubland Woodland ecoregion. The additional conservation area located in the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake near a known extirpated population location is within the Arid Montane Slopes ecoregion. Establishing at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences where at least one is in a different ecoregion from the existing populations may improve the ability of the plant to adapt to changing environmental conditions into the future.

Comment (22): One commenter stated that long-term establishment of *C. parryi* var. *fernandina* is feasible. Efforts to do so will require a commitment to significant planning, resources, ongoing scientific observation and study, adaptive management, and incorporation of most current plant and environmental science. Constraints to establishment of new populations of *C. parryi* var. *fernandina* include: (a) Availability of seed source due to physical and morphological reasons; (b) availability of land in the historical range of the plant that is not already developed or threatened by encroachment of nonnative and invasive species; (c) presence of appropriate climatic and hydrologic conditions (hot and dry with seasonal drought conditions and no irrigation); (d) presence of specific soil types and geomorphological conditions (including specific substrate, elevation, and aspect); (e) minimal environmental threats; and (f) availability of arthropods that can facilitate pollination to ensure higher achene (seed head) set and ensure genetic diversity.

Response: The 2017 CCA includes a commitment to significant planning, resources, ongoing scientific observation and study, adaptive management, and incorporation of most current plant and environmental science. Newhall Land will cause permanent conservation instruments to be recorded over each of the additional conservation areas in which *C. parryi* var. *fernandina* is established to ensure that the habitat values for the species are maintained, minimizing environmental threats. Newhall Land will fund all initial habitat enhancement and *C. parryi* var. *fernandina* introduction activities within the additional conservation areas, and will fund one or more endowments to provide perpetual management and monitoring within the additional conservation areas.

To address availability of seed source, it is anticipated that there will be opportunities for topsoil salvage from *C. parryi* var. *fernandina* occupied areas within the proposed developments on Newhall Land property at the Santa Clarita population. In addition, a phased approach will provide lead time to conduct wild seed collections (and to grow these seeds in a controlled nursery setting to bulk seed, if necessary) to acquire the necessary seed resources to implement *C. parryi* var. *fernandina* introduction in the various areas.

To address the need for appropriate climatic and hydrologic conditions and the presence of specific soil types and geomorphological conditions, the additional conservation areas were selected based on proximity to extant *C. parryi* var. *fernandina* populations, proximity to extirpated historical locations, availability of undeveloped open space, surrounding land uses, and land ownership. Some other areas were considered, but rejected due to lack of conserved open space, unsuitable conditions, or untenable land ownership situations. Once potential sites were identified, the sites that best met the identified parameters that appear to favor occupation by *C. parryi* var. *fernandina* were chosen. Site selection relied heavily on the results of a habitat characterization study, which compared occupied and unoccupied areas within coastal scrub and annual grassland, to identify characteristics of occupied *C. parryi* var. *fernandina* habitat. In addition to selecting what

appeared to be the most suitable sites, the approach in the 2017 CCA is to assist *C. parryi* var. *fernandina* during the early establishment period in order to help the introduced population develop a foothold through habitat enhancement, ultimately resulting in at least two new self-sustaining, persistent populations.

Comment (23): One commenter stated that Newhall Land appears to have begun vegetation clearing on the project site where *Chorizanthe parryi* var. *fernandina* is located. The commenter does not believe that such actions comply with the rules and regulations of the Act.

Response: Section 7 of the Act provides a mechanism for identifying and resolving potential conflicts between a proposed action and a species proposed for listing at an early planning stage. While consultations for listed species are required when the proposed action may affect listed species, a conference is required only when the proposed action is likely to jeopardize the continued existence of a species proposed for listing.

The Final Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the Newhall Ranch Resource Management and Development Project included detailed analysis of the direct, indirect, and cumulative impacts of the proposed discharges of fill material in waters of the United States and associated upland development activities on *C. parryi* var. *fernandina* and included mitigation measures to avoid, minimize, and compensate for impacts to the plant. Subsequent to the Final EIS/EIR, Newhall Land agreed to implement additional measures to further compensate for unavoidable impacts to *C. parryi* var. *fernandina* as documented in the 2017 CCA. In consideration of the additional conservation areas and *C. parryi* var. *fernandina* introduction sites required as part of the CCA, the U.S. Army Corps of Engineers made a final determination that permit no. SPL–2003–01264 would not jeopardize the continued existence of *C. parryi* var. *fernandina* and is not required to complete a conference opinion to comply with the requirements of the Act.

Comment (24): One commenter stated that the Rye Fire in Santa Clarita, which began on December 5, 2017, has apparently burned at least five of the proposed seven conservation areas for *C. parryi* var. *fernandina* and possibly all those located on the Mission Village project. The commenter stated that it is important to determine whether native pollinator arthropods survived the fire. The commenter urged a delay and extension of the comment period so that the effect of this fire on *C. parryi* var. *fernandina* could be investigated.

Response: The December 2017 Rye Fire burned four out of seven of the SCP preserves on Newhall Ranch. Based on prior research, we expect relatively minor effects from the Rye Fire on arthropods that could be spineflower pollinators. Jones *et al.* (2004) conducted pollinator studies on spineflower populations on Newhall Ranch and Ahmanson Ranch, and found that one of the dominant floral visitors on Newhall Ranch was little red ant and the dominant floral visitors at the Ahmanson Ranch were two species of ants: The pyramid ant and the southern fire ant. Matsuda *et al.* (2011, entire) investigated the effect of broad-scale wildfire on ground foraging ants within southern California. They found a net negative effect of fire on the overall diversity of ground foraging ants likely because of changes in community structure rather than the loss of species richness. Although they found a negative effect of fire on ant diversity, the increases in overall species diversity in both the fire-impacted and reference plots suggest that ground-foraging ants may be relatively resilient to fire because only about 2 percent of an ant colony is active on the surface, thus limiting direct mortality. They also suggest that unburned patches within a burn area can provide refuge for ants and source populations for recolonization of burned areas.

The intensity of the Rye Fire on Newhall Ranch was diagnosed as light (Watershed Emergency Response Team 2018, pp. 18–20). Based on field testing, the California Geological Survey found that within the mapped fire perimeter, 64 percent of the area was classified as very low/unburned, 34 percent as low, and 2 percent as moderate; no area was classified as high (Watershed Emergency Response Team 2018, pp. 18–20). The severity of the Rye Fire was similar to or generally less than the most recent fires on Newhall Ranch in *C. parryi* var. *fernandina* habitat, the 2003 Verdale Fire and 2007 Magic Fire. Severity in burn areas was generally low in the Magic Fire and very low to moderate in the Verdale Fire (Dudek 2017, p. 10). We were able to investigate the effect of the fire on the plant and its pollinators within the allotted timeframe, and therefore we do not need to extend the comment period on the proposal.

Comment (25): One commenter stated that throughout the 2017 CCA there are definitive statements that the proposed actions will result in the establishment of new populations and reduce or eliminate threats to *C. parryi* var. *fernandina.* The commenter states that the plan will attempt to establish populations and hopefully provide protective measures, but that the proposed conservation efforts cannot be considered as guarantees. The commenter concluded that the 2017 CCA should not be used to determine the current status of *C. parryi* var. *fernandina.*

Response: PECE (68 FR 15100, March 28, 2003) ensures consistent and adequate evaluation of recently formalized, but not yet implemented conservation efforts when making listing decisions. The policy provides guidance on how to evaluate conservation efforts that have not yet been implemented or have not yet demonstrated effectiveness. The evaluation focuses on the certainty that the conservation actions will be implemented and effective.

Using the criteria specified in PECE, we evaluated the certainty of future implementation and certainty of effectiveness of the 2017 CCA. Based on our evaluation, we have a high level of certainty that the conservation actions will be effectively implemented and, therefore, should be considered as part of the basis for our final listing determination for *C. parryi* var. *fernandina.* Please see the full PECE analysis at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2016–0078.

Comment (26): One commenter noted that after the proposed rule was published, an activity occurred at the Laskey Mesa population that threatens the continued existence of *C. parryi* var. *fernandina.* This activity was permitted by the managing agency.

Response: We assume that the recent activity to which the commenter refers is a fashion show that occurred on May 11, 2017. Our understanding is that MRCA permitted approximately 2.5 ac (1 ha) at Laskey Mesa be utilized for the show, but resulting impacts were about 1 ac (.4 ha) larger than planned, and that several aspects of the event were not covered under the permitted activities. The MRCA permit required that there be no disturbance of terrain or indigenous plants. As a result, CDFW sent a letter to the State Wildlife Conservation Board expressing concern over consistency between the funding provided for the purchase of Laskey Mesa and the intended conservation purpose of that funding. There was a follow-up meeting with representatives of CDFW, the State Wildlife Conservation Board, MRCA, and SMMC, in which the same concerns were shared. As a result of the meeting, the State Wildlife Conservation Board,

MRCA, and CDFW agreed to develop a strategy so that concerns regarding the conservation of sensitive species are given a more prominent part in the permitting of activities on Laskey Mesa (*e.g.,* sensitive species surveys prior to filming activities). The CDFW is currently working with its partners in developing the strategy. This strategy should be effective in preventing further variances from permitted activities that might affect *C. parryi* var. *fernandina.*

Summary of Biological Status and Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR 424) set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination. Stressors that currently act, or may act, on *C. parryi* var. *fernandina* in the foreseeable future include development (Factors A and E); nonnative, invasive plants (Factors A and E); Argentine ants (Factor E); grazing and agriculture (Factor A); utility line easements and maintenance (Factor A); miscellaneous land use (Factor A); recreation (Factor E); wildfire (Factor E); and climate change (Factors A and E). The effects of these stressors are magnified by virtue of the plant having small population sizes (Factor E). For the purposes of this analysis, we define the ''foreseeable future'' time period to be 25 years. The basis for this timeframe is that it includes cycles of variation in climate, the potential impacts of the completion of the proposed development of Newhall Ranch, and planned conservation measures for the Laskey Mesa and Santa Clarita populations.

All of these potential stressors are evaluated and presented in our Species Report (Service 2016, pp. 20–78). The best available data indicate that grazing and agriculture, utility line easements and maintenance, miscellaneous land use, and recreation are not resulting in population or rangewide impacts currently or in the future such that they rise to the level of threats to the continued existence of the species. We conclude this because these activities have been or will be removed from most areas that overlap *C. parryi* var. *fernandina.* The remaining stressors—development; nonnative, invasive plants; Argentine ants; wildfire; and potentially climate change—acting on the small isolated populations are described below. We address the remaining stressors below because we determined in our September 15, 2016, proposed rule (81 FR 63454) that population or rangewide impacts may contribute to, or are likely to contribute to, considerable loss of individuals or habitat currently or in the future. Please refer to the Potential Stressors section in the Species Report (Service 2016, pp. 20–78) for a more detailed discussion of our evaluation of the biological status of the plant and the factors that may affect its continued existence.

Development (Factors A and E)

Development consists of converting the landscape into residential, commercial, industrial, and recreational features, with associated infrastructure such as roads. Currently, development does not impact *C. parryi* var. *fernandina* at either population. In the future, no development is anticipated at the Laskey Mesa site because the property is owned and managed by the SMMC and MRCA, and preserved as permanent parkland. At the Santa Clarita site, the population is within the footprint of the proposed Newhall Ranch development project.

At the time we issued the proposed rule (81 FR 63454, September 15, 2016), available information indicated that the future development of the proposed Newhall Ranch would directly remove 24 percent of the *C. parryi* var. *fernandina* population and occupied habitat at the Santa Clarita site, reducing the population from approximately 20 ac (8 ha) to 15 ac (6 ha) of cumulative occupied area (Dudek 2010a, Table 12, p. 67). In addition to habitat removal, the proposed development would also create indirect effects by fragmenting the remaining habitat between the occurrences of *C. parryi* var. *fernandina.* The impacts of fragmented habitat include: (1) Edge effects around remaining populations, such as increasing the risk of invasion of nonnative, invasive plants and animals; and (2) further separation of occurrences relative to current conditions because much of the area between the remaining occurrences would be residential and commercial development (Dudek 2010a, pp. 48–117), potentially affecting pollination and dispersal of the plant (Steffan-Dewenter and Tscharntke 1999, p. 437; Menges 1991, pp. 158–164; Jennerston 1988, pp. 359–366; Cunningham 2000, pp. 1149–1152). These indirect effects of the proposed development would remain into the future post-construction.

Under the 2010 SCP, Newhall Land Company designated seven spineflower preserves containing approximately 15 ac (6 ha) of *C. parryi* var. *fernandina* occupied area, which is the remaining 76 percent of the Santa Clarita population. Easements and an endowment to manage and monitor the preserves have been put in place. In addition to the preserves designated under the SCP, the 2017 CCA establishes additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population (Areas 1–3 in Figure 2, above), reducing the overall threat to this population from development. The additional conservation areas at the Santa Clarita population total approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These areas are intended to expand the area of protected conservation land for the plant and increase the extent of protected occurrence locations within the Santa Clarita population to buffer it from detrimental effects of loss of habitat and individuals and the associated edge effects. All of the conservation areas (*i.e.,* preserves under the SCP and occurrences under the 2017 CCA) will be in permanent conservation and will not be directly threatened by development.

Overall, we projected in our September 15, 2016, proposed rule that development at one of the two *C. parryi* var. *fernandina* populations would result in the loss of 24 percent of the Santa Clarita population in the future and that edge effects to the remaining Santa Clarita population were expected. Edge effects around the remaining occurrences put these patches at risk and separate them more than they are under current conditions. However, under the 2017 CCA, abundance and distribution of the plant within the Santa Clarita population will be increased to buffer the population from detrimental effects of loss of habitat and individuals and the associated edge effects of the development. When we issued the proposed rule, we concluded that development was a future population-level threat to the plant, as it would result in loss of habitat and individuals, and further reduce the range of the plant, which was already vulnerable due to its small size and isolated populations (Factor E). Since the publication of the proposed rule, the

2017 CCA was developed and signed, and is being implemented. The 2017 CCA provides support for *C. parryi* var. *fernandina* by further protecting, increasing, and expanding existing and future populations and habitat.

As discussed above, we have determined that the conservation actions outlined in the 2017 CCA are sufficiently certain to be implemented and effective such that they should be considered in our assessment of status. These conservation actions significantly reduce the identified threats, including effects of historical and future loss of habitat from development (Factor A and E), and their impacts to *C. parryi* var. *fernandina* and its habitat. Thus, the best scientific and commercial data available indicate that the effects associated with development are not a threat to the continued existence of *C. parryi* var. *fernandina* now nor will they be in the foreseeable future.

Small, Isolated Populations (Factors E)

The effects of small, isolated populations include increased risk of extinction from random, naturally occurring events, and potentially reduced genetic variation, which can affect the ability of a species to sustain itself into the future in the face of environmental fluctuations. There are two known populations of *C. parryi* var. *fernandina,* 17 mi (27 km) apart, one at Laskey Mesa and one at Santa Clarita, each comprising approximately 15 to 20 ac (6 to 8 ha) of occupied area. Historically, the plant was known from no less than 10 additional locations across southern California (see Figure 1).

When we issued the proposed rule (81 FR 63454, September 15, 2016), we concluded that having only two small, isolated populations decreased the ability of *C. parryi* var. *fernandina* to sustain itself into the future in the face of environmental fluctuations and random, naturally occurring events. At that time, we determined that this stressor would continue to affect *C. parryi* var. *fernandina* and its habitat at both sites into the future.

Since the publication of the proposed rule, the 2017 CCA was completed, which provides for additional conservation areas that are intended to increase the number and extent of spineflower occurrences within the plant's historic range. The additional conservation areas at the Santa Clarita population, which total approximately 825 ac (334 ha), are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These areas are intended to expand the area of protected conservation land for *C. parryi* var. *fernandina* and increase the extent of protected occurrence locations within the Santa Clarita population to buffer it from detrimental effects of loss of habitat and individuals and the associated edge effects, including Argentine ant invasion.

Introduction sites outside of the Santa Clarita population include an additional conservation area of 357 ac (144 ha) located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County; an additional conservation area of approximately 316 ac (128 ha) located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location; and an additional conservation area located in a 7-ac (2.8-ha) portion of the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location.

Introduction of *C. parryi* var. *fernandina* at historically occupied but currently extirpated sites and at new sites decreases the risk of having small, isolated populations for *C. parryi* var. *fernandina* into the future. When we issued the proposed rule, we concluded that having small, isolated populations was a current and future population-level threat to the plant (Factor E). Since the publication of the proposed rule, the 2017 CCA was developed and is being implemented to increase future populations and habitats for *C. parryi* var. *fernandina.*

At this time, under PECE, we have determined that the conservation actions outlined in the 2017 CCA are sufficiently certain to be implemented and effective such that they should be considered in our assessment of status. These conservation actions significantly reduce the identified threats, including having small, isolated populations (Factor E), and their impacts to *C. parryi* var. *fernandina* and its habitat. Thus, the best scientific and commercial data available indicate that the adverse effects of small, isolated populations to the continued existence of *C. parryi* var. *fernandina* is not a threat to the continued existence of the plant now nor will it be in the foreseeable future.

Nonnative, Invasive Plants (Factors A and E)

Nonnative, invasive plants include nonnative vegetation that occurs within or adjacent to habitat that supports *C. parryi* var. *fernandina.* In particular, we focused on the impacts of nonnative grasses and other fast-invading, nonnative annual plants because they are abundant at both sites and are efficient at displacing native vegetation.

When we issued the proposed rule (81 FR 63454, September 15, 2016), we determined that this stressor would likely affect *C. parryi* var. *fernandina* and its habitat at both sites into the future, but at a decreased severity. Newhall Land provided funding for the management of the Laskey Mesa population, including control of nonnative, invasive vegetation. At the Santa Clarita population, the proposed development of Newhall Ranch would convert areas that currently contain nonnative vegetation to urban areas, thereby reducing the total acreage of nonnative vegetation at this site, but this ground disturbance would also create additional opportunities for nonnative plants to invade urban edges of *C. parryi* var. *fernandina* preserves and natural open space. In general, nonnative weedy species are often edge species and become more prevalent or increase in abundance, while rare and sensitive species and species that were once widespread tend to decline (Hilty *et al.* 2006, pp. 42–45).

The 2017 CCA provides for Newhall Land to voluntarily implement conservation measures described in the introduction plan with the goal of establishing new, protected *C. parryi* var. *fernandina* occurrences within the plant's historical range. Weed control is an important component of the introduction plan and will be implemented at all additional conservation areas. The first year of the seeding trials demonstrated successful plant establishment from both broadcast seeding and salvaged topsoil and documented positive effects from weeding. Confirmation that the weed control method used in the seeding trials is effective in improving performance of the plant has important positive implications both for the introduction plan and for management of occupied habitat within the SCP preserves.

In our September 15, 2016, proposed rule, we concluded that nonnative, invasive plants are abundant at both Laskey Mesa and Santa Clarita populations, reduce available habitat quality, compete with *C. parryi* var. *fernandina* for resources, and increase potential for wildfire. We also concluded that this stressor historically affected Laskey Mesa and Santa Clarita populations and will continue to affect *C. parryi* var. *fernandina* and its habitat at both sites into the future, but at a lower level than historically. Management actions will reduce the presence and impact of nonnative, invasive grasses that would be

implemented in the near future and would be effective in reducing this stressor. When we issued the proposed rule, we concluded that nonnative, invasive plants are a population-level threat to *C. parryi* var. *fernandina* (loss of individuals) and its habitat (Factors A and E). Since the publication of the proposed rule, the 2017 CCA was developed and signed that now provides additional protected habitat for *C. parryi* var. *fernandina* by increasing future populations and habitats where weeds will be controlled. At this time, under PECE, we have determined that the conservation actions outlined in the 2017 CCA are sufficiently certain to be implemented and effective such that they should be considered in our assessment of the status. These conservation actions significantly reduce the identified threats, including historical and future loss of habitat from nonnative, invasive plants (Factors A and E), and their impacts to *C. parryi* var. *fernandina* and its habitat. Thus, the best scientific and commercial data available indicate that the stressor of invasive, nonnative plants is not a threat to the continued existence of *C. parryi* var. *fernandina* now nor will it be in the foreseeable future.

Argentine Ants (Factor E)

Argentine ants may impact pollination and seed dispersal vectors of *C. parryi* var. *fernandina.* Based on the best available information, Argentine ants have not historically impacted the Laskey Mesa or Santa Clarita populations of *C. parryi* var. *fernandina.* Currently, at Laskey Mesa, Argentine ants are present in close proximity, but they were not encountered in areas occupied by *C. parryi* var. *fernandina* because, presumably, the conditions are too dry and thus unsuitable (Sapphos 2000, pp. 6–8). At Santa Clarita, as of February 2016, Argentine ants were present within two SCP preserves, Entrada and Potrero (Dudek, 2016b, pp. 17, 20), in the Santa Clara River corridor (Dudek 2016b, entire), at Middle Canyon Spring (Dudek 2010a, p. 130), and in the existing utility corridor that runs along the southern portion of the property and through the Entrada Preserve (Dudek 2016b, p. 17).

At Laskey Mesa, we do not expect Argentine ants will impact *C. parryi* var. *fernandina* in the future as there is no anticipated change in land use. At Santa Clarita, Argentine ants already occur, and we would expect them to occur within development areas and open areas adjacent to the preserves in the future after development of the proposed Newhall Ranch (Dudek 2010a, p. 130; Dudek 2016b, pp. 4–20).

In our September 15, 2016, proposed rule, we determined that loss of habitat and individuals and the associated edge effects including proliferation of Argentine ants at the Santa Clarita population are likely to decrease habitat quality, reducing resiliency at this population. The 2017 CCA includes establishing additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population, including three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These additional conservation areas are intended to increase the extent of protected *C. parryi* var. *fernandina* occurrences within the Santa Clarita population to buffer it from detrimental effects of loss of habitat and individuals and the associated edge effects, including Argentine ant invasion.

The additional conservation area adjacent to the existing Potrero preserve is at risk of invasion by Argentine ants. The two additional conservation areas adjacent to the existing San Martinez Grande preserve are farther from existing or proposed development (see Figure 2, above). None of the adjacent land uses near San Martinez Grande poses a heightened threat of Argentine ant invasion (Dudek 2016, p. 6). These additional conservation areas are not expected to be at risk of invasion from Argentine ants and should contribute to *C. parryi* var. *fernandina* numbers and recruitment at the Santa Clarita population. Pollination and seed dispersal vectors are therefore expected to remain healthy at these sites. Argentine ants are not considered to be a significant long-term risk to *C. parryi* var. *fernandina at* the introduction sites outside of the Santa Clarita population because they are all well separated from areas supporting potential source populations of Argentine ants, such as urban development areas.

The 2017 CCA describes that annual Argentine ant monitoring will be conducted as part of the ongoing habitat maintenance and appropriate control measures consistent with the Argentine Ant Control Plan for Newhall Ranch (Dudek 2014, entire) in the event that invasion occurs. If Argentine ants invade, Newhall Land proposes control methods as part of an integrated pest management plan to remove Argentine ants and mitigate for the absence of native pollinators within the preserves (Dudek 2014c, pp. 25–42). Qualified pest control professionals and conservation managers will review and approve any control or mitigation plan.

When we issued the proposed rule, we concluded that Argentine ants are a current and future population-level threat to *C. parryi* var. *fernandina* (loss of individuals) (Factor E). Since the publication of the proposed rule, the 2017 CCA was developed and signed, which will expand the area of protected conservation land for *C. parryi* var. *fernandina* and increase the extent of protected occurrences within the Santa Clarita population to buffer it from detrimental effects of Argentine ant invasion. Argentine ants may still affect some portion of the Santa Clarita population, but by increasing the overall resiliency of the population to those effects by increasing numbers and area for the spineflower, the effects of Argentine ants, including loss of pollinators and seed dispersers, are not expected to result in meaningful impacts at the population scale. At this time, under PECE, we have determined that the conservation actions outlined in the 2017 CCA are sufficiently certain to be implemented and effective such that they should be considered in our assessment of status. These conservation actions significantly reduce the identified threats, including Argentine ants (Factor E), and their impacts to *C. parryi* var. *fernandina* and its habitat. Thus, the best scientific and commercial data available indicate that Argentine ants are not a threat to the continued existence of *C. parryi* var. *fernandina* now nor will they be in the foreseeable future.

Climate Change (Factors A and E)

The term ''climate'' refers to the mean and variability of different types of weather conditions over time, with 30 years being a typical period for such measurements, although shorter or longer periods also may be used (IPCC 2014, p. 119). The term ''climate change'' thus refers to a change in the mean or variability of one or more measures of climate (for example, temperature or precipitation) that persists for an extended period, typically decades or longer, whether the change is due to natural variability, human activity, or both (IPCC 2014, p. 120). A recent synthesis report of climate change and its effects is available from the Intergovernmental Panel on Climate Change (IPCC) (IPCC 2014, entire).

There is no way to measure past impacts at either population associated with climate change. Compared to historical or baseline temperature and precipitation measurements, projections of climate change in the south coast region of California indicate that precipitation will decrease slightly and

temperature will increase slightly by mid-century. The response of *C. parryi* var. *fernandina* may be similar to other plant species with a similar life history. A growing body of literature discusses the specific mechanisms by which climate change could affect the abundance, distribution, and long-term viability of plant species, as well as current habitat configuration over time, including, but not limited to, Root *et al.* (2003), Parmesan and Yohe (2003), and Visser and Both (2005). Some of the responses by plants to climate change presented by these studies and others include the following:

1. Drier conditions may result in less suitable habitat, or a lower germination success and smaller population sizes;
2. Higher temperatures may inhibit germination, dry out soil, or affect pollinator services;
3. The timing of pollinator life cycles may become out-of-sync with timing of flowering;
4. A shift in the timing and nature of annual precipitation may favor expansion in abundance and distribution of nonnative species; and
5. Drier conditions may result in increased fire frequency, making the ecosystems in which a species currently grows more vulnerable to threats of nonnative plant invasion.

Overall, although many climate models generally agree about potential future changes in temperature and precipitation, their consequent effects on vegetation are more uncertain, as is the rate at which any such changes might be realized. It is not clear how or when changes in vegetation type or plant species composition will affect the distribution of *C. parryi* var. *fernandina.* Therefore, uncertainty exists when determining the level of impact climate change may have on *C. parryi* var. *fernandina* or its habitat. At the time of the proposed listing, based on the analysis in the Species Report (Service 2016, pp. 73–78) and summarized above, the best available information did not allow us to reliably project responses of *C. parryi* var. *fernandina* to indicate that climate change is a threat to the continued existence of the plant or its habitat now or in the future, although we continue to seek additional information concerning how climate change may affect the plant and its habitat (Factors A and E).

Since the publication of the proposed rule, the 2017 CCA was developed and signed. The actions in the 2017 CCA will result in at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences and will increase the number of ecoregions in which *C. parryi* var. *fernandina* is represented. Increasing the number of ecoregions in which the plant is represented is intended to improve the ability of the plant to adapt to changing environmental conditions into the future. Ecoregions denote areas of general similarity in ecosystems through analysis of patterns of biotic and abiotic phenomena, including geology, physiography, vegetation, climate, soils, land use, wildlife, and hydrology; level IV is the finest ecoregion level developed by the Environmental Protection Agency (Environmental Protection Agency 2016). Currently, there are only two *C. parryi* var. *fernandina* populations, 17 mi (27 km) apart, representing only one level IV ecoregion. Increasing the number of ecoregions in which the species occurs may increase the ability of the plant to adapt to a changing environment, which may decrease the risk of future extirpation of the plant under climate change. The two existing *C. parryi* var. *fernandina* populations are located in the Venturan-Angeleno Coastal Hills ecoregion. The additional conservation area in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location, is within the Southern California Lower Montane Shrubland Woodland ecoregion. The additional conservation area located in the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake near a known extirpated population location is within the Arid Montane Slopes ecoregion.

In our September 15, 2016, proposed rule, based on the analysis in the Species Report (Service 2016, pp. 73–78), we determined that we did not have reliable information to indicate that climate change is a threat to *C. parryi* var. *fernandina* or its habitat now or in the future (Factors A and E). Uncertainty about the effects of climate change on the plant remains. Therefore, we do not have reliable information to indicate that climate change is a threat to *C. parryi* var. *fernandina* habitat now or in the future (Factors A and E).

Wildfire (Factor E)

In our Species Report, we concluded that wildfire directly impacts *C. parryi* var. *fernandina* where they co-occur, but that this impact is temporary until vegetation reestablishes post fire (Service 2016, pp.73–76). The extent of direct impacts may depend on the severity of the fire, which is a function of its intensity (heat output) and duration. A high-intensity (*i.e.,* hotter) and/or long duration fire would be more likely to incinerate seeds than a fire that is lower intensity (*i.e.,* cooler) and/or has a shorter duration (*i.e.,* is faster moving) (McGraw 2017, p. 4). Seed germination of related taxa, Parry's spineflower, appears to be inhibited by fire (Ellstrand 1994 and Ogden 1999, in CBI 2000, pp. 4, 13). A study on the effects of fire on Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*) found that fire directly reduced seed germination during the first year after the fire (McGraw 2017, p. 5).

Despite the effect of direct scorching, fire may prove beneficial to *C. parryi* var. *fernandina* by creating openings in ground cover and temporarily reducing competition (CBI 2000, p. 13). The Ben Lomond spineflower study found that fire indirectly facilitated Ben Lomond spineflower by removing accumulative leaf litter and creating openings for seedlings (McGraw 2017, p. 5). However, by creating such open areas, wildfire expands the footprint of invasive annual plants that are more likely to ignite and carry fire than much of the native flora, thereby creating a feedback mechanism.

The Rye Fire on Newhall Ranch began on December 5, 2017, and burned approximately 2,845 ac (1,150 ha) of land within the boundaries of the SCP area. Of the seven SCP preserves, four were burned (Grapevine Mesa, Airport Mesa, Spring, and Potrero). The westernmost portion of the Airport Mesa preserve burned while the entirety of the Spring, Grapevine, and Potrero preserves burned. Of the 20-ac (8-ha) cumulative *C. parryi* var. *fernandina* occupied area within the SCP, approximately 13 ac (5 ha) were affected by the Rye Fire (approximately 66 percent of total cumulative occupied area since 2002), including 4 ac (1.6 ha) in the Grapevine Mesa preserve, 5 ac (2 ha) in Airport Mesa preserve, less than 1 ac (0.4 ha) in the Spring preserve, and 1 ac (0.4 ha) in the Potrero preserve (Dudek 2017, pp. 14–15). Approximately 3 ac (1.2 ha) of *C. parryi* var. *fernandina* habitat outside the SCP preserves were affected by the fire; of that area, approximately 1 ac (0.4 ha) was no longer occupied at the time of the fire, because this area lies within the Mission Village Project Site, and Newhall Land had previously conducted soil salvage in the *C. parryi* var. *fernandina* occupied area as an SCP conservation measure (Dudek 2017, pp. 14–15). This soil was stored off site at the time of the fire and was not burned.

The intensity of the Rye Fire on Newhall Ranch was characterized as light (Watershed Emergency Response Team 2018, pp. 18–20). Based on field testing, the California Geological Survey found that within the mapped fire perimeter, 64 percent of the area was

classified as very low/unburned, 34 percent as low, and 2 percent as moderate; no area was classified as high (Watershed Emergency Response Team 2018, pp. 18–20). The severity of the Rye Fire was similar to or generally less than the most recent fires on Newhall Ranch in *C. parryi* var. *fernandina* habitat, the 2003 Verdale Fire and 2007 Magic Fire. Severity in burn areas was generally low in the Magic Fire and very low to moderate in the Verdale Fire (Dudek 2017, p. 10). At the Laskey Mesa population, the Devonshire-Parker Fire (1967) burned a portion of the *C. parryi* var. *fernandina;* the Clampett Fire (1970) burned most of the plants; and the Dayton Fire (1982) and Topanga Fire (2005) burned all *C. parryi* var. *fernandina* plants onsite. These fires had relatively short intervals between burn events, between 2 and 18 years.

If the Rye Fire promotes the invasion and spread of exotic plants, it will degrade habitat for *C. parryi* var. *fernandina.* In the 2016 Species Report, we found that small native annuals like *C. parryi* var. *fernandina* cannot compete with fast-growing nonnative plants (*i.e.,* grasses) for light, water, and soil nutrients (Service 2016, pp. 39–44). *Chorizanthe parryi* var. *fernandina's* size, density, and biomass were all found to be negatively correlated with exotic plant cover during the observational studies conducted as part of habitat characterization (McGraw 2017, p. 20). In addition, by manipulating the cover of exotic plants through weed whacking, the 2016 seeding trials demonstrated that exotic plants reduce population growth rate by significantly reducing *C. parryi* var. *fernandina* seedling establishment, survivorship, flower production, and seed set through competition (McGraw and Thomson 2017, p. 14).

Numerous previous wildfire events have occurred on Newhall Ranch since 1913, including at least 12 since 1983 (excluding the 2017 Rye Fire), and several of these fires have affected extensive areas of spineflower-occupied habitat (Dudek 2017, p. 10). *Chorizanthe parryi* var. *fernandina* monitoring began on Newhall Ranch in 2002. Two fires have affected the Santa Clarita population since then. The 2003 Verdale Fire burned almost the entire San Martinez Grande preserve area. The 2007 Magic Fire burned portions of the Grapevine Mesa and Entrada preserve areas. Both the 2003 Verdale Fire and the 2007 Magic Fire occurred in October, after *C. parryi* var. *fernandina* surveys had been conducted for that year.

Large year-to-year fluctuations in population numbers make it difficult to discern pre- and post-burn trends in *C. parryi* var. *fernandina.* As an annual plant that exhibits large fluctuations in aboveground population size, abundance appears to track to annual climatic variability, particularly amount of rainfall (Dudek 2010a, pp. 18–20; Dudek 2012, p. 12; McGraw 2012, entire). Surveys conducted following the fires that occurred on Newhall Ranch in 2003 and 2007 show that year-to-year fluctuations in *C. parryi* var. *fernandina* occupied area and population numbers within burned areas have generally been consistent with fluctuations in unburned areas (Dudek 2017, p. 11). In addition, no significant patterns relating historical fire frequency to *C. parryi* var. *fernandina* cover, density, survival to flower, or size were observed in 2014 (McGraw 2017, p. 3). However, *C. parryi* var. *fernandina* cover, density, and size were all generally negatively correlated with the cover of shrubs, which increases with time after fire, suggesting that *C. parryi* var. *fernandina* may do better in terms of density and size in more recently burned areas (McGraw 2017, p. 3).

We expect relatively minor effects from the Rye Fire on arthropods that could be *C. parryi* var. *fernandina* pollinators. Jones *et al.* (2004) conducted pollinator studies on *C. parryi* var. *fernandina* populations on Newhall Ranch and Ahmanson Ranch, and found that one of the dominant floral visitors on Newhall Ranch was little red ant and the dominant floral visitors at the Ahmanson Ranch were two species of ants: The pyramid ant and the southern fire ant. Matsuda *et al.* (2011, entire) investigated the effect of broad-scale wildfire on ground foraging ants within southern California. They found a net negative effect of fire on the overall diversity of ground foraging ants likely because of changes in community structure rather than the loss of species richness. Although they found a negative effect of fire on ant diversity, the increases in overall species diversity in both the fire-impacted and reference plots suggest that ground-foraging ants may be relatively resilient to fire because only about 2 percent of an ant colony is active on the surface, thus limiting direct mortality. They also suggest that unburned patches within a burn area can provide refuge for ants and source populations for recolonization of burned areas.

Fire suppression activities may impact *C. parryi* var. *fernandina* and its habitat, including clearing vegetation for fire and fuel breaks or spreading retardant. Fire retardant is known to act as a fertilizer that enhances the growth of nonnative grasses (Avery 2001, pp. 17–18). During the Rye Fire, Airport Mesa was the only SCP preserve where Phos-Chek (*i.e.,* aerial applied fire retardant) was dropped. It covered approximately 5 ac (2 ha) of the preserve and less than 1 ac (0.4 ha) of the cumulative spineflower area in that preserve. Also in the Airport Mesa Preserve, an existing road and a portion of undisturbed lands were used by vehicles during the fire (Dudek 2017, p. 15).

In 2011, the Service issued a biological and conference opinion based on our review of the continued aerial application of fire retardants, including Phos-Chek, on National Forest System Lands and its effects on 75 species listed as endangered or threatened, or proposed for listing, and on designated critical habitat in accordance with section 7 of the Act (Service 2011, entire). This opinion did not directly address effects to *C. parryi* var. *fernandina.* However, it addressed effects to the slender-horned spineflower (*Dodecahema leptoceras*) (Service 2011, pp. 411–414). Our analyses found that fire retardant applications could impact the plant via short-term (1 to 2 growing seasons) phytotoxic effects, including leaf burning, shoot die-back, a decrease in germination, and plant death. However, the more likely effects to the species would be that nonnative plants could be enhanced by fire retardant application and impact population. Fire retardants contain nitrogen and phosphorus that could act as nutrients. While fire retardant could enhance nonnative plants, it could also enhance slender-horned spineflower growth.

The effects of Phos-Check were also examined as part of the Ben Lomond spineflower study (McGraw 2017, pp. 5–6). There were no biologically meaningful increases in the cover or richness of exotic plants within the Phos-Chek treated areas. This may reflect the dense shrub and tree cover in these areas, which limits the ability of light-limited exotic plants to establish, or the Phos-Chek nutrients might have been readily taken up by native plants, or readily flushed from the sandy-soil system.

Monitoring of *C. parryi* var. *fernandina* on Newhall Ranch within the SCP preserves will continue to evaluate the performance of the Santa Clarita population post-Rye Fire. If the monitoring shows that management is needed to address direct or indirect effects of the fire, measures will be incorporated into annual work plans as required by the SCP and reviewed by the Spineflower Adaptive Management

Working Group. The primary anticipated post-fire preserve management activity involves monitoring and controlling weeds that may invade burned areas following the fire event, particularly if they exceed 30 percent relative cover (Dudek 2017, p. 7).

Additional information about the effects of the fire on *C. parryi* var. *fernandina* will be obtained through the second year of monitoring of the 2016 seeding trial study plots. The Rye Fire burned 7 of the 10 experimental blocks (groups of treatment plots) into which spineflower seed was sown and topsoil was placed to evaluate the effects of seeding methods and habitat treatment (weeding, irrigation, and soil compaction) on spineflower establishment (McGraw 2017, pp. 7–8). During monitoring of the plots in the 2018 growing season, rates of seedling establishment, survivorship, growth, and reproduction can be compared across plots that burned and those that did not burn.

Given the large *C. parryi* var. *fernandina* occupied area and potentially suitable habitat affected by the Rye Fire (approximately 13 ac (5 ha) or 66 percent of the cumulative occupied area of the Santa Clarita population), the fire has the potential to affect the distribution and performance of the population both directly and indirectly, with these effects having the potential to result in positive or negative outcomes. Overall, the Rye Fire falls within the historical range of fires on Newhall Ranch in terms of size and severity (*i.e.,* generally light burning and little evidence of deep soil charring), and we expect that the plant will be affected by this fire similarly to past fires, where year-to-year fluctuations in *C. parryi* var. *fernandina* occupied area and population numbers within burned areas were generally consistent with fluctuations in unburned areas (Dudek 2017, p. 11). The biggest concern is that fire may promote the invasion and spread of nonnative, invasive grasses that out-compete small native annuals like *C. parryi* var. *fernandina.* The effects of the Rye Fire on *C. parryi* var. *fernandina* may depend on the climate in the ensuing years. Monitoring conducted under the SCP will continue to evaluate the performance of the population, in terms of cover, density, and size of plants, within the SCP preserves, and if the monitoring shows that management is needed to address direct or indirect effects of the fire, such as an increase in nonnative, invasive grasses, measures will be incorporated into annual work plans and implemented (Dudek 2017, p. 7).

Therefore, the best scientific and commercial data available indicate that the stressor of wildlife is not a threat to the continued existence of *C. parryi* var. *fernandina* now nor will it likely be in the foreseeable future.

Synergistic Effects

When stressors occur together, one stressor may exacerbate the effects of another stressor, causing effects not accounted for when stressors are analyzed individually. Synergistic effects may be observed in a short amount of time or may not be noticeable for years into the future, and could affect the long-term viability of *C. parryi* var. *fernandina.* Stressors that could act synergistically on *C. parryi* var. *fernandina* include development; having small, isolated populations; nonnative, invasive plants; Argentine ants; wildfire; and potentially climate change. At the Laskey Mesa site, the presence of nonnative, invasive grasses increases the frequency of wildfire, which in turn creates more open area for nonnative, invasive plants to grow that are more likely to ignite and carry fire than native vegetation (Keeley *et al.* 2005, p. 2123). At the Santa Clarita site, the future development of Newhall Ranch would directly remove 24 percent of the *C. parryi* var. *fernandina* population, fragmenting the habitat between the occurrences of *C. parryi* var. *fernandina,* which will create edge effects around remaining occurrences within *C. parryi* var. *fernandina* preserves, and increase the risk of invasion of Argentine ants and nonnative, invasive plants. When we issued our September 15, 2016, proposed rule, we determined that when considered together, the impact of these stressors has the potential to be high. Even though the impact of each of these stressors may be low to moderate under current conditions, the proposed development of Newhall Ranch, which would occur over the next 25 years, will likely exacerbate the impact of the stressors while confining the *C. parryi* var. *fernandina* population at this site to small patches of suitable habitat adjacent to and bordered by urban development. At the time of the proposed listing, we also determined that long-term future impacts may increase synergistic effects, and it is unknown if *C. parryi* var. *fernandina* will be able to adapt to the potential synergistic effect of stressors. Since the publication of the proposed rule, the 2017 CCA was developed and signed, and is being implemented; the 2017 CCA now provides additional populations and protected habitat for *C. parryi* var. *fernandina.*

At the Laskey Mesa site, we anticipate that management actions will be undertaken to manage the proliferation of nonnative, invasive grasses. At the Santa Clarita site, the 2017 CCA conservation efforts will expand the area of protected conservation land for the plant and will increase the extent of protected locations within the Santa Clarita population to buffer it from detrimental effects. Argentine ants may still affect some portion of the Santa Clarita population, but by increasing the overall resiliency of the population to those effects by increasing numbers and area for the spineflower, the effects of Argentine ants, including some loss of pollinators and seed dispersers, is not expected to have significant impacts at the population scale. Weeding will decrease the impacts of nonnative, invasive plants. Additional conservation areas associated with the 2017 CCA outside the Santa Clarita population are not at risk from Argentine ant invasion; weeding will also take place. Increasing the overall redundancy of *C. parryi* var. *fernandina* with additional populations and distributing those populations across different ecoregions improves the ability of the plant to withstand small-scale stressors, as well as catastrophic events. At this time, under PECE, we have determined that the conservation actions outlined in the 2017 CCA are sufficiently certain to be implemented and effective such that the actions will significantly reduce the identified threats, including their synergistic effects, to *C. parryi* var. *fernandina* and its habitat. Thus, the best scientific and commercial data available indicate that synergistic effects acting on *C. parryi* var. *fernandina* or its habitat are not a threat to the continued existence of the plant now nor will they be in the foreseeable future.

Resiliency, Redundancy, and Representation

We use the principles of resiliency, redundancy, and representation as a lens to evaluate current and future effects to *C. parryi* var. *fernandina.* Resiliency describes the ability of a species to withstand stochastic disturbance. Resiliency is positively related to population size and growth rate, and may be influenced by connectivity among populations. Generally speaking, populations need abundant individuals within habitat patches of adequate area and quality to maintain survival and reproduction in spite of disturbance.

Redundancy describes the ability of a species to withstand catastrophic events. It is about spreading risk among multiple populations to minimize the

potential loss of the species from catastrophic events. Redundancy is characterized by having multiple, resilient populations distributed within the species' ecological settings and across the species' range. It can be measured by population number, resiliency, special extent, and degree of connectivity.

Representation describes the ability of a species to adapt to changing environmental conditions overtime. It is characterized by the breadth of genetic and environmental diversity within and among populations. Measures may include the number of varied niches occupied, the gene diversity, and heterozygosity of alleles per locus.

In our September 15, 2016, proposed rule (81 FR 63454) to list *Chorizanthe parryi* var. *fernandina as* a threatened species, we concluded that, overall, redundancy and representation are currently reduced and resiliency is likely to decrease in the future, bringing into question whether *C. parryi* var. *fernandina* can sustain itself in the face of environmental fluctuations and random, naturally occurring events.

Resiliency

In our proposed rule, we determined that loss of habitat and individuals and the associated edge effects (*i.e.,* proliferation of invasive, nonnative plants and Argentine ants) at the Santa Clarita population are likely to decrease habitat quality, reducing resiliency at this population and increasing the overall risk to the plant from random, naturally occurring events. The portions of the 2017 CCA that intend to establish additional *C. parryi* var. *fernandina* occurrences at the Santa Clarita population (Areas 1–3 in Figure 2, above) include three additional conservation areas totaling approximately 825 ac (334 ha) that are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP. These areas are intended to expand the area of protected conservation land for *C. parryi* var. *fernandina* and increase the extent of protected occurrences within the Santa Clarita population to buffer it from detrimental effects of loss of habitat and individuals and the associated edge effects.

Given that invasion by invasive, nonnative plants and Argentine ants could occur, all additional conservation areas will be monitored and managed for these stressors. The enhancement areas surrounding introduction sites will help minimize invasion of nonnative plant species, which could threaten the quality of the habitat for *C. parryi* var. *fernandina* occupation. The overall maintenance program described in the introduction plan, which will occur throughout the duration of the 10-year maintenance and monitoring period, directs enhancement efforts in the additional conservation areas to focus on: (1) Reducing annual nonnative/exotic plant species cover and competition to help facilitate *C. parryi* var. *fernandina* establishment, persistence, and recruitment; (2) increasing native species cover and diversity in disturbed areas, particularly in areas surrounding introduction sites that function as a buffer; and (3) providing regulation and protection of the preserve boundaries from unauthorized human activity and intrusion.

As of February 2016, Argentine ants were present within two SCP preserves at the Santa Clarita population, Entrada and Potrero (Dudek, 2016, pp. 17, 20). Therefore, the additional conservation area adjacent to the existing Potrero preserve is at risk of invasion by Argentine ants. The two additional conservation areas adjacent to the existing San Martinez Grande preserve are farther from existing or proposed development (see Figure 2, above). None of the adjacent land uses near San Martinez Grande poses a heightened threat of Argentine ant invasion (Dudek 2016, p. 6); therefore, these additional conservation areas are not expected to be at risk of invasion Argentine ants and should contribute to *C. parryi* var. *fernandina* numbers and recruitment at the Santa Clarita population. Section 2.4 of the introduction plan describes that annual Argentine ant monitoring will be conducted as part of the ongoing habitat maintenance and appropriate control measures consistent with the Argentine Ant Control Plan for Newhall Ranch (Dudek 2014, entire) will be implemented in the event that invasion occurs. If Argentine ants invade, Newhall Land proposes control methods as part of an integrated pest management plan to remove Argentine ants and mitigate for the absence of native pollinators within the preserves (Dudek 2014c, pp. 25–42). Qualified pest control professionals and conservation managers will review and approve any control or mitigation plan.

Overall, increasing the number and health of the plants at the Santa Clarita population with introduction and enhancement is expected to increase the overall resiliency of the population to potential proliferation of invasive, nonnative plants and the effects of Argentine ant invasion. The two additional conservation areas adjacent to the San Martinez Grande preserve are at low risk of invasion by invasive, nonnative plants and Argentine ants, and should contribute to *C. parryi* var. *fernandina* numbers and recruitment at the Santa Clarita population in the event that the additional conservation area adjacent to the Potrero preserve becomes invaded by Argentine ants and control measures are unsuccessful.

The introduction sites outside of the Santa Clarita population include an additional conservation area of 357 ac (144 ha) located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County (Area 5 in Figure 2, above); an additional conservation area of approximately 316 ac (128 ha) located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location (Area 4 in Figure 2); and an additional conservation area located in a 7-ac (2.8-ha) portion of the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location (Area 6 in Figure 2). Argentine ants are not considered to be a significant long-term risk to *C. parryi* var. *fernandina* at these introduction sites because they are all well separated from areas supporting potential source populations, such as urban development areas. Supplemental watering will be delivered through a water truck rather than a permanent point of connection to a live water line to minimize the potential for the introduction of Argentine ants. The enhancement areas surrounding introduction sites are intended to help minimize invasion of nonnative plant species, which could threaten the quality of the habitat for *C. parryi* var. *fernandina* occupation.

Redundancy

In our proposed rule, we determined that with only two extant populations, there may not be sufficient redundancy to sustain *C. parryi* var. *fernandina* over the long term, given current and future stressors acting upon the populations. The additional conservation areas proposed in the introduction plan are intended to further increase the number and extent of *C. parryi* var. *fernandina* within its historic range. The 2017 CCA provides for Newhall Land to introduce *C. parryi* var. *fernandina* within portions of the additional conservation areas with the goal of establishing at least two new self-sustaining, persistent occurrences to at least double the redundancy of the spineflower. *C. parryi* var. *fernandina* introduction will occur on a total of at least 10 ac (4 ha) within the additional conservation areas: (1) Three additional conservation areas totaling approximately 825 ac (334 ha)

are contiguous with or adjacent to the existing San Martinez Grande and Potrero preserves established under the SCP (all of which would be considered part of the Santa Clarita population); (2) an additional conservation area of 357 ac (144 ha) is located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County; (3) an additional conservation area of approximately 316 ac (128 ha) is located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location; and (4) an additional conservation area containing introduction sites is located in a 7-ac (2.8-ha) portion of the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location.

Representation

In our proposed rule, we determined that the two *C. parryi* var. *fernandina* populations represent only one level IV ecoregion (EPA 2016), down from five historically, which theoretically may decrease the ability of the plant to adapt to changing environmental conditions into the future. The goal of the 2017 CCA is to establish at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences, at least one of which will be in a different ecoregion from the existing populations to increase the number of ecoregions in which the species is represented (see Figure 2, above). The two existing populations are located in the Venturan-Angeleno Coastal Hills ecoregion. The additional conservation area in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location, is within the Southern California Lower Montane Shrubland Woodland ecoregion. The additional conservation area located in the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake near a known extirpated population location is within the Arid Montane Slopes ecoregion. Establishing at least two new self-sustaining, persistent spineflower occurrences where at least one is in a different ecoregion from the existing populations should improve the ability of the plant to adapt to changing environmental conditions into the future.

In conclusion, based on our high certainty that these efforts will be implemented and be effective, we conclude that the nature and extent of threats identified in our September 15, 2016, proposed rule (81 FR 63454) are adequately addressed. The threats identified in the proposed rule include reduced resiliency due to habitat fragmentation and associated edge effects (*i.e.,* proliferation of Argentine ants) at the Santa Clarita population, reduced redundancy with only two extant populations, and reduced representation down to one ecoregion from five historically across the range of *C. parryi* var. *fernandina.* The 2017 CCA and associated introduction plan have identified the types of threats to the plant and include actions to address these threats, including the establishment of at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences, at least one of which will be in a different ecoregion from the existing populations on a total of at least 10 ac (4 ha) within the additional conservation areas. Permanent conservation instruments will be recorded over each of the additional conservation areas to ensure that the habitat values are maintained and that all initial habitat enhancement and introduction activities and perpetual management and monitoring will be funded.

Determination of Species Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of ''endangered species'' or ''threatened species.'' The Act defines an ''endangered species'' as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a ''threatened species'' as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether a species meets the definition of ''endangered species'' or ''threatened species'' because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

Determination of Status Throughout All of Its Range

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to *C. parryi* var. *fernandina* including development (Factors A and E); nonnative, invasive plants (Factors A and E), Argentine ants (Factor E); wildfire (Factor E); and potentially climate change (Factors A and E) acting on the small, isolated populations (Factor E) of *C. parryi* var. *fernandina.* Our analysis of this information indicates that these stressors are not of sufficient imminence, intensity, or magnitude to indicate that *C. parryi* var. *fernandina* is in danger of extinction or likely to become an endangered species within the foreseeable future throughout all of its range.

Since the publication of the September 15, 2016, proposed rule, the 2017 CCA was developed and signed, and is being implemented; the 2017 CCA provides for additional populations and protected habitat for *C. parryi* var. *fernandina.* The additional conservation areas proposed in the *C. parryi* var. *fernandina* introduction plan are intended to further increase the number and extent of the spineflower within its historic range. The actions in the 2017 CCA will result in at least two new self-sustaining, persistent *C. parryi* var. *fernandina* occurrences and will increase the number of ecoregions in which the plant is represented. This effort is expected to double the number of extant *C. parryi* var. *fernandina* occurrences. At the Santa Clarita population, the extent of protected occurrences will be increased to buffer the population from edge effects, such as Argentine ant invasion. At both Santa Clarita and the Laskey Mesa populations, we anticipate that management actions will be undertaken to manage the proliferation of nonnative, invasive grasses. Increasing the overall redundancy of *C. parryi* var. *fernandina* with additional populations and distributing those populations across different ecoregions improves the ability of the plant to withstand small-scale stressors, as well as catastrophic events. Increasing the number of ecoregions in which the spineflower is represented is intended to improve the ability of the plant to adapt to changing environmental conditions into the future. Thus, after assessing the best available information, we conclude that *C. parryi* var. *fernandina* is not in danger of extinction throughout all of its range nor is it likely to become so in the foreseeable future.

Because we determined that *C. parryi* var. *fernandina* is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we will consider whether there are any significant portions of its range in which *C. parryi* var. *fernandina* is in danger of extinction or likely to become so in the foreseeable future.

Determination of Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is an endangered species or a threatened species throughout all or a significant portion of its range. The Act defines ''endangered species'' as any species that is ''in danger of extinction throughout all or a significant portion of its range,'' and ''threatened species'' as any species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The term ''species'' includes ''any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature.'' We published a final policy interpreting the phrase ''significant portion of its range'' (SPR) (79 FR 37578, July 1, 2014). The final policy states that (1) if a species is found to be an endangered or a threatened species throughout a significant portion of its range, the entire species is listed as an endangered or a threatened species, respectively, and the Act's protections apply to all individuals of the species wherever found; (2) a portion of the range of a species is ''significant'' if the species is not currently an endangered species or a threatened species throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time the Service makes any particular status determination; and (4) if a vertebrate species is an endangered species or a threatened species throughout an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The SPR policy is applied to all status determinations, including analyses for the purposes of making listing, delisting, and reclassification determinations. The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our analysis of the status of a species is to determine its status throughout all of its range. If we determine that the species is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range, we list the species as an endangered (or threatened) species and no SPR analysis will be required. If the species is neither an endangered nor a threatened species throughout all of its range, we determine whether the species is an endangered or a threatened species throughout a significant portion of its range. If it is, we list the species as an endangered or a threatened species, respectively; if it is not, we conclude that listing the species is not warranted.

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and either an endangered or a threatened species. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is an endangered or a threatened species throughout a significant portion of its range—rather; it is a step in determining whether a more detailed analysis of the issue is required. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats apply only to portions of the range that clearly do not meet the biologically based definition of ''significant'' (*i.e.,* the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species); those portions will not warrant further consideration.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. The identification of an SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is an endangered or a threatened species. We must go through a separate analysis to determine whether the species is an endangered or a threatened species in the SPR. To determine whether a species is an endangered or a threatened species throughout an SPR, we will use the same standards and methodology that we use to determine if a species is an endangered or a threatened species throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the ''significant'' question first, or the status question first. Thus, if we determine that a portion of the range is not ''significant,'' we do not need to determine whether the species is an endangered or a threatened species there; if we determine that the species is not an endangered or a threatened species in a portion of its range, we do not need to determine if that portion is ''significant.''

Applying the process described above to identify whether any portions warrant further consideration, we determine whether there are any particular portions where (1) the portions may be significant and (2) the species may be in danger of extinction or likely to become so within the foreseeable future. To identify portions that may be significant, we consider whether any natural divisions within the range might be of biological or conservation importance. To identify portions where the species may be in danger of extinction or likely to become so in the foreseeable future, we consider whether the threats are geographically concentrated in any portion of the species' range.

We evaluated the range of *Chorizanthe parryi* var. *fernandina* to determine if any area may be a significant portion of the range. We determine whether a portion is significant by considering the importance of the members in that portion to the conservation of the species. To be significant, a portion must be of such importance to the species that the hypothetical loss of the members in that portion would cause the entire species to be in danger of extinction or likely to become so in the foreseeable future throughout the remainder of its range. In this determination, we are not forecasting the outcome of our evaluation of the portion's status; rather, we are only hypothesizing what the status of the species would be if the members of the species in that portion were to be extirpated.

Because there are only two extant *Chorizanthe parryi* var. *fernandina* populations (Santa Clarita population and Laskey Mesa population) 17 mi (27 km) apart, we determined that either the Santa Clarita population portion or the Laskey Mesa population portion of the range may be considered significant. At the same time, we also examined

whether either portion, the Santa Clarita population or the Laskey Mesa population, might be endangered or threatened as a result of a geographic concentration of threats. We determine the status of the species in a portion of its range the same way we determine the status of a species throughout all of its range. We consider whether threats are reasonably likely to affect the species in that portion to such an extent that the species is in danger of extinction or likely to become so in the foreseeable future in that portion.

When we issued our September 15, 2016, proposed rule (81 FR 63454), we determined that the Laskey Mesa population was currently affected by nonnative, invasive grasses; effects of small, isolated populations; and potentially climate change. We also determined at the time we issued that proposed rule that the Santa Clarita population was affected by nonnative, invasive grasses; Argentine ants; effects of small, isolated populations; and potentially climate change. The Santa Clarita population would also be affected in the future by the proposed Newhall Ranch development project, which would result in removal of 24 percent of the *C. parryi* var. *fernandina* population at this site. Therefore, the Santa Clarita population portion of the *C. parryi* var. *fernandina's* range would be affected by a greater concentration of stressors than the Laskey Mesa population portion. At the time of the proposed listing, this greater concentration of the stressors at the Santa Clarita population was considered to be significant, so this population may have met the definition of threatened or endangered in that portion of the range.

However, in considering whether the geographic concentration of threats in the Santa Clarita portion of the range are such that the species may be threatened or endangered there, we now consider how the implementation of the 2017 CCA have and will continue to ameliorate these threats. With the implementation of the 2017 CCA, as discussed above, we have determined that the Santa Clarita portion of *C. parryi* var. *fernandina's* range currently does not meet the definition of a threatened or endangered species.

As summarized under Ongoing and Future Conservation Efforts and *Summary of PECE Analysis* above, we have a high degree of certainty that the 2017 CCA will continue to be implemented and will be effective. The CCA provides for Newhall Land to voluntarily implement conservation measures with the goal of establishing new, protected spineflower occurrences within its historical range, such that no future *C. parryi* var. *fernandina* population will be one of only two small, isolated populations (Factor E). For the Santa Clarita population, increasing the extent of protected *C. parryi* var. *fernandina* occurrences within that population will help buffer it from detrimental effects of loss of habitat and individuals and the associated edge effects, such as invasion of nonnative plants (Factors A and E) and Argentine ants (Factor E), such that these stressors are not having significant impacts in this portion of the range currently or into the future. For the Laskey Mesa population, with additional funding and management forthcoming and no future land use changes anticipated, we conclude that stressors affecting this population, such as invasion of nonnative plants (Factors A and E), are not having significant impacts in this portion of the range.

We have identified portions (both Santa Clarita and Laskey Mesa) of *C. parryi* var. *fernandina's* range that may be significant. We also identified a portion (Santa Clarita population) where the species may be in danger of extinction or likely to become so in the foreseeable future, as a result of a greater concentration of threats. However, the best information available does not support a conclusion that the species may be in danger of extinction or likely to become so in the foreseeable future in the Santa Clarita portion of the range given the conservation efforts in the 2017 CCA. Also, while the Laskey Mesa portion of the range may be significant, there is no concentration of threats in that portion that would lead us to conclude that the species may be in danger of extinction or likely to become so in the foreseeable future. Therefore, neither portion of *C. parryi* var. *fernandina's* range warrants a detailed SPR analysis.

Determination of Status

We have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to *Chorizanthe parryi* var. *fernandina.* We have determined that the conservation efforts have sufficient certainty of implementation and effectiveness such that they can be relied upon in this final listing determination. Further, we conclude that conservation efforts have reduced or eliminated current and future threats to *C. parryi* var. *fernandina* to the point that it is not in danger of extinction now throughout all or significant portions of its range, nor is it likely to become so within the foreseeable future throughout all or any significant portion of its range; therefore, *C. parryi* var. *fernandina* does not meet the definition of an endangered species or threatened species. As a consequence of this determination, we are withdrawing our proposed rule to list *C. parryi* var. *fernandina* as a threatened species.

References Cited

A complete list of references cited in this document is available on *http://www.regulations.gov* under Docket No. FWS–R8–ES–2016–0078 and upon request from the Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the Ventura Fish and Wildlife Office.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 26, 2018

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–05081 Filed 3–14–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 180202111–8111–01]

RIN 0648–BH56

Fisheries of the Northeastern United States; Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve and implement the measures the portion of Framework Adjustment 29 (Framework 29) to the Atlantic Sea Scallop Fishery Management Plan that establishes scallop specifications and other measures for fishing years 2018 and 2019. The measures discussed in this proposed rule are in addition to the Northern Gulf of Maine (NGOM) management measures of Framework 29 that were published in a separate proposed rule on February 20, 2018.

This action is necessary to prevent overfishing and improve both yield-per-recruit and the overall management of the Atlantic sea scallop resource. The intended effect of this rule is to notify the public of these proposed measures and to solicit comment on the potential scallop fishery management changes.

DATES: Comments must be received by March 30, 2018.

ADDRESSES: The New England Fishery Management Council (Council) has prepared a draft environmental assessment (EA) for this action that describes the proposed measures in Framework 29, other considered alternatives, and analyzes the impacts of the proposed measures and alternatives, including NGOM management measures of Framework 29 that were published as a proposed rule on February 20, 2018 (83 FR 7129). The Council submitted a decision draft of Framework 29 to NMFS that includes the draft EA, a description of the Council's preferred alternatives, the Council's rationale for selecting each alternative, and an Initial Regulatory Flexibility Analysis (IRFA). Copies of the draft of Framework 29, the draft EA, the IRFA, and information on the economic impacts of this proposed rulemaking are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950 and accessible via the internet in documents available at: *https://www.nefmc.org/library/framework-29-1.*

With regard to new access areas that will become available to scallop fishing through the Omnibus Essential Fish Habitat Amendment 2 (see proposed rule for the Omnibus Habitat Amendment published on November 6, 2017 (82 FR 51492)), additional documents are available via the internet at: *http://www.nefmc.org/library/omnibus-habitat-amendment-2.*

You may submit comments on this document, identified by NOAA–NMFS–2018–0016, 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-2018-0016,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Framework 29''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, 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: Travis Ford, Fishery Policy Analyst, 978–281–9233.

SUPPLEMENTARY INFORMATION:

Background

The scallop fishery's management unit ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Atlantic Sea Scallop Fishery Management Plan (FMP), established in 1982, includes a number of amendments and framework adjustments that have revised and refined the fishery's management. The New England Fishery Management Council sets scallop fishery catch limits and other management measures through specification or framework adjustments that occur annually or biennially. The Council adopted Framework 29 to the Atlantic Sea Scallop FMP in its entirety on December 7, 2017. The Council submitted a decision draft of the framework, including a draft EA, for NMFS review and approval on December 21, 2017. Framework 29, which establishes scallop specifications and other measures for fishing years 2018 and 2019, includes changes to the NGOM management provisions for fishing years 2018 and 2019, changes to the catch, effort, and quota allocations and adjustments to the rotational area management program for fishing year 2018, and default specifications for fishing year 2019.

On February 20, 2018, NMFS published a separate proposed rule to approve and implement the portion of Framework 29 that address the NGOM measures (83 FR 7129). We informed the Council at the December meeting that we would consider separating out the NGOM measures in Framework 29 to ensure that they were in place prior to April 1, 2018. Additional information on the proposed NGOM measures is provided in the February 20, 2018, proposed rule and is not repeated here. This action addresses only the remaining portions of Framework 29.

This action proposes to approve and implement the portion of Framework 29 that establishes scallop specifications and other measures for fishing year 2018. This includes default fishing year 2019 measures that would go into place should the next specifications-setting action be delayed beyond the start of fishing year 2019.

NMFS will implement these measures of Framework 29, if approved, as close as possible to the April 1, 2018, start of fishing year 2018. If NMFS implements these Framework 29 measures after the start of the 2018 fishing year, 2018 default allocation measures will go into place on April 1, 2018. The Council has reviewed the proposed regulations in this rule as drafted by NMFS and deemed them to be necessary and appropriate as specified in section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), Annual Projected Landings (APLs) and Set-Asides for the 2018 Fishing Year, and Default Specifications for Fishing Year 2019

The Council set the proposed OFL based on a fishing mortality rate (F) of 0.48, equivalent to the overfishing F threshold updated through the 2014 assessment. The Council's Scientific and Statistical Committee recommended a scallop fishery ABC for 2018 of 132 million lb (59,968 mt) and 128 million lb (58,126 mt) for 2019, after accounting for discards and incidental mortality. The Council reduced these recommended ABCs to the amounts included in this proposed rule: 45,950 mt for the 2018 fishing year, and 45,805 mt for the 2019 fishing year. For each fishing year the ACL is based on the proposed ABC using an F of 0.38, which is the F associated with a 25-percent probability of exceeding the OFL. The Scientific and Statistical Committee will reevaluate the default ABC for 2019 when the Council develops the next framework adjustment in 2018.

Table 1 outlines the proposed scallop fishery catch limits. After deducting the incidental target total allowable catch (TAC), the research set-aside (RSA), and the observer set-aside, the remaining ACL available to the fishery is allocated according to the following fleet proportions established in Amendment 11 to the FMP (72 FR 20090; April 14, 2008): 94.5 percent is allocated to the limited access scallop fleet (*i.e.,* the

larger ''trip boat'' fleet); 5 percent is allocated to the limited access general category (LAGC) individual fishing quota (IFQ) fleet (*i.e.,* the smaller ''day boat'' fleet); and the remaining 0.5 percent is allocated to limited access scallop vessels that also have LAGC IFQ permits. Amendment 15 to the FMP (76 FR 43746; July 21, 2011) specified that no buffers to account for management uncertainty are necessary in setting the LAGC ACLs, meaning that the LAGC ACL would equal the LAGC ACT. For the limited access fleet, the management uncertainty buffer is based on the F associated with a 75-percent probability of remaining below the F associated with ABC/ACL, which, using the updated Fs applied to the ABC/ACL, now results in an F of 0.34.

TABLE 1—SCALLOP CATCH LIMITS (mt) FOR FISHING YEARS 2018 AND 2019 FOR THE LIMITED ACCESS AND LAGC IFQ FLEETS

Catch limits	2018 (mt)	2019 (mt) *
Overfishing Limit	72,055	69,633
Acceptable Biological Catch/ACL (discards removed)	45,950	45,805
Incidental Catch	23	23
RSA	567	567
Observer Set-Aside	460	458
ACL for fishery	44,900	44,757
Limited Access ACL	42,431	42,295
LAGC Total ACL	2,470	2,462
LAGC IFQ ACL (5 percent of ACL)	2,245	2,238
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	225	224
Limited Access ACT	37,964	37,843
Closed Area 1 Carryover	743	n/a
APL	25,451	(*)
Limited Access Projected Landings (94.5 percent of APL)	24,051	(*)
Total IFQ Annual Allocation (5.5 percent of APL)	1,400	**1,050
LAGC IFQ Annual Allocation (5 percent of APL)	1,273	**955
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL)	127	**95

*The catch limits for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2019 that will be based on the 2018 annual scallop surveys.

**As a precautionary measure, the 2019 IFQ annual allocations are set at 75 percent of the 2018 IFQ Annual Allocations.

This action would deduct 1.25 million lb (567 mt) of scallops annually for 2018 and 2019 from the ABC for use as the Scallop RSA to fund scallop research. Participating vessels are compensated through the sale of scallops harvested under RSA projects. Of the 1.25 million lb (567 mt) allocation, NMFS has already allocated 133,037 lb (60.3 mt) to previously-funded multi-year projects as part of the 2017 RSA awards process. NMFS is reviewing proposals submitted for consideration of 2018 RSA awards and will be selecting projects for funding in the near future.

This action would also deduct 1 percent of the ABC for the industry-funded observer program to help defray the cost to scallop vessels that carry an observer. The observer set-aside is 460 mt for 2018 and 458 mt for 2019. The Council may adjust the 2019 observer set-aside when it develops specific, non-default measures for 2019.

Open Area Days-at-Sea (DAS) Allocations

This action would implement vessel-specific DAS allocations for each of the three limited access scallop DAS permit categories (*i.e.,* full-time, part-time, and occasional) for 2018 and 2019 (Table 2). Proposed 2018 DAS allocations are lower than those allocated to the limited access fleet in 2017 (30.55 DAS for full-time, 12.22 DAS for part-time, and 2.44 DAS for occasional vessels). Framework 29 would set 2019 DAS allocations at 75 percent of fishing year 2018 DAS allocations as a precautionary measure. This is to avoid over-allocating DAS to the fleet in the event that the 2019 specifications action is delayed past the start of the 2019 fishing year. The proposed allocations in Table 2 exclude any DAS deductions that are required if the limited access scallop fleet exceeded its 2017 sub-ACL.

TABLE 2—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2018 AND 2019

Permit category	2018	2019 (Default)
Full-Time	24.00	18.00
Part-Time	9.60	7.20
Occasional	2.00	1.5

If NMFS implements these Framework 29 measures after April 1, 2018, fishing year 2018 default DAS allocations, which were established in Framework Adjustment 28 to the Scallop FMP (82 FR 15155; March 27, 2017), will go into place on April 1, 2018. Full-time vessels will receive 21.75 DAS, Part-time vessels will receive 8.69 DAS, and Occasional vessels will receive 1.91 DAS. The allocations would later be increased in accordance with Framework 29, if approved. NMFS will send a letter to all limited access permit holders providing both default and Framework 29 DAS allocations so that vessel owners know what mid-year adjustments would occur should Framework 29 be approved and implemented after April 1, 2018.

Limited Access Allocations and Trip Possession Limits for Scallop Access Areas

For fishing year 2018 and the start of 2019, Framework 29 would keep the Mid-Atlantic Access Area (MAAA) open as an access area and would include what is now the Elephant Trunk Flex Rotational Area as part of the MAAA. In addition, this action would close the northern portion of Nantucket Lightship (NLS–N), but it would allocate trips into the southern portion of Nantucket Lightship in an area referred to as Nantucket Lightship-South (NLS–S). Further, this action would allocate effort into new access areas (Closed Area 1 (CA1) and Nantucket Lightship-West (NLS–W)) that will become available to scallop fishing through the Omnibus Essential Fish Habitat Amendment 2 (Omnibus Habitat Amendment). We published a proposed rule for the Omnibus Habitat Amendment on

November 6, 2017 (82 FR 51492). On January 3, 2018, NMFS approved the Omnibus Habitat Amendment, which would open areas that are now contained in CA1 and NLS–W. We intend to publish the final rule implementing the Omnibus Habitat Amendment on or about the same time as the final rule implementing these non-NGOM portions of Framework 29.

Table 3 provides the proposed limited access full-time allocations for all of the access areas, which could be taken in as many trips as needed, so long as the vessels do not exceed the possession limit (also in Table 3) on each trip.

TABLE 3—PROPOSED SCALLOP ACCESS AREA FULL-TIME LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2018 AND 2019

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	18,000 lb (8,165 kg) per trip	18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship-South		18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship-West		36,000 lb (16,329 kg)	0 lb (0 kg).
Mid-Atlantic		36,000 lb (16,329 kg)	18,000 lb (8,165 kg).
Total		108,000 lb (48,988 kg)	18,000 lb (8,165 kg).

Table 4 provides the proposed limited access part-time allocations for three of the access areas, which could be taken in as many trips as needed, so long as the vessels do not exceed the possession limit (also in Table 4) on each trip. There is no part-time allocation in NLS–S.

TABLE 4—PROPOSED SCALLOP ACCESS AREA PART-TIME LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2018 AND 2019

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	14,400 lb (6,532 kg) per trip	14,400 lb (6,532 kg)	0 lb (0 kg).
Nantucket Lightship-West		14,400 lb (6,532 kg)	0 lb (0 kg).
Mid-Atlantic		14,400 lb (6,532 kg)	14,400 lb (6,532 kg).
Total		43,200 lb (19,595 kg)	14,400 lb (6,532 kg).

For the 2018 fishing year, an occasional limited access vessel would be allocated 9,000 lb (4,082 kg) of scallops with a trip possession limit at 9,000 lb of scallops per trip (4,082 kg per trip). Occasional vessels would be able to harvest 9,000 lb (4,082 kg) allocation from only one of three available access areas (CA1, NLS–W, or MAAA). There is no occasional vessel allocation in NLS–S. For the 2019 fishing year, occasional limited access vessels would be allocated 9,000 lb (4,082 kg) in the MAAA only with a trip possession limit of 9,000 lb per trip (4,082 kg per trip).

Limited Access Vessels' One-for-One Area Access Allocation Exchanges

The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another access area. These exchanges may only be made for the amount of the current trip possession limit (18,000-lb (8,165-kg)). In addition, these exchanges would be made only between vessels in the same permit category. For example, a full-time vessel may not exchange allocations with a part-time vessel, and vice versa.

Limited Access Unharvested Closed Area I Allocation From Fishing Years 2012 and 2013

Towards the end of fishing year 2012 and into fishing year 2013 catch rates in CA1 began to drop below profitable levels for limited access vessels. As a result, many vessels were unable to harvest the pounds associated with their CA1 trips in these two fishing years. Because these trips were not allocated evenly throughout the fleet, Framework Adjustment 25 to the Scallop FMP (79 FR 34251; June 16, 2014) allowed unharvested pounds associated with fishing years 2012 and 2013 CA1 trips to be harvested by those vessels in CA1 when it reopens in the future. Because Framework 29 would be the first action since 2013 to open CA1 to scallop fishing, it would reinstate this unharvested allocation to the limited access fleet in fishing year 2018. 1,638,604 lb (743,258 kg) of CA1 allocation went unharvested from fishing years 2012 and 2013, distributed across 130 permit holders. All amounts of outstanding limited access unharvested CA1 allocation would be made available in addition to fishing year 2018 allocations to that access area. For example, if a full-time limited access vessel has 2,000 lb (907 kg) of unharvested 2012/2013 CA1 allocation, and the CA1 trip limit is 18,000 lbs (8,165 kg), the vessel would be able to land a total of 20,000 lb (9,072 kg) from CA1 in fishing year 2018. Unharvested 2012/2013 CA1 allocation may only be harvested from CA1. There would be no change to specified trip limits through Framework 29, *i.e.,* vessels must still abide by the 18,000-lb (8,165-kg) trip limit. Once allocated for the 2018 fishing year, these allocations would not be eligible to carry over into future years (*i.e.,* available only for fishing year 2018, plus the first 60 days of fishing year 2019). This additional harvest in CA1 would not be included in the fishing year 2018 APL established in Framework 29, because this catch is specific to those vessels that have unharvested 2012/2013 CA1 allocation and is not applicable to the entire fleet. However, the additional scallops harvested from CA1 would not cause the limited access fleet to exceed its ACT, because the APL is far below the ACT.

Nantucket Lightship Hatchet Scallop Rotational Area

The Omnibus Habitat Amendment will make available several areas that were previously closed to the scallop fishery. However, these areas remain closed to scallop fishing until they are opened by a scallop action. The bulk of these areas are encompassed in the NLW–W and CA1 Rotational Areas, which Framework 29 intends to open to scallop fishing. Framework 29 does not propose to open the area west and north of NLS–W (Table 5). We are calling this area the Nantucket Lightship Hatchet Scallop Rotational Area, and it would remain closed to help minimize flounder bycatch due to uncertainty about catch rates in the area.

TABLE 5—NANTUCKET LIGHTSHIP HATCHET SCALLOP ROTATIONAL AREA

Point	Latitude	Longitude
NLSH1	40°50′ N	69°30′ W
NLSH2	40°43.44′ N	69°30′ W
NLSH3	40°43.44′ N	70° W
NLSH4	40°20′ N	70° W
NLSH5	40°20′ N	70°20′ W
NLSH6	40°50′ N	70°20′ W
NLSH7	40°50′ N	69°30′ W

LAGC Measures

1. ACL and IFQ Allocation for LAGC Vessels with IFQ Permits. For LAGC vessels with IFQ permits, this action would implement a 2,245-mt ACL for 2018 and a default ACL of 2,238 mt for 2019 (see Table 1). These sub-ACLs have no associated regulatory or management requirements, but provide a ceiling on overall landings by the LAGC IFQ fleets. If the fleet were to reach this ceiling any overages would be deducted from the following year's sub-ACL. The annual allocation to the LAGC IFQ-only fleet for fishing years 2018 and 2019 based on APL would be 1,273 mt for 2018 and 955 mt for 2019 (see Table 1). Each vessel's IFQ would be calculated from these allocations based on APL.

If NMFS implements these Framework 29 measures after April 1, 2018, the default 2018 IFQ allocations would go into place automatically on April 1, 2018. Because this action would implement IFQ allocations greater than the default allocations, NMFS will send a letter to IFQ permit holders providing both default April 1, 2018, IFQ allocations and Framework 29 IFQ allocations so that vessel owners know what mid-year adjustments would occur should Framework 29 be approved.

2. ACL and IFQ Allocation for Limited Access Scallop Vessels with IFQ Permits. For limited access scallop vessels with IFQ permits, this action would implement a 225-mt ACL for 2018 and a default 224-mt ACL for 2019 (see Table 1). These sub-ACLs have no associated regulatory or management requirements, but provide a ceiling on overall landings by this fleet. If the fleet were to reach this ceiling any overages would be deducted from the following year's sub-ACL. The annual allocation to limited access vessels with IFQ permits for fishing years would be 127 mt for 2018 and 95 mt for 2019 (see Table 1). Each vessel's IFQ would be calculated from these allocations based on APL.

3. LAGC IFQ Trip Allocations for Scallop Access Areas. Framework 29 would allocate LAGC IFQ vessels a fleetwide number of trips in the CA1, NLS–S, NLS–W, and MAAA for fishing year 2018 trips and default fishing year 2019 trips in the MAAA (see Table 6). The total number of trips for all areas combined (3,426) for fishing year 2018 is equivalent to the 5.5 percent of total catch from access areas.

TABLE 6—FISHING YEARS 2018 AND 2019 LAGC IFQ TRIP ALLOCATIONS FOR SCALLOP ACCESS AREAS

Access area	2018	2019 (default)
CA1	571	.....
NLS–S	571	.....
NLS–W	1,142	.....
MAAA	1,142	571
Total	3,426	571

4. Scallop Incidental Catch Target TAC. This action proposes a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2018 and 2019 to account for mortality from vessels that catch scallops while fishing for other species, and to ensure that F targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

RSA Harvest Restrictions

This action proposes that vessels participating in RSA projects would be able to harvest RSA compensation from all available access areas and the open area. Vessels would be prohibited from fishing for RSA compensation in the NGOM unless the vessel is fishing an RSA compensation trip using NGOM RSA allocation that was awarded to an RSA project, as proposed in the separate rule for the NGOM portions of Framework 29. In addition, Framework 29 would prohibit the harvest of RSA from any access areas under default 2019 measures. At the start of 2019, RSA compensation could only be harvested from open areas. The Council would re-evaluate this measure in the action that would set final 2019 specifications.

Adjustments to Flatfish Accountability Measures

This action would adjust the scallop fleet's accountability measures for two different flatfish stocks (Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder and Georges Bank yellowtail flounder) and develop an accountability measure for northern windowpane flounder. The Council wanted to make the flatfish accountability measures more consistent throughout the Scallop FMP. In addition, it had a preference for gear restricted areas as opposed to closed areas, similar to the existing southern windowpane flounder accountability measure already in place. This action would change the existing Georges Bank yellowtail flounder and the SNE/MA yellowtail flounder accountability measures from closed areas to gear restricted areas, and it would develop a gear restricted area accountability measure for northern windowpane flounder.

For SNE/MA yellowtail flounder this action would adopt the same gear restricted area that is already in place for southern windowpane flounder, *i.e.,* the area west of 71° W. Long.

For Georges Bank yellowtail flounder and northern windowpane flounder this action would create the Georges Bank Accountability Measure Area (Table 7).

TABLE 7—GEORGES BANK ACCOUNTABILITY MEASURE AREA

Point	Latitude	Longitude	Note
GBAM1	41°30′ N	67°20′ W	.....
GBAM2	41°30′ N	(1)	(2)
GBAM3	40°30′ N	(3)	(2)
GBAM4	40°30′ N	67°20′ W	.....
GBAM1	41°30′ N	67°20′ W	.....

[1] The intersection of 41°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N lat., 66°34.73′ W long.

[2] From Point GBAM2 connected to Point GBAM3 along the U.S.-Canada Maritime Boundary.

[3] The intersection of 40°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately, 65°44.34′ W long.

When the fleet is subject to any of the flatfish accountability measures in a gear restricted area vessels would be required to fish with scallop dredge gear that conforms to the restrictions already in place for the southern windowpane flounder accountability measure:

(1) No more than 5 rows of rings in the apron of the dredge;

(2) A maximum hanging ratio of 1.5 meshes per 1 ring overall; and

(3) A prohibition on the use of trawl gear.

For Georges Bank yellowtail flounder this action would change the existing accountability measure to a requirement to use the accountability measure gear in the Georges Bank Gear Restricted Area. The requirement to use this AM gear in the gear restricted area would remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

TABLE 8—GEORGES BANK YELLOWTAIL FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

For northern windowpane flounder this action would create an accountability measure that requires the use of the accountability measure gear in the Georges Bank Gear Restricted Area. The requirement to use this AM gear in the gear restricted area would remain in effect for the period of time based on the corresponding percent overage of the northern windowpane flounder sub-ACL, as follows:

TABLE 9—GEORGES BANK YELLOWTAIL FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

For SNE/MA yellowtail flounder this action would change the existing accountability measure to a requirement to use the accountability measure gear in the area west of 71° W. Long. The requirement to use this AM gear in the gear restricted area would remain in effect for the period of time based on the corresponding percent overage of the SNE/MA yellowtail flounder sub-ACL, as follows:

TABLE 10—GEORGES BANK YELLOWTAIL FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	April.
Greater than 20	April through May.

Regulatory Corrections Under Regional Administrator Authority

This proposed rule includes three revisions to address regulatory text that is unnecessary, outdated, or unclear. These revisions are consistent with section 305(d) of the Magnuson-Stevens Act, which provides authority to the Secretary of Commerce to promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act. The first revision, at § 648.10(f)(4), would clarify that scallop vessels no longer need to send in daily catch reports through their vessel monitoring system for trips less than 24 hours because these reports are no longer useful for monitoring purposes. The second revision, at § 648.11(g)(2)(ii), would remove the limitation that a LAGC IFQ could be selected for observer coverage no more than twice in a given week. This revision is necessary because, due to an update to our pre-trip notification system, we will no longer be able to accommodate the limit of two trips per week. Because of the change, vessels may be selected more than twice in given week, but we expect that this would be a very rare occurrence. The final revision, at § 648.14 (i)(4)(ii)(A) and (B), is a correction to the regulations that should have been made as part of Framework Adjustment 28 to the Scallop FMP (82 FR 15155; March 27, 2017). This correction would clarify that owners of IFQ vessels cannot have an ownership interest in vessels that collectively are allocated more than 5 percent of the total IFQ scallop APL, and that they may not have an IFQ allocation on an IFQ scallop vessel of more than 2.5 percent of the total IFQ scallop APL.

Classification

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

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

An IRFA has been prepared for Framework 29, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities, and also addresses the measures included in the separate proposed rule for the NGOM measures in Framework 29. The IRFA consists of Framework 29 analyses, the draft IRFA, and the preamble to this proposed rule.

Description of the Reasons Why Action by the Agency Is Being Considered and Statement of the Objectives of, and Legal Basis for, This Proposed Rule

This action proposes the management measures and specifications for the Atlantic sea scallop fishery for 2018, with 2019 default measures, with the exception of specifications and management measures applicable to the NGOM, which are addressed separately in the NGOM portion of Framework 29. A description of the action, why it is being considered, and the legal basis for this action are contained in the Council's Framework 29 document and the preamble of this proposed rule, and are not repeated here.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

Federal Rules Which May Duplicate, Overlap or Conflict With This Proposed Rule

The proposed regulations do not create overlapping regulations with any state regulations or other federal laws.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The proposed regulations would affect all vessels with limited access and LAGC scallop permits, but there is no differential effect based on whether the affected entities are small or large. Framework 29 provides extensive information on the number and size of vessels and small businesses that would be affected by the proposed regulations, by port and state (see **ADDRESSES**). Fishing year 2016 data were used for this analysis because these data are the most recent complete data set for a fishing year. There were 313 vessels that obtained full-time limited access permits in 2016, including 250 dredge, 52 small-dredge, and 11 scallop trawl

permits. In the same year, there were also 34 part-time limited access permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 225 LAGC IFQ permits in 2016, and 125 of these vessels actively fished for scallops that year. The remaining permit holders likely leased out scallop IFQ allocations associated with their permits. In 2016, there were 27 NGOM vessels that actively fished.

For RFA purposes, NMFS defines a small business in a shellfish fishery as a firm that is independently owned and operated with receipts of less than $11 million annually (see 50 CFR 200.2). Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by this proposed rule. Furthermore, multiple permitted vessels and/or permits may be owned by entities with various personal and business affiliations. For the purposes of this analysis, ''ownership entities'' are defined as those entities with common ownership as listed on the permit application. Only permits with identical ownership are categorized as an ''ownership entity.'' For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one ''ownership entity,'' that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ''ownership entity'' for the purpose of this analysis. On June 1 of each year, ownership entities are identified based on a list of all permits for the most recent complete calendar year. The current ownership dataset is based on the calendar year 2016 permits and contains average gross sales associated with those permits for calendar years 2014 through 2016. Matching the potentially impacted 2016 fishing year permits described above (limited access permits and LAGC IFQ permits) to calendar year 2016 ownership data results in 161 distinct ownership entities for the limited access fleet and 115 distinct ownership entities for the LAGC IFQ fleet. Of these, based on the Small Business Administration guidelines, 154 of the limited access distinct ownership entities and 113 of the LAGC IFQ entities are categorized as small. The remaining seven of the limited access and two of the LAGC IFQ entities are categorized as large entities. The number of distinct small business entities with active NGOM permits were 27 in 2016 permits.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

The Council's preferred alternative (Alternative 4, Sub-option 2) would allocate each full-time limited access vessel 24 open area DAS and 6 access area trips, amounting to 108,000 lb (49,988 kg) at a possession limit of 18,000 lb (8,165 kg) for each trip (Table 11). The LAGC IFQ sub-ACL for vessels with IFQ permits only will be 2.8 million pounds (1.3 million kg). This alternative is expected to positively impact profitability of small entities regulated by this action in 2018 because, compared to the status quo (4 trips, 72,000 lb (32,659 kg)), it would allocate more access trips and allocation to access areas, but it would allocate only one DAS less than the status quo (25 DAS). This alternative would also redirect fishery effort away from Closed Area II in 2018 to more productive areas with larger scallops and higher densities (*i.e.,* CA1 and NLS–W). As a result, the preferred alternative would have about 27 percent higher net revenue per entity compared to the status quo levels, translating to higher profits (Table 8).

TABLE 11—FRAMEWORK 29 ALTERNATIVES

Area scenario	FW 29 measures	APL after set-asides	DAS	Number of access area trips
1. (Status Quo)	*Status Quo* (FW 28 measures applied in 2018).	41.7 million lb 18.9 million kg.	25	4
	Alternative 1—(No Action, FW28 default measures).	22.3 million lb 10.1 million kg.	21.75	1
	Alternative 2—Base Runs:			
	Sub-option 1	49.6 million lb 22.5 million kg.	23	5
	Sub-option 2	51.5 million lb 23.4 million kg.	26	5
2. CA1 & NLS–W open	Alternative 3—5 trip option:			
	Sub-option 1	53.8 million lb 24.4 million kg.	28	5
	Sub-option 2	57.6 million lb 26.1 million kg.	31	5
	Alternative 4—6 trips:			
	Sub-option 1	53.9 million lb 24.4 million kg.	21	6
	Sub-option 2 (Preferred)	56.1 million lb 25.4 million kg.	24	6
3. Only NLS opens	Alternative 5:			
	Sub-option 1	53.9 million lb 24.4 million kg.	28	5
	Sub-option 2	55.9 million lb 25.4 million kg.	31	5
4. Only CA1 opens	Alternative 6	49.0 million lb 22.2 million kg.	23	5

TABLE 12—NET SCALLOP REVENUE PER LIMITED ACCESS FULL-TIME VESSEL AND PERCENT CHANGE FROM THE STATUS QUO

[2018 Fishing year]

FW 29 measures	Total net scallop revenue ($ million)	Net scallop revenue per vessel (average, $)	Net scallop revenue per entity (average, $)	Percent change in net scallop revenue per vessel and per business entity from status quo
Status Quo	488	1,491,863	3,030,057	0
Alternative 1—(No Action, FW28 default measures)	277	849,111	1,724,592	−43
Alternative 2—Base Runs:				
Sub-option 1	552	1,687,270	3,426,941	13
Sub-option 2	568	1,737,806	3,529,581	16
Alternative 3—5 trip option:				
Sub-option 1	601	1,837,461	3,731,985	23
Sub-option 2	619	1,893,560	3,845,926	27
Alternative 4—6 trip option:				
Sub-option 1	601	1,840,462	3,738,081	23
Sub-option 2 (Preferred)	620	1,897,372	3,853,669	27
Alternative 5:				
Sub-option 1	587	1,794,756	3,645,249	20
Sub-option 2	619	1,893,560	3,845,926	27
Alternative 6	556	1,701,953	3,456,761	14

Under the preferred alternative, allocation for the LAGC IFQ fishery, excluding the limited access vessels with IFQ permits, will be about 35 percent higher than the allocation under the status quo. As a result, the economic impacts of the preferred alternative on the LAGC IFQ fishery are expected to be positive compared to the impacts of the status quo scenario (Table 13).

TABLE 13—IMPACTS OF THE LAGC IFQ TAC FOR 2018 FISHING YEAR

FW 29 measures	IFQ TAC for IFQ permits only (million lb/kg)		IFQ TAC for LA vessels with IFQ permits (million lb/kg)		Total IFQ TAC (million lb/kg)		Percent change from status quo (percent)
Status Quo (FRM28 measures applied in 2018)	2.08	0.95	0.208	0.95	2.29	1.04	0
Alternative 1—(No Action, FW28 default measures)	1.10	0.50	0.110	0.50	1.21	0.55	−47
Alternative 2—Base Runs:							
Sub-option 1	2.48	1.13	0.248	0.11	2.73	1.24	19
Sub-option 2	2.57	1.17	0.257	0.12	2.83	1.29	24
Alternative 3—5 trip option:							
Sub-option 1	2.69	1.22	0.269	0.12	2.96	1.35	29
Sub-option 2	2.80	1.27	0.280	0.13	3.08	1.40	35
Alternative 4—6 trip option:							
Sub-option 1	2.70	1.23	0.270	0.12	2.97	1.35	30
Sub-option 2 (Preferred)	2.80	1.27	0.280	0.13	3.08	1.40	35
Alternative 5:							
Sub-option 1	2.70	1.23	0.270	0.12	2.97	1.35	30
Sub-option 2	2.80	1.27	0.280	0.13	3.08	1.40	35
Alternative 6	2.45	1.11	0.245	0.11	2.70	1.23	18

The economic benefits of all the alternatives, including the proposed alternative, considered in this action would exceed the benefits for the No Action alternative. Alternative 3 would allocate one less access area trip, but more open area DAS: 26 days under the Sub-option 1, and 31 days under the Sub-option 2. The other alternative to the proposed action is Alternative 4, Sub-option 1, which would allocate a lower number of open area DAS (21 days instead of 24) while retaining the same number of access area trips (6 trips), compared to the proposed action. With the exception of Alternative 3, Sub-option 2, these alternatives would result in lower landings (about 54 million lb (24.5 million kg)) and gross fleet revenue (about $601 million), compared to the proposed alternative landing levels (about 56.1 million lb (25.4 million kg) (Table 11)) and gross fleet revenue (about $620 million (Table 8)). Compared to the proposed action, Alternative 3, sub-option 2 would have slightly higher landings (57.6 million lb (26.1 million kg) but slightly lower revenue (about $619 million), because the proposed action would have higher allocations for the more productive areas. Similarly, the proposed action would result in a higher TAC to the LAGC IFQ fishery and would result in higher revenues, compared to all the other alternatives (Tables 8 and 9). Therefore, the proposed alternative would have the highest economic benefit for the small business entities.

List of Subjects 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 9, 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 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEAST UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

Subpart A—General Provisions

■ 2. In § 648.11, revise paragraph (g)(2)(ii) to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

* * * * *

(g) * * *

(2) * * *

(ii) *LAGC IFQ vessels.* LAGC IFQ vessel owners, operators, or managers must notify the NMFS/NEFOP by telephone by 0001 hr of the Thursday preceding the week (Sunday through Saturday) that they intend to start any open area or access area scallop trip and must include the port of departure, open area or specific Sea Scallop Access Area to be fished, and whether fishing as a scallop dredge, scallop trawl vessel. NMFS/NEFOP must be notified by the owner, operator, or vessel manager of any trip plan changes at least 48 hr prior to vessel departure

* * * * *

■ 3. In § 648.14:

■ a. Revise paragraphs (i)(1)(vi)(A); (i)(2)(vi)(B) and (C); and (i)(2)(ix);

■ b. Add paragraph (i)(2)(x); and

■ c. Revise paragraphs (i)(3)(v)(E), and (i)(4)(ii)(A) and (B).

The revisions and additions read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(1) * * *

(vi) * * *

(A) *Habitat Management Areas.* (*1*) Fish for scallops in, or possess or land scallops from, the Habitat Management Areas specified in § 648.370.

(*2*) Transit or enter the Habitat Management Areas specified in § 648.370, except as provided by § 648.61(b).

* * * * *

(2) * * *

(vi) * * *

(B) Transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(C) Fish for, possess, or land scallops in or from an access area in excess of the vessel's remaining specific allocation for that area as specified in § 648.59(b)(3) or the amount permitted to be landed from that area.

* * * * *

(ix) Fish for scallops west of 71° W. long., outside of the Sea Scallop Access Areas, with gear that does not meet the specifications described in § 648.64 during the period specified in the notice announcing the Southern New England/Mid-Atlantic Yellowtail Flounder or the Southern Windowpane Flounder Gear Restricted Area described in § 648.64(e) and (g), respectively.

(x) Fish for scallops in the Georges Bank Accountability Measure Area described in § 648.64(b), with gear that does not meet the specifications described in § 648.64(c) during the period specified in the notice announcing the Georges Bank Yellowtail Flounder or the Northern Windowpane Flounder Gear Restricted Area described in § 648.64(d) and (f), respectively.

* * * * *

(3) * * *

(v) * * *

(E) Transit the Elephant Trunk Flex Scallop Rotational Area, Closed Area II Scallop Rotational Area, or the Closed Area II Extension Scallop Rotational Area, as defined in § 648.60(b), (d), and (e), respectively, unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

* * * * *

(4) * * *

(ii) * * *

(A) Have an ownership interest in vessels that collectively are allocated more than 5 percent of the total IFQ scallop APL as specified in § 648.53(a)(8).

(B) Have an IFQ allocation on an IFQ scallop vessel of more than 2.5 percent of the total IFQ scallop APL as specified in § 648.53(a)(8).

* * * * *

Subpart D—Management Measures for the Atlantic Sea Scallop Fishery

■ 4. In § 648.53 revise paragraphs (a)(8), (b)(3), and (c) introductory text to read as follows:

§ 648.53 Overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), annual projected landings (APL), DAS allocations, and individual fishing quotas (IFQ).

(a) * * *

(8) The following catch limits will be effective for the 2018 and 2019 fishing years:

SCALLOP FISHERY CATCH LIMITS

Catch limits	2018 (mt)	2019 (mt) [1]
Overfishing Limit	72,055	69,633
Acceptable Biological Catch/ACL (discards removed)	45,950	45,805
Incidental Catch	23	23
Research Set-Aside (RSA)	567	567
Observer Set-Aside	460	458
ACL for fishery	44,900	44,757
Limited Access ACL	42,431	42,295
LAGC Total ACL	2,470	2,462
LAGC IFQ ACL (5 percent of ACL)	2,245	2,238
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	225	224
Limited Access ACT	37,964	37,843
Closed Area 1 Unharvested Allocation [3]	743	n/a
APL	25,451	([1])
Limited Access Projected Landings (94.5 percent of APL)	24,051	([1])
Total IFQ Annual Allocation (5.5 percent of APL) [2]	1,400	1,050
LAGC IFQ Annual Allocation (5 percent of APL) [2]	1,273	955

SCALLOP FISHERY CATCH LIMITS—Continued

Catch limits	2018 (mt)	2019 (mt) [1]
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL) [2]	127	95

[1] The catch limits for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2019 that will be based on the 2018 annual scallop surveys. The 2019 default allocations for the limited access component are defined for DAS in paragraph (b)(3) of this section and for access areas in § 648.59(b)(3)(i)(B).
[2] As a precautionary measure, the 2019 IFQ annual allocations are set at 75 percent of the 2018 IFQ Annual Allocations.
[3] One-time allocation in 2018 of unharvested Limited Access allocations to Closed Area I from fishing years 2012 and 2013.

* * * * *

(b) * * *

(3) The DAS allocations for limited access scallop vessels for fishing years 2018 and 2019 are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2018	2019 [1]
Full-Time	24.00	18.00
Part-Time	9.60	7.20
Occasional	2.00	1.5

[1] The DAS allocations for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. The 2019 DAS allocations are set at 75 percent of the 2018 allocation as a precautionary measure.

(c) *Accountability measures (AM) for limited access vessels.* Unless the limited access AM exception is implemented in accordance with the provision specified in paragraph (c)(1) of this section, if the limited access sub-ACL defined in paragraph (a)(5) of this section is exceeded for the applicable fishing year, the DAS for each limited access vessel shall be reduced by an amount equal to the amount of landings in excess of the sub-ACL divided by the applicable LPUE for the fishing year in which the AM will apply as projected by the specifications or framework adjustment process specified in § 648.55, then divided by the number of scallop vessels eligible to be issued a full-time limited access scallop permit. For example, assuming a 300,000-lb (136-mt) overage of the limited access fishery's sub-ACL in Year 1, an open area LPUE of 2,500 lb (1.13 mt) per DAS in Year 2, and 313 full-time vessels, each full-time vessel's DAS for Year 2 would be reduced by 0.38 DAS (300,000 lb (136 mt)/2,500 lb (1.13 mt) per DAS = 120 lb (0.05 mt) per DAS/313 vessels = 0.38 DAS per vessel). Deductions in DAS for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS deduction, respectively, as calculated pursuant to paragraph (b)(2) of this section. The AM shall take effect in the fishing year following the fishing year in which the overage occurred. For example, landings in excess of the limited access fishery's sub-ACL in Year 1 would result in the DAS reduction AM in Year 2. If the AM takes effect, and a limited access vessel uses more open area DAS in the fishing year in which the AM is applied, the vessel shall have the DAS used in excess of the allocation after applying the AM deducted from its open area DAS allocation in the subsequent fishing year. For example, a vessel initially allocated 32 DAS in Year 1 uses all 32 DAS prior to application of the AM. If, after application of the AM, the vessel's DAS allocation is reduced to 31 DAS, the vessel's DAS in Year 2 would be reduced by 1 DAS.

* * * * *

■ 5. In § 648.59:

■ a. Revise paragraphs (a) introductory text, (a)(2), and (a)(3); (b)(3)(i)(B)(*1*) through (*3*); and (b)(3)(ii);

■ b. Remove paragraphs (b)(3)(ii)(A) and (B);

■ c. Revise paragraphs (c), (e); and

■ d. Add paragraph g)(3)(v).

The revisions and additions read as follows:

§ 648.59 Sea Scallop Rotational Area Management Program and Access Area Program requirements.

(a) The Sea Scallop Rotational Area Management Program consists of Scallop Rotational Areas, as defined in § 648.2. Guidelines for this area rotation program (*i.e.,* when to close an area and reopen it to scallop fishing) are provided in § 648.55(a)(6). Whether a rotational area is open or closed to scallop fishing in a given year, and the appropriate level of access by limited access and LAGC IFQ vessels, are specified through the specifications or framework adjustment processes defined in § 648.55. When a rotational area is open to the scallop fishery, it is called an Access Area and scallop vessels fishing in the area are subject to the Access Area Program Requirements specified in this section. Areas not defined as Scallop Rotational Areas specified in § 648.60, Habitat Management Areas specified in § 648.370, or areas closed to scallop fishing under other FMPs, are governed by other management measures and restrictions in this part and are referred to as Open Areas.

* * * * *

(2) Transiting a Closed Scallop Rotational Area. No vessel possessing scallops may enter or be in the area(s) specified in this section when those areas are closed, as specified through the specifications or framework adjustment processes defined in § 648.55, unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(3) Transiting a Scallop Access Area. Any sea scallop vessel that has not declared a trip into the Scallop Area Access Program may enter a Scallop Access Area, and possess scallops not caught in the Scallop Access Areas, for transiting purposes only, provided the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2. Any scallop vessel that has declared a trip into the Scallop Area Access Program may not enter or be in another Scallop Access Area on the same trip except such vessel may transit another Scallop Access Area provided its gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(b) * * *

(3) * * *

(i) * * *

(B) The following access area allocations and possession limits for limited access vessels shall be effective for the 2018 and 2019 fishing years:

(*1*) *Full-time vessels*—For a full-time limited access vessel, the possession limit and allocations are:

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	18,000 lb (8,165 kg) per trip	18,000 lb (8,165 kg)	0 lb (0 kg)
Nantucket Lightship-South		18,000 lb (8,165 kg)	0 lb (0 kg)
Nantucket Lightship-West		36,000 lb (16,329 kg)	0 lb (0 kg)
Mid-Atlantic		36,000 lb (16,329 kg)	18,000 lb (8,165 kg)
Total		108,000 lb (48,988 kg)	18,000 lb (8,165 kg)

(*2*) *Part-time vessels*—For a part-time limited access vessel, the possession limit and allocations are as follows:

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	14,400 lb (6,532 kg) per trip	14,400 lb (6,532 kg)	0 lb (0 kg)
Nantucket Lightship West		14,400 lb (6,532 kg)	0 lb (0 kg)
Mid-Atlantic		14,400 lb (6,532 kg)	14,400 lb (6,532 kg)
Total		43,200 lb (19,595 kg)	14,400 lb (6,532 kg)

(*3*) *Occasional vessels.* (*i*) For the 2018 fishing year only, an occasional limited access vessel is allocated 9,000 lb (4,082 kg) of scallops with a trip possession limit at 9,000 lb of scallops per trip (4,082 kg per trip). Occasional vessels may harvest the 9,000 lb (4,082 kg) allocation from only one available access area (Closed Area 1, Nantucket Lightship-West, Nantucket Lightship-South, or Mid-Atlantic).

(*ii*) For the 2019 fishing year, occasional limited access vessels are allocated 9,000 lb (4,082 kg) of scallops in the Mid-Atlantic Access Area only with a trip possession limit of 9,000 lb of scallops per trip (4,082 kg per trip).

(ii) *Limited access vessels' one-for-one area access allocation exchanges.* The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another Scallop Access Area. These exchanges may only be made for the amount of the current trip possession limit, as specified in paragraph (b)(3)(i)(B) of this section. For example, if the access area trip possession limit for full-time vessels is 18,000 lb (8,165 kg), a full-time vessel may exchange no more or less than 18,000 lb (8,165 kg), from one access area for no more or less than 18,000 lb (8,165 kg) allocated to another vessel for another access area. In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa. Vessel owners must request these exchanges by submitting a completed Access Area Allocation Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Access Area Allocation Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has enough unharvested allocation remaining in a given access area to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from the Regional Administrator that the allocation exchange has been made effective. A vessel owner may exchange equal allocations up to the current possession limit between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange allocations between another vessel and the vessel for which a Confirmation of Permit History has been issued.

* * * * *

(c) *Scallop Access Area scallop allocation carryover.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(2)(i)(J) for the entire fishing year preceding the carry-over year, a limited access scallop vessel operator may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days of the subsequent fishing year if the Scallop Access Area is open, unless otherwise specified in this section. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Mid-Atlantic Access Area at the end of fishing year 2017, that vessel may harvest 7,000 lb (3,175 kg) from its 2018 fishing year scallop access area allocation during the first 60 days that the Mid-Atlantic Access Area is open in fishing year 2018 (April 1, 2018, through May 30, 2018).

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Scallop Access Areas.* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a specifications action or framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2018 and 2019 are:

(1) 2018: Closed Area 1, Nantucket Lightship-West, Nantucket Lightship-South, and Mid-Atlantic.

(2) 2019: No access areas.

* * * * *

(g) * * *

(3) * * *

(v) The following LAGC IFQ access area allocations will be effective for the 2018 and 2019 fishing years:

Scallop access area	2017	2018 [1]
Closed Area 1	571	0
Nantucket Lightship-South	571	0
Nantucket Lightship-West	1,142	0
Mid-Atlantic	1,142	571
Total	3,237	571

[1] The LAGC IFQ access area trip allocations for the 2019 fishing year are subject to change through a future specifications action or framework adjustment.

* * * * *

■ 6. In § 648.60:

■ a. Revise paragraphs (a)(1);

■ b. Remove and reserve paragraph (a)(2);

■ c. Revise paragraph (a)(3);

■ d. Remove and reserve paragraph (b);

■ e. Revise paragraphs (c), (e), and (f); and

■ f. Add paragraphs (g) and (h).

The revisions and additions read as follows:

§ 648.60 Sea Scallop Rotational Areas.

(a) *Mid-Atlantic Scallop Rotational Area.* (1) The Mid-Atlantic Scallop Rotational Area is comprised of the following scallop access areas: The Elephant Trunk Scallop Rotational Area, as defined in paragraph (a)(3) of this section; and the Hudson Canyon Scallop Rotational Area, as defined in paragraph (a)(4) of this section.

(2) [Reserved]

(3) *Elephant Trunk Scallop Rotational Area.* The Elephant Trunk Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
ETAA1	38°50′ N	74°20′ W
ETAA2	38°10′ N	74°20′ W
ETAA3	38°10′ N	73°30′ W
ETAA4	38°50′ N	73°30′ W
ETAA1	38°50′ N	74°20′ W

* * * * *

(b) [Reserved]

(c) *Closed Area I Scallop Rotational Area.* The Closed Area I Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.81(a)(1), that lies between points CAIA3 and CAIA4:

Point	Latitude	Longitude	Note
CAIA1	41°30′ N	68°30′ W	.....
CAIA2	40°30′ N	68°23′ W	.....
CAIA3	40°54.95′ N	68°53.37′ W	(1)
CAIA4	41°58′ N	69°30′ W	(1)
CAIA1	41°30′ N	68°30′ W	.....

[1] From Point CAIA3 to Point CAIA4 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

* * * * *

(e) *Nantucket Lightship South Scallop Rotational Area.* The *Nantucket Lightship South* Rotational Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLSS1	40°20′ N	69°30′ W
NLSS2	40°33′ N	69°30′ W
NLSS3	40°33′ N	69°00′ W
NLSS4	40°20′ N	69°00′ W
NLSS1	40°20′ N	69°30′ W

(f) *Nantucket Lightship West Scallop Rotational Area.* The Nantucket Lightship West Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLSW1	40°20′ N	70°00′ W
NLSW2	40°43.44′ N	70°00′ W
NLSW3	40°43.44′ N	69°30′ W
NLSW4	40°20′ N	69°30′ W
NLSW5	40°20′ N	70°00′ W

(g) *Nantucket Lightship North Scallop Rotational Area.* The Nantucket Lightship North Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLSN1	40°50′ N	69°30′ W
NLSH2	40°50′ N	69°00′ W
NLSN3	40°33′ N	69°00′ W
NLSN4	40°33′ N	69°30′ W
NLSN1	40°50′ N	69°30′ W

(h) *Nantucket Lightship Hatchet Scallop Rotational Area.* The Nantucket Lightship Hatchet Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLSH1	40°50′ N	69°30′ W
NLSH2	40°43.44′ N	69°30′ W
NLSH3	40°43.44′ N	70° W
NLSH4	40°20′ N	70° W
NLSH5	40°20′ N	70°20′ W
NLSH6	40°50′ N	70°20′ W
NLSH7	40°50′ N	69°30′ W

* * * * *

§ 648.61 [Removed and reserved]

■ 7. Remove and reserve § 648.61.

■ 8. Revise § 648.64 to read as follows:

§ 648.64 Flounder Stock sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder and the northern and southern stocks of windowpane flounder. The sub-ACLs for the yellowtail flounder stocks and the windowpane flounder stocks are specified in § 648.90(a)(4)(iii)(C) and § 648.90(a)(4)(iii)(E) of the NE multispecies regulations, respectively.

(b) Georges Bank Accountability Measure Area. The Georges Bank Accountability Measure Areas is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
GBAM1	41°30′ N	67°20′ W	.....
GBAM2	41°30′ N	(1)	(2)
GBAM3	40°30′ N	(3)	(2)
GBAM4	40°30′ N	67°20′ W	.....
GBAM1	41°30′ N	67°20′ W	.....

[1] The intersection of 41°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N lat., 66°34.73′ W long.

[2] From Point GBAM2 connected to Point GBAM3 along the U.S.-Canada Maritime Boundary.

[3] The intersection of 40°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately, 65°44.34′ W long.

(c) *Gear restriction.* When subject to an accountability measure gear restricted area as described in paragraphs (d) through (g) of this section, a vessel must fish with scallop dredge gear that conforms to the following restrictions:

(1) No more than 5 rows of rings shall be used in the apron of the dredge. The apron is on the top side of the dredge, extends the full width of the dredge, and is the rows of dredge rings that

extend from the back edge of the twine top (*i.e.,* farthest from the dredge frame) to the clubstick; and

(2) The maximum hanging ratio for a net, net material, or any other material on the top of a scallop dredge (twine top) possessed or used by vessels fishing with scallop dredge gear does not exceed 1.5 meshes per 1 ring overall. This means that the twine top is attached to the rings in a pattern of alternating 2 meshes per ring and 1 mesh per ring (counted at the bottom where the twine top connects to the apron), for an overall average of 1.5 meshes per ring for the entire width of the twine top. For example, an apron that is 40 rings wide subtracting 5 rings one each side of the side pieces, yielding 30 rings, would only be able to use a twine top with 45 or fewer meshes so that the overall ratio of meshes to rings did not exceed 1.5 (45 meshes/30 rings = 1.5).

(3) Vessels may not fish for scallops with trawl gear west of 71° W. Long when the gear restricted area accountability measure is in effect.

(d) *Georges Bank Yellowtail Flounder Accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Georges Bank yellowtail flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Georges Bank Accountability Measure Area, described in paragraph (b) of this section, shall be considered the Georges Bank Yellowtail Flounder Gear Restricted Area. Scallop vessels fishing in that area for the period of time specified in paragraph (d)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section.

(2) *Duration of gear restricted area.* The Georges Bank Yellowtail Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

(e) *SNE/MA yellowtail flounder accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the SNE/MA yellowtail flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the area west of 71° W. long., shall be considered the SNE/MA Yellowtail Flounder Gear Restricted Area. Scallop vessels participating in the DAS, or LAGC IFQ scallop fishery for the period of time specified in paragraph (e)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section when fishing in open areas. This accountability measure does not apply to scallop vessels fishing in Sea Scallop Access Areas.

(2) *Duration of gear restricted area.* The SNE/MA Yellowtail Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the SNE/MA yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	April.
Greater than 20	April through May.

(f) *Northern windowpane flounder accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Northern windowpane flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Georges Bank Accountability Measure Area, described in (b) of this section, shall be considered the Northern Windowpane Flounder Gear Restricted Area. Scallop vessels fishing in that area for the period of time specified in paragraph (f)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section.

(2) *Duration of gear restricted area.* The Northern Windowpane Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

(g) *Southern windowpane accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the southern windowpane flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the area west of 71° W. long., shall be considered the Southern Windowpane Flounder Gear Restricted Area. Scallop vessels participating in the DAS, or LAGC IFQ scallop fishery for the period of time specified in paragraph (g)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section when fishing in open areas. This accountability measure does not apply to scallop vessels fishing in Sea Scallop Access Areas.

(2) *Duration of gear restricted area.* The SNE/MA Windowpane Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the SNE/MA windowpane flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	February.
Greater than 20	March and February.

(h) *Process for implementing the AM*—(1) *If there is reliable information to make a mid-year determination,* that a flounder stock sub-ACL was exceeded, or is projected to be exceeded, the Regional Administrator shall determine, on or about January 15 of each year whether an accountability measure should be triggered as described in § 648.90(a)(5)(iv). The determination shall include the amount of the overage or projected amount of the overage, specified as a percentage of the overall sub-ACL for the specific flounder stock. Based on this determination, the Regional Administrator shall implement the AM in the following fishing year in accordance with the APA and attempt to notify owners of limited access and LAGC scallop vessels by letter identifying the length of the gear restricted area and a summary of the catch, overage, and projection that resulted in the gear restricted area.

(2) *If reliable information is not available to make a mid-year determination,* after the end of the scallop fishing year the Regional Administrator shall determine whether the flounder stock sub-ACL was exceeded and if an accountability measure was triggered as described in § 648.90(a)(5)(iv). The determination shall include the amount of the overage, specified as a percentage of the overall sub-ACL for the specific flounder stock. Based on this determination, the Regional Administrator shall implement the AM in accordance with the APA in Year 3 (*e.g.,* an accountability measure would be implemented in fishing year 2016 for an overage that occurred in fishing year 2014) and attempt to notify

owners of limited access and LAGC scallop vessels by letter identifying the length of the gear restricted area and a summary of the flounder stock catch and overage information.

§ 648.65 [Removed and reserved]

■ 9. Remove and reserve § 648.65.

[FR Doc. 2018–05155 Filed 3–14–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 51

Thursday, March 15, 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.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 725 17th Street NW, Washington, DC 20503 or email address: *OIRA_Submission@OMB.eop.gov.* Copies of submission may be obtained by calling (202) 712–5007.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–XXXX.

Form No.: AID 309–2.

Title: Offeror Information for Personal Services Contracts with Individuals.

Type: Renewal.

Purpose: United States Agency for International Development must collect information for reporting purposes to Congress and Office of Acquisition and Assistance Contract Administration. This form will be used to collect information to determine the most qualified person for a position without gathering information that may lead to discrimination or bias towards or gathered from applicant.

Annual Reporting Burden:

Respondents per request: 1.

Total annual responses: 12,684.

Total annual hours requested: 12,684.

Dated: March 6, 2018.

Lynn P. Winston,

Chief, Information and Records Division, FOIA Public Liaison, Agency Records Officer, U.S. Agency for International Development, Bureau for Management, Office of Management Service, Information and Records Division (M/MS/IRD), 1300 Pennsylvania Avenue NW, Suite 2.07–70, Washington, DC 20523.

[FR Doc. 2018–04879 Filed 3–14–18; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 12, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by April 16, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC, 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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.

Forest Service

Title: Volunteer Application and Agreement for Natural and Cultural Resource Agencies.

OMB Control Number: 0596–0080.

Summary of Collection: The Volunteer Act of 1972, (Pub. L. 92–300), as amended, authorizes Federal land management agencies to use volunteers and volunteer organizations to plan, develop, maintain and manage, where appropriate, trails and campground facilities, improve wildlife habitat, and perform other useful and important conservation services throughout the Nation. Participating agencies in Department of Agriculture: Forest Service and National Resources Conservation Service; Department of the Interior: National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Office of Surface Mining Reclamation and Enforcement, and U.S. Geological Survey; Department of Defense: U.S. Army Corps of Engineers and Department of Commerce: National Oceanic and Atmospheric; Administration—Office of National Marine Sanctuaries. Agencies will collect information using Common Forms OF 301—Volunteer Service Application; OF 301a Volunteer Service Agreement and OF 301b Volunteer Service Agreement and Sign-up Form for Groups.

Need and Use of the Information: Agencies will collect the names, addresses, and certain information about individuals who are interested in public service as volunteers. The information is used by the agencies as a position application, to review and determine if a potential volunteer is a good fit for a particular volunteer position. The OF–301a is used to enroll volunteers, collect contact information, parent or guardian approval, describe duties, project locations, schedules and any reimbursements, describe safety requirements and delineate any other terms of service. The OF–301b form is

used to record the name and contact information of the volunteer group, and the names and signatures of volunteers participating in a project. If the information is not collected, participating natural resource agencies will be unable to recruit and/or screen volunteer applicants or administer/run volunteer programs that are crucial to assisting these agencies in fulfilling their missions.

Description of Respondents: Individuals or households.

Number of Respondents: 516,134.

Frequency of Responses: Reporting: On occasion; Other: One time.

Total Burden Hours: 77,941.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–05250 Filed 3–14–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

[Docket No. FSIS–2015–0015]

Privacy Act of 1974; New System of Records

AGENCY: Food Safety and Inspection Service, U.S. Department of Agriculture.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Agriculture (USDA) proposes a new Food Safety and Inspection Service (FSIS) system of records entitled: USDA/FSIS–0004, Public Health Information System (PHIS). PHIS is a Web-based system that collects information generated from FSIS inspection, compliance verification, notification and monitoring activities regarding the slaughter, processing, import and export of meat, and poultry and egg products. Within PHIS, FSIS maintains contact and other identifying information about employees and contractors of USDA, government officials, representatives of regulated establishments, and third parties.

DATES: *Applicable date:* April 16, 2018. Written comments must be received on or before the above date. The proposed system will be adopted on the above date, without further notice, unless it is modified in response to comments, in which case the notice will be re-published.

ADDRESSES: Send written comments to: Docket Clerk, FSIS, Patriots Plaza 3, 355 E Street SW, Mailstop 3782, Room 8–163B, Washington, DC 20250–3700 or fax to (202) 245–4793. Comments may also be posted on: *https://www.regulations.gov/.* All comments must include the Agency's name and docket number, FSIS–2015–0015, and will be publicly posted, including any personal information submitted, on *https://www.regulations.gov.* Docket: To obtain a copy of, or to view, the docket, visit FSIS Docket Room, Patriots Plaza 3, 355 E Street SW, Room 164–A, Washington, DC 20250–3700, 8:00 a.m. to 4:30 p.m., Monday to Friday.

FOR FURTHER INFORMATION CONTACT: Roberta Wagner, Assistant Administrator, Office of Policy and Program Development (OPPD), FSIS, Room 350–E, Jamie Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250, or Neal Westgerdes, PHIS System Owner/Manager, OPPD, FSIS, Room 2925–South, 1400 Independence Ave. SW Washington, DC 20250, (202) 205–4233.

For Privacy Questions: Marj Leaming, USDA Privacy Officer, Policy, E-Government and Fair Information Practices, Office of the Chief Information Officer, USDA, 1400 Independence Ave. SW, Room 450–W, Washington, DC 20250; telephone 202–205–0926.

SUPPLEMENTARY INFORMATION: The Privacy Act requires agencies to publish in the **Federal Register** (FR) a notice of any new or revised system of records. A ''system of records'' is a group of any records under the control of an agency from which information is retrievable by the name of the individual or by some unique identifier assigned to the individual. USDA is proposing to establish a new system of records, entitled USDA/FSIS–04, Public Health Information System (PHIS). The primary purpose of PHIS is to collect information gathered by USDA Personnel from their inspection, compliance verification and notification activities at regulated establishments, and to assess data entered by Business Personnel. PHIS enhances USDA's ability to predict hazards and vulnerabilities in the food supply and thus prevent or mitigate food safety-related threats to the public health in a timely manner. Additionally, in regard to imports and exports, PHIS provides USDA and other domestic and foreign regulatory authorities with information to monitor the movement of meat, poultry and egg products in advance of a shipment's arrival.

USDA grants PHIS access to and collect information from the following user groups: (1) Employees and contractors of USDA (''USDA Personnel''); (2) government officials (domestic and foreign) (''Other Government Officials''); and (3) representatives of the regulated establishments and businesses, such as importers and exporters of food products, who require access to PHIS (''Business Personnel''). PHIS collects from all three user groups basic identifying contact information. The system also collects identifying information about individuals who are not PHIS users, but whose names may appear in records entered by a user, for contact purposes.

PHIS obtains and stores the identifying information for USDA Personnel, including: the user's and supervisor's full names, titles, duty stations, business contact information, assigned PHIS role(s), and USDA eAuthentication numbers. This information is used for contacting personnel, shipping documents and supplies, inspection assignment scheduling and for security and access control purposes. In addition to this basic identifying contact information, the system receives employee profile information for USDA Personnel from the National Finance Center, including, but not limited to: Social security numbers (stored in masked formats); hire dates; organizational level; pay plan; and locality and pay code. This employee profile data are used to verify USDA Personnel employment status.

For Other Government Officials and Business Personnel, the system collects information including the name and title of the user, business contact information, and PHIS roles and USDA eAuthentication information. From Business Personnel, it collects the user's entity name and associated business or tax identification numbers, as applicable. Only basic contact information is collected about individuals who are not PHIS users, but whose names appear in records entered by a user.

USDA Personnel enter records in connection with their inspection, compliance verification, and notification activities at regulated establishments. The records entered by Other Government Officials include documents concerning the equivalence of foreign inspection systems, documents concerning State program inspection verification and activities, responses to USDA decisions, and requests for information from USDA. Business Personnel enter records in connection with, or in response to, USDA Personnel's activities and decisions, and requests for services from USDA. Examples include records supporting compliance with FSIS regulations, such as applications for

export certificates and Meat and Poultry Export Certificate of Wholesomeness, as well as appeals of USDA compliance decisions regarding regulated establishments and products.

A Privacy Impact Assessment is posted on *https://www.usda.gov/wps/portal/usda/usdahome?navid=PRIVACY_POLICY_ES.*

No Privacy Act exemption is claimed.

In accordance with the Privacy Act, as implemented by the Office of Management and Budget (OMB) Circular A–108, USDA has provided a report of this proposed new system of records to the Chair of the Committee on Homeland Security and Governmental Affairs, United States Senate; the Chair of the Committee on Oversight and Government Reform, House of Representatives; and the Administrator of the Office of Information and Regulatory Affairs, OMB.

Done in Washington, DC, March 12, 2018.

Paul Kiecker,

Acting Administrator.

SYSTEM NAME AND NUMBER

Public Health Information System (PHIS), USDA/FSIS–04.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

USDA National Information Technology Center (NITC), 8930 Ward Parkway, Kansas City, MO, 64114, and NITC, 4300 Goodfellow Blvd., St. Louis, MO 63120.

SYSTEM MANAGER:

PHIS System Owner, Office of Policy and Program Development Food Safety and Inspection Service, USDA, Room 2925–South, 1400 Independence Ave. SW, Washington, DC 20250. (202) 205–4233.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*); Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031 *et seq.*); Humane Methods of Livestock Slaughter Act of 1978 (7 U.S.C. 1901–1906); Authority to Operate (ATO), dated 03/23/2017.

PURPOSE OF THE SYSTEM:

The primary role of this Web-based electronic system is to assist FSIS in accomplishing its food safety mission of conducting inspections and compliance verification activities at regulated establishments to confirm that meat, poultry and egg products are safe, wholesome, not adulterated, and correctly labeled, packaged and distributed. Supplementary purposes include the verification of product eligibility for moving in and out of the United States.

PHIS maintains FSIS inspection, compliance verification and sampling program results and business profile information. PHIS also maintains data about State and foreign food safety programs. PHIS maintains information about individuals: to allow users access to the system; to schedule and assess inspection and compliance verification activities; to track requests for USDA services; and to allow responses to appeal of USDA Personnel's decisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals granted access to the PHIS are covered: (1) Employees and contractors of USDA (''USDA Personnel''); (2) government officials (domestic and foreign) (''Other Government Officials''); and (3) representatives of the regulated establishments and businesses, such as importers and exporters of food products, who require access to PHIS (''Business Personnel''). All individuals, even if they are not users of the PHIS, who are mentioned or referenced in any documents entered into PHIS by a user are also covered. This group may include, but is not limited to: Plant workers, vendors, agents, and interviewees.

CATEGORIES OF RECORDS IN THE SYSTEM:

PHIS obtains and stores identifying information for the three categories of individuals as follows:

For USDA Personnel, PHIS stores the user's and supervisor's full names, titles, duty stations, business contact information, assigned PHIS role(s) and eAuthentication numbers. This information is used for contacting personnel, shipping documents and supplies, inspection assignment scheduling and for security and access control purposes. In addition to this basic identifying contact information, the system receives employee profile information for USDA Personnel from the National Finance Center, including, but not limited to: Social security numbers (stored in masked formats); hire dates; organizational level; pay plan; and locality and pay code. This employee profile data is used to verify USDA Personnel employment status.

For Other Government Officials and Business Personnel, the system collects information including the name and title of the user, business contact information, PHIS roles and e-Authentication information. From Business Personnel, it also collects the user's entity name and associated business or tax identification numbers, as applicable. Only basic contact information is collected about individuals who are not PHIS users, but whose names appear in records entered by a user.

RECORDS SOURCE CATEGORIES:

Basic identifying contact information of all user groups (USDA Personnel, Other Government Officials and Business Personnel) is obtained directly from the user. In addition, employment verification information about USDA Personnel is obtained from the NFC through a secure data feed.

Records entered by USDA Personnel or Other Government Officials in connection with their official duties are obtained directly from them.

Business Personnel records, including appeals, requests for services and requests for grants of inspection or updates to their entities' business profiles, are entered into PHIS directly by Business Personnel or are given in paper form to USDA Personnel for input into PHIS on behalf of the Business Personnel. Business records can also be obtained from a foreign country's Central Competent Authority (''CCA'').

USDA Personnel can also obtain some types of information about the other groups of users from USDA's electronic interface with other Federal agencies involved in tracking cross-border movement of the regulated establishments' products, including but not limited to the U.S. Customs and Border Protection Automated Commercial Environment (ACE). Business records from foreign countries are obtained from the respective foreign officials and typically, the CCA assigned the responsibility for maintaining a country's food safety systems reports in PHIS. Information about third parties referenced in the records entered by a user is obtained directly from the user entering or modifying the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, all or a portion of the records or information contained in this system may be disclosed outside of USDA as a routine use under 5 U.S.C. 552a(b)(3), as follows:

1. To the U.S. Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is

necessary for the litigation and one of the following is a party to the litigation or has an interest in the litigation:

a. USDA or any component thereof;

b. Any employee of USDA in his/her official capacity;

c. Any employee of USDA in his/her individual capacity where DOJ or USDA has agreed to represent the employee; or

d. The United States or any agency thereof and if the USDA determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which USDA collected the records.

2. To a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the written request of the individual to whom the record pertains.

3. To the National Archives and Records Administration (NARA) or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

4. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function. This would include, but not be limited to, the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the Government Accountability Office, or USDA's Office of the Inspector General or any authorized representatives of that office.

5. To appropriate agencies, entities, and persons when:

a. USDA suspects or has confirmed that there has been a breach of the system of records;

b. USDA has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, USDA (including its information systems, programs, and operations), the Federal Government, or national security; and

c. the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

6. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for USDA, when necessary to accomplish an agency function related to this system of records. Individuals who provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to USDA officers and employees.

7. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations, and such disclosure is proper and consistent with the official duties of the person making the disclosure.

8. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or appropriate authority responsible for protecting public health, preventing or monitoring disease or illness outbreaks, or ensuring the safety of the food supply. This includes the Department of Health and Human Services and its agencies, including the Centers for Disease Control and Prevention and the Food and Drug Administration, other Federal agencies, and State, tribal, and local health departments.

9. To another federal agency or federal entity when USDA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the federal government or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The system includes a database, electronic documents and paper records. The storage for the database records is a dedicated virtual server located in the USDA NITC facility in Kansas City, MO. Duplicate records are maintained at the USDA NITC facility in St. Louis, MO. The primary storage for the electronic documents is a records management system managed and hosted by USDA at their Enterprise Data Centers. Paper records are maintained in the USDA offices where they were created. Records backup storage is maintained by NITC Personnel in a virtual tape library at the USDA NITC facility in Kansas City, MO. Copies of the backup records are maintained at the USDA NITC facility in St. Louis, MO. Each USDA laboratory stores data in the local internal storage on each server. Paper records from establishments that do not wish to use the Web-based PHIS, and communication records, such as PHIS-related emails, are stored in a dedicated, secured location at FSIS field offices to which USDA Personnel are assigned.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Retrieval is by user profile object information, which is created during the user authorization process and includes the following data elements: User identification, role, permission, organization identification, and assigned place of work. Information can also be retrieved by a unique eAuthentication identification number assigned to all users.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

A master file backup is created at the end of the calendar year and maintained in St. Louis, MO. The St. Louis offsite storage site is located approximately 250 miles from the primary data facility and is not susceptible to the same hazards.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded by restricting accessibility, in accordance with USDA security and access policies. The safeguarding includes: Firewall(s), network protection, and an encrypted password. All users are assigned a level of role-based access, which is strictly controlled and granted through USDA-approved, secure application (Level 2 eAuthentication) after the user successfully completes Government National Agency Check with Inquiries (NACI). Controls are in place to preclude anonymous usage and browsing.

RECORDS ACCESS PROCEDURES:

Any individual may request a copy of records in PHIS by submitting a written request, with reasonable specificity, to FSIS Freedom of Information Act (FOIA) Office at: 1400 Independence Ave. SW, Room 2168-South, Mail Stop No. 3713, Washington, DC 20250. Under the Privacy Act (PA), 5 U.S.C. 552a, an individual United States citizen or legal permanent resident may seek access to records that are retrieved by his/her own name or other personal identifier, such as social security number or employee identification number. Such records will be made available unless they fall within the exemptions of the PA and the FOIA. Your Privacy Act request for records must be in writing and addressed to the FOIA office. For

more information about how to make a FOIA or a Privacy Act request to obtain records, please see: *http://www.fsis.usda.gov/wps/portal/footer/policies-and-links/freedom-of-information-act/foia-requests*

An individual United States citizen or legal permanent resident may also seek to correct or to amend his or her own records in PHIS that are retrieved by name or other personal identifier, such as one's social security number (SSN) or employee number. Such Privacy Act requests for correction or amendment will be processed in accordance with applicable legal requirements and exemptions under the governing regulations and statutes such as the FOIA, 5 U.S.C. 552, the PA, 5 U.S.C. 552a, and 7 CFR part 1, subpart G.

CONTESTING RECORDS PROCEDURES:

See ''Records Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Records Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

[FR Doc. 2018–05280 Filed 3–14–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0009]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Control of Chronic Wasting Disease

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the control of chronic wasting disease in farmed or captive cervid herds.

DATES: We will consider all comments that we receive on or before May 14, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0009.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0009, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0009* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations related to the control of chronic wasting disease in farmed or captive cervid herds, contact Dr. Randy Pritchard, Surveillance, Preparedness, and Response Services, VS, APHIS, 2150 Centre Avenue, Fort Collins, CO 80526; (970) 494–7241. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Control of Chronic Wasting Disease.

OMB Control Number: 0579–0189.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to protect the health of the United States' livestock and poultry populations by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible.

Chronic wasting disease (CWD) is a transmissible spongiform encephalopathy of cervids (elk, deer, and moose) typified by chronic weight loss leading to death. The presence of CWD in cervids causes significant economic and market losses to U.S. producers. In an effort to control and limit the spread of this disease in the United States, APHIS created a cooperative, voluntary Federal-State-private sector CWD Herd Certification Program designed to identify farmed or captive herds infected with CWD and provide for the management of these herds in a way that reduces the risk of spreading CWD. APHIS' Veterinary Services (VS) manages the CWD Herd Certification Program.

Owners of farmed or captive elk, deer, and moose herds who choose to participate in the CWD Herd Certification Program would need to follow program requirements for animal identification, testing, herd management, and movement of animals into and from herds. The regulations for this program are located in 9 CFR part 55. Part 55 also contains the regulations that authorize the payment of indemnity for the voluntary depopulation of CWD-positive, CWD-exposed, or CWD-suspect captive cervids. APHIS also established requirements in 9 CFR part 81 for the interstate movement of elk, deer, and moose to prevent movement that could pose a risk of spreading CWD.

The CWD Herd Certification Program and the indemnity program entail the use of information collection activities such as VS appraisal and indemnity claim form; sample collections and laboratory submissions, testing, and reporting; VS State application for CWD Herd Certification Program approval, renewal, or reinstatement; application for enrollment in the CWD Herd Certification Program; memoranda of understanding between APHIS and participating States; herd or premises plans; annual reports; State reviews; epidemiological investigations and reporting of out-of-State traces to affected States; reports of cervid suspects, escapes, disappearances, and deaths; inspections and inventories; a letter to appeal suspension, cancellation, or change in status; farmed, captive, and wild cervid identification; interstate certificates of veterinary inspection; surveillance data; and recordkeeping.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who

are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 2.813 hours per response.

Respondents: State animal health officials, accredited veterinarians, laboratories, and businesses managing farmed, captive, or wild cervid herds.

Estimated annual number of respondents: 4,532.

Estimated annual number of responses per respondent: 27.

Estimated annual number of responses: 123,397.

Estimated total annual burden on respondents: 347,163 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on March 9, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–05263 Filed 3–14–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0013]

Low Pathogenicity Avian Influenza Program; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are notifying stakeholders and interested persons that the Animal and Plant Health Inspection Service is hosting a public meeting to provide information on the Agency's current thinking regarding low pathogenicity avian influenza (LPAI) indemnity, compensation, and controlled marketing. The meeting will include an overview of the concepts we are developing with respect to LPAI indemnity, compensation, and controlled marketing and provide an opportunity for attendees to discuss issues of interest.

DATES: The meeting will be held on March 27, 2018, from 8 a.m. to 4:30 p.m.

ADDRESSES: The public meeting will be held at the Atlanta Airport Marriott, 4711 Best Road, Atlanta, GA 30337.

FOR FURTHER INFORMATION CONTACT: Dr. Fidelis Hegngi, Avian Health Surveillance Staff, Preparedness, and Response Services, VS, APHIS, 4700 River Road, Unit 46, Suite 4B–02.27, Riverdale, MD 20737; (301) 851–3564.

SUPPLEMENTARY INFORMATION: The low pathogenicity avian influenza (LPAI) virus typically causes little to no clinical signs in infected poultry. It spreads primarily through direct contact between healthy and infected birds or through indirect contact with contaminated equipment and materials. To prevent cases of LPAI, poultry producers must use special preventative measures and precautions on the farm. When LPAI findings do occur, the Animal and Plant Health Inspection Service (APHIS) and its State partners work to address them quickly and keep the disease from spreading to new flocks. Because LPAI does not typically kill poultry the way highly pathogenic avian influenza does, there may be additional control options beyond depopulation.

In order to provide a forum for the discussion of policy issues related to LPAI, APHIS is organizing a public meeting to provide information on our current thinking with respect to LPAI indemnity, compensation, and controlled marketing with poultry stakeholders and partners. This meeting will be held on March 27, 2018, and will begin at 8 a.m., and is scheduled to end at 4:30 p.m. Information regarding the meeting and registration instructions may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The meeting will open with remarks by Dr. Jack Shere, Deputy Administrator for APHIS' Veterinary Services. An overview of APHIS' current thinking on LPAI indemnity, compensation, and controlled marketing process will follow. APHIS will share the concepts we are developing on the process and take questions in a feedback session, where attendees can seek clarification about specific issues and state their opinions. The meeting will then break for lunch. After lunch, attendees will discuss the challenges of an LPAI incident or outbreak in the Table Egg and Upland Game Bird industries and offer possible solutions. The entire group will then reconvene to receive the highlights of each session, and the meeting will end after a discussion of next steps and closing remarks.

If you require special accommodations, such as a sign language interpreter, please call or write the individual under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 12th day of March 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–05270 Filed 3–14–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council (Council) will meet via teleconference. The Council is authorized under Section 9 of the Cooperative Forestry Assistance Act (the Act), as amended, and the Federal Advisory Committee Act (FACA). Additional information concerning the Council, can be found by visiting the Council's website at: *http://www.fs.fed.us/ucf/nucfac.shtml.*

DATES: The teleconference will be held on Tuesday March 20, 2018, from 10:30 a.m. to 4:30 p.m., Eastern Standard Time (EST) or until Council business is completed. All meetings are subject to cancellation. For an updated status of the teleconference prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held via teleconference. For anyone who would like to attend the teleconference, please visit the website listed in the ''*Summary*'' section or contact Nancy Stremple at *nstremple@fs.fed.us* for further details. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the USDA Forest Service, Sidney Yates Building., Room 3SC–01C, 201 14th Street SW, Washington DC 20024. Please call ahead at 202–309–7829 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Nancy Stremple, Executive Staff, National Urban and Community Forestry Advisory Council, by cell phone at 202–309–9873, or by email at *nstremple@fs.fed.us,* or via facsimile at 202–690–5792. Individuals who use telecommunication devices for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Report out from Committee work groups;
2. Provide updates on the 2018 grant proposal review and 2019 Call for Proposals;
3. Provide Forest Service updates on budget, projects, partnerships and nominations;
4. Listen to constituents with urban forestry concerns;
5. Perform administrative tasks;
6. Annual accomplishments/recommendations report to the Secretary—Status;
7. Next Meeting, Action items for the week of July 16, 2018.

The teleconference is open to the public. However, the public is strongly encouraged to RSVP prior to the teleconference to ensure all related documents are shared with public meeting participants. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by March 13, 2018, to be scheduled on the agenda. Council discussion is limited to Forest Service staff and Council members, however anyone who would like to bring urban and community forestry matters to the attention of the Council may file written statements with the Council's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Nancy Stemple, Executive Staff, National Urban and Community Forestry Advisory Council, Sidney Yates Building, Room 3SC–01C, 201 14th Street SW, Washington, DC 20024, or by email at *nstremple@fs.fed.us.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: February 14, 2018.

Patti Hirami,

Associate Deputy Chief, State & Private Forestry.

[FR Doc. 2018–05269 Filed 3–14–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), herein referred to as RUS or the Agency, announces its Community Connect Grant Program application window for Fiscal Year (FY) 2018. In addition, this NOSA announces the minimum and maximum Community Connect grant amounts, the funding priority, the application submission dates, the agency contact information, and the procedures for submission of paper and electronic applications.

This notice is being issued prior to passage of a final appropriations act to allow potential applicants time to submit proposals and give the Agency time to process applications within the current fiscal year. The Agency will publish the amount of funding received in any continuing resolution or the final appropriations act on its website at *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.* Expenses incurred in developing applications will be at the applicant's risk.

DATES: Submit completed paper or electronic grant applications by the following deadlines:

- *Paper submissions:* Paper submissions must be postmarked and mailed, shipped, or sent overnight *no later* than May 14, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.
- *Electronic submissions:* Electronic submissions must be received no later than May 14, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.
- If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

ADDRESSES: Copies of the FY 2018 Application Guide and materials for the Community Connect Grant Program may be obtained through:

(1) The Community Connect website at *https://www.rd.usda.gov/programs-services/community-connect-grants;* and

(2) The RUS Office of Loan Origination and Approval at 202–720–0800.

Completed applications may be submitted the following ways:

(1) *Paper:* Mail paper applications to the Rural Utilities Service, Telecommunications Program, 1400 Independence Ave. SW, Room 2844, STOP 1597, Washington, DC 20250–1597. Mark address with ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service.''

(2) *Electronic:* Submit electronic applications through *Grants.gov*. Prospective applicants can access information on submitting electronic applications at any time, regardless of registration status, through the *Grants.gov* website at *http://www.grants.gov*. However, in order to use the electronic submission option, applicants must register with *Grants.gov*.

FOR FURTHER INFORMATION CONTACT: Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture, Telephone: (202) 720–0800.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Community Connect Grant Program.

Announcement Type: Initial announcement.

Funding Opportunity Number: RDRUS–CC–2018.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.863.

Dates: Applicants must submit the paper or electronic grant applications by the deadlines found in this section and Section D(5).

A. Program Description

The purpose of the Community Connect Grant Program is to provide financial assistance in the form of grants to eligible applicants that will provide service at the Broadband Grant Speed to all premises in currently unserved, lower-income, and extremely rural areas. RUS will give priority to rural areas that demonstrate the greatest need for broadband services, based on the criteria contained herein.

In addition to providing service to all premises, the program's ''community-oriented connectivity'' concept will stimulate practical, everyday uses and applications of broadband by cultivating the deployment of new broadband services that improve economic development and provide enhanced educational and health care opportunities in rural areas. Such an

approach will also give rural communities the opportunity to benefit from the advanced technologies that are necessary to achieve these goals. The regulation for the Community Connect Program can be found at 7 CFR part 1739.

As in years past, the FY 2018 Community Connect Grant Application Guide has been updated based on program experience. All applicants should carefully review and prepare their applications according to instructions in the FY 2018 Application Guide and sample materials. Expenses incurred in developing applications will be at the applicant's own risk.

B. Federal Award Information

In accordance with 7 CFR 1739.2, the Administrator has established a minimum grant request amount of $100,000 and a maximum grant request amount of $3,000,000 per application for FY 2018.

The standard grant agreement, which specifies the term of each award, is available at *https://www.rd.usda.gov/files/CCGrantAgreement.pdf.* The Agency will make awards, and successful applicants will be required to execute documents appropriate to the project before the Agency will advance funding.

While prior Community Connect grants cannot be renewed, existing Community Connect awardees may submit applications for new projects. The Agency will evaluate project proposals from existing awardees as new applications. All grant applications must be submitted during the application window.

C. Eligibility Information

1. Eligible Applicants (See 7 CFR 1739.10)

a. Only entities legally organized as one of the following are eligible for Community Connect Grant Program financial assistance:

i. An incorporated organization.

ii. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b.

iii. A state or local unit of government.

iv. Other legal entity, including a cooperative, private corporation, or limited liability company organized on a for-profit or not-for-profit basis.

b. Applicants must have the legal capacity and authority to enter into contracts, to comply with applicable federal statutes and regulations, and to own and operate the broadband facilities as proposed in their application.

c. Applicants must have an active registration with current information in the System for Award Management (SAM) at *https://www.sam.gov* and have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number. Further information regarding SAM registration and DUNS number acquisition can be found in Sections D(3) and D(4) of this NOSA.

2. Ineligible Applicants

a. The following entities are *not eligible* for Community Connect Grant Program financial assistance:

i. Individuals and partnerships

ii. Corporations that have been convicted of a Federal felony within the past 24 months. Any corporation that has been assessed to have any unpaid federal tax liability, for which all judicial and administrative remedies have been exhausted or have lapsed and is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance.

b. In accordance with the Consolidated Appropriations Act, 2016, Sections 743–4, no funds may be available ''for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.''

3. Cost Sharing or Matching

The Community Connect Grant Program requires matching contributions for grants. See 7 CFR 1739.14 and the FY 2018 Application Guide for information on required matching contributions.

a. Grant applicants must demonstrate matching contributions in cash of at least fifteen percent (15%) of the requested grant amount. Matching contributions must be used solely for the Project and shall not include any financial assistance from federal sources unless there is a federal statutory exception specifically authorizing the federal financial assistance to be considered as such as discussed in 7 CFR 1739.14.

b. Applications that do not provide sufficient documentation of the required fifteen percent match will be declared ineligible.

4. Funding Restrictions

a. Eligible grant purposes.

Grant funds may be used to finance:

i. The construction, acquisition, or leasing of facilities, including spectrum, land or buildings to deploy service at the Broadband Grant Speed to all participating Critical Community Facilities and all required facilities needed to offer such service to all residential and business customers located within the Proposed Funded Service Area;

ii. The improvement, expansion, construction, or acquisition of a Community Center that furnishes free internet access at the Broadband Grant Speed and provides Computer Access Points. Grant funds provided for such costs shall not exceed the lesser of ten percent (10%) of the grant amount requested or $150,000; and

iii. The cost of bandwidth to provide service free of charge at the Broadband Grant Speed to Critical Community Facilities for the first two (2) years of operation.

b. Ineligible grant purposes.

Grant funds may not be used to finance:

i. The duplication of any existing Broadband Service provided by another entity.

ii. Operating expenses other than the cost of providing bandwidth at the Broadband Grant Speed to the Critical Community Facilities for two (2) years.

iii. Any other operating expenses not specifically permitted in 7 CFR 1739.12.

c. *Other.* For more information, see 7 CFR 1739.3 for definitions, 7 CFR 1739.12 for eligible grant purposes, and 7 CFR 1739.13 for ineligible grant purposes.

5. Other

Eligible projects must propose to fulfill the following requirements (see 7 CFR 1739.11 for more information):

a. *Minimum Broadband Service.* RUS uses this measurement to determine whether a proposed funded service area is served or unserved. Until otherwise revised in the **Federal Register,** the minimum rate-of-data transmission that qualifies as Minimum Broadband Service is ten (10) megabits per second downstream and one (1) megabit per second upstream for both fixed and mobile broadband service. RUS will determine that Broadband Service *does not exist* for areas with no broadband access or whose access is *less than* 10 Mbps downstream plus 1 Mbps upstream.

b. *Minimum Broadband Grant Speed.* The minimum bandwidth that an applicant *must* propose to deliver to

every customer in the proposed funded service area. Until otherwise revised in the **Federal Register,** the minimum rate-of-data transmission that qualifies as Minimum Broadband Grant Speed is twenty-five (25) megabits downstream and three (3) megabits upstream for both fixed and mobile service to the customer.

c. *Rural Area.* A Rural Area refers to any area, as confirmed by the most recent decennial Census of the United States, which is not located within:

i. A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or

ii. An urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. For purposes of the definition of Rural Area, an urbanized area means a densely populated territory as defined in the most recent decennial Census.

d. *Proposed Funded Service Area (PFSA).* Applicants must define a contiguous geographic area within an eligible Rural Area, in which Broadband Service does not currently exist, and where the applicant proposes to offer service at the Broadband Grant Speed to all residential and business customers. A PFSA must not overlap with Service Areas of current RUS borrowers and grantees.

e. *Critical Community Facilities.* Applicants must propose to offer service, free of charge to users, at the Broadband Grant Speed to all Critical Community Facilities located within the Proposed Funded Service Area for at least two (2) years.

f. *Community Center.* Applicants must propose to provide a Community Center, within the PFSA, with at least two (2) Computer Access Points and wireless access at the Broadband Grant Speed free of charge to users for at least two (2) years.

D. Application and Submission Information

The FY 2018 Application Guide provides specific detailed instructions for each item in a complete application. The Agency emphasizes the importance of including every required item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the FY 2018 Application Guide. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to April 30, 2018. Agency contact information can be found in Section G of this NOSA. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application. See the FY 2018 Application Guide for a full discussion of each required item. For a comprehensive list of all information required in a grant application, refer to 7 CFR 1739.15.

1. Address To Request Application Package

The FY 2018 Application Guide, copies of necessary forms and samples, and the Community Connect Grant Program Regulation are available in the following locations:

a. Community Connect Grant Program web page at *https://www.rd.usda.gov/programs-services/community-connect-grants.*

b. The Office of Loan Origination and Approval in RUS; call 202–720–0800.

2. Content and Form of Application Submission

a. Carefully review the Community Connect Application Guide and the 7 CFR part 1739, which detail all necessary forms and worksheets. A table summarizing the necessary components of a complete application can be found in Section D(2)(d).

b. *Submission of Application Items.* Given the high volume of program interest, applicants should submit the required application items in the order indicated in the FY 2018 Application Guide. Applications that are not assembled and tabbed in the specified order impede timely determination of eligibility. For applications with inconsistencies among submitted copies, the Agency will base its evaluation on the original signed application received.

c. *Additional Information.* The Agency may ask for additional or clarifying information for applications submitted by the deadline which appear to meet the eligibility requirements, but require further review.

d. *Table of Required Information in a Complete Grant Application.* This table summarizes and categorizes the items required in a grant application.

Application item	Regulation	Comments
A. Application for Federal Assistance Form		Form provided in FY 2018 Application Guide.
SF–424 Standard Form:		
A–2 SAM Registration Information		Form provided in FY 2018 Application Guide.
A–3 State Director Notification		Form provided in FY 2018 Application Guide.
A–4 Equal Opportunity Survey		Form provided in FY 2018 Application Guide.
B. Executive Summary of the Project		Narrative.
C. Scoring Criteria Documentation		Narrative & Documentation.
D. System Design		Narrative & Documentation.
Network Diagram		Documentation.
Environmental Questionnaire	*7 CFR part 1970*	Narrative & Documentation.
E. Service Area Map		Provided in RUS web-based Mapping Tool.
Service Area Demographics		Documentation.
F. Scope of Work		Narrative & Documentation.
Construction Build-out and Project Milestones		Form provided in FY 2018 Application Guide.
Project Budget		Form provided in FY 2018 Application Guide.
G. Community-oriented Connectivity Plan		Narrative.
H. Financial Information and Sustainability		Narrative & Documentation.
I. Statement of Experience		Narrative.
J. Evidence of Legal Authority and Existence		Documentation.
K. Additional Funding		Narrative & Documentation.
L. Compliance with Other Statutes and Regulations:		
Equal Opportunity and Nondiscrimination	*7 CFR part 15 (Subpart A)*	Form provided in FY 2018 Application Guide.
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	*49 CFR part 24 and 7 CFR part 21.*	Form provided in FY 2018 Application Guide.
Debarment, Suspension, and Other Responsibility Matters.	*7 CFR part 3017*	Form provided in FY 2018 Application Guide.

Application item	Regulation	Comments
Lobbying for Contracts, Grants, Loans, and Cooperative Agreements.	*7 CFR part 3018*	Form provided in FY 2018 Application Guide.
Drug-Free Workplace	*7 CFR part 3017*	Form provided in FY 2018 Application Guide.
Architectural Barriers		Form provided in FY 2018 Application Guide.
Flood Hazard Area Precautions	*7 CFR 1970*	Form provided in FY 2018 Application Guide.
Non-Duplication of Services		Form provided in FY 2018 Application Guide.
Federal Collection Policies for Commercial Debt		Form provided in FY 2018 Application Guide.
Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.		Form provided in FY 2018 Application Guide (corporate applicants-only).

e. *Number of copies of submitted applications.*

i. Applications submitted on paper. Submit the original application and two (2) copies to RUS.

ii. Applications submitted electronically through *Grants.gov*. Submit the electronic application once. Carefully read the FY 2018 Application Guide for guidance on submitting an electronic application. Applicants should identify and number each page in the same manner as the paper application.

3. Dun and Bradstreet Universal Numbering System (DUNS) Number

The grant applicant must supply a DUNS number as part of the application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Go to *http://fedgov.dnb.com/webform* for more information on DUNS number acquisition or confirmation.

4. System for Award Management (SAM)

Prior to submitting a paper or an electronic application, the applicant must register in SAM at *https://www.sam.gov/portal/SAM/#1.* SAM registration must be active with current data at all times, from the application review throughout the active Federal grant funding period. To maintain active SAM registration, the applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

5. Submission Dates and Times

a. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than May 14, 2018 to be eligible for FY 2018 grant funding. Late applications, applications which do not include proof of mailing or shipping, and incomplete applications are not eligible for FY 2018 grant funding. If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day. In the event of an incomplete application, the Agency will notify the applicant in writing, return the application, and terminate all further action.

i. Address paper applications to the Telecommunications Program, RUS, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 2844, STOP 1597, Washington, DC 20250–1597. Applications should be marked, ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval.''

ii. Paper applications must show proof of mailing or shipping by the deadline with one of the following:

A. A legibly dated U.S. Postal Service (USPS) postmark.

B. A legible mail receipt with the date of mailing stamped by the USPS.

C. A dated shipping label, invoice, or receipt from a commercial carrier.

iii. Due to screening procedures at the USDA, packages arriving via regular mail through the USPS are irradiated, which can damage the contents and delay delivery to the office. RUS encourages applicants to consider the impact of this procedure when selecting their application delivery method.

b. Electronic grant applications submitted through *Grants.gov* must be received no later than May 14, 2018 to be eligible for FY 2018 funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.

i. Applications will not be accepted via fax or electronic mail.

ii. Electronic applications for grants must be submitted through the federal government's *Grants.gov* initiative at *https://www.grants.gov/. Grants.gov* contains full instructions on all required passwords, credentialing, and software.

iii. *Grants.gov* requires some credentialing and online authentication procedures. These procedures may take several business days to complete. Therefore, the applicant should complete the registration, credentialing, and authorization procedures at *Grants.gov* before submitting an application.

iv. *Dun and Bradstreet Data Universal Numbering System (DUNS).* The grant applicant must supply a DUNS number as part of the application. See Section D(3) of this NOSA for more information.

v. *System for Award Management (SAM). Grants.gov* requires that the applicant's organization is registered in SAM. Be sure to obtain the organization's SAM listing well in advance of the application deadline. See Section D(4) of this NOSA for more information.

vi. RUS encourages applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadline.

vii. If system errors or technical difficulties occur, use the customer support resources available at the *Grants.gov* website.

E. Application Review Information

1. Criteria

Grant applications are evaluated for financial and technical feasibility, in accordance with 7 CFR 1739.16. An application that contains flaws that would prevent the successful implementation, operation, or sustainability of the project will not be approved for an award. In addition, grant applications are scored competitively and are subject to the criteria listed below. The maximum number of points possible is 100. See 7 CFR 1739.17 and the FY 2018 Application Guide for more information on the scoring criteria.

a. *Needs Category.* The Agency analyzes the challenges related to the following criteria and the ways in which the project proposes to address these issues (up to 50 points):

i. Economic characteristics.

ii. Educational challenges.

iii. Health care needs.

iv. Public safety issues.

b. *Stakeholder Involvement Category.* The Agency analyzes the extent of the project planning, development, and support from local residents, institutions, and Critical Community Facilities (up to 40 points).

c. *Experience Category.* The Agency analyzes the management team's level of

experience and past success of broadband systems operation (up to 10 points).

d. In making a final selection among and between applications with comparable rankings and geographic distribution, the Administrator may take into consideration the characteristics of the Proposed Funded Service Area (PFSA), as identified in 7 CFR 1739.17(d).

2. Review and Selection Process

a. Grant applications are ranked according to their final scores. RUS selects applications based on those rankings, subject to the availability of funds and consistent with 7 CFR 1739.17. It should be noted that an application receiving fewer points can be selected over an application receiving more points in the event that there are insufficient funds available to cover the costs of the higher scoring application, as stated in 7 CFR 1739.16(f).

b. Applications will be ranked and grants awarded in order until all grant funds are expended.

c. The Agency reserves the right to offer the applicant a lower amount than the amount proposed in the application, as stated in 7 CFR 1739.16(g).

F. Federal Award Administration Information

1. Federal Award Notices

a. *Successful applications.* RUS notifies applicants whose projects are selected for awards by mailing or emailing a copy of the award letter. The receipt of an award letter does not authorize the applicant to commence performance under the award.

b. After sending the award letter, the Agency will send an agreement that contains all the terms and conditions, as referenced in 7 CFR 1739.18 and Section B of this NOSA. A copy of the standard agreement is posted on the RUS website at *https://www.rd.usda.gov/programs-services/community-connect-grants.* RUS recognizes that each funded project is unique, and therefore may attach additional conditions to individual award documents. An applicant must execute and return the grant agreement with any additional items required by the agreement within the number of days specified in the selection notice letter.

2. Administrative and National Policy Requirements

The items listed in this NOSA, the Community Connect Grant Program regulation, the FY 2018 Application Guide, and accompanying materials implement the appropriate administrative and national policy requirements, which include, but are not limited to:

a. Executing a Community Connect Grant Agreement.

b. Using Form SF 270, ''Request for Advance or Reimbursement,'' to request reimbursements (along with the submission of receipts for expenditures, timesheets, and any other documentation to support the request for reimbursement).

c. Providing annual project performance activity reports until the expiration of the award.

d. Ensuring that records are maintained to document all activities and expenditures utilizing Community Connect grant funds and matching funds (receipts for expenditures are to be included in this documentation).

e. Providing a final project performance report.

f. Complying with policies, guidance, and requirements as described in the following applicable Code of Federal Regulations, and any successor regulations:

i. 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

ii. 2 CFR part 417 (Nonprocurement Debarment and Suspension).

iii. 2 CFR part 180 (Government-wide Debarment and Suspension).

g. Signing Form AD–3031 (''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants'') (for corporate applicants only).

h. Complying with Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *https://www.LEP.gov.*

i. Accountability and Compliance With Civil Rights Laws

7 CFR 1901–E

1901.201 Purpose. This subpart contains policies and procedures for implementing the regulations of the Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Title IX, Section 504 of the Rehabilitation Act of 1973, Executive Order 13166, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they relate to the Rural Development (Rural Development). Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

The policies contained in subpart E of part 1901 apply to recipients. As recipients of Federal financial assistance, borrowers are required to comply with the applicable Federal, State and local laws. Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act prohibits discrimination by recipients of Federal financial assistance. Recipients are required to adhere to specific outreach activities. These outreach activities include, contacting community organizations and leaders that include minority leaders, advertising in local newspapers and other media throughout the entire service area, and including the nondiscrimination slogan, ''This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law,'' in methods that may include, but not be limited to, advertisements, public broadcasts, and printed materials, such as, brochures and pamphlets. All recipients must submit and have on file a valid Form RD 400–1, ''Equal Opportunity Agreement,'' and RUS Form 266 or RD Form 400–4, ''Assurance Agreement.''

By signing Form 400–4 or 266, Assurance Agreement recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The Recipient will provide alternative forms of communication to persons with limited English proficiency. The Agency will conduct Civil Rights Compliance Reviews on recipients to identify the collection of racial and ethnic data on Program beneficiaries. In addition, the Compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.

3. Reporting

a. *Performance reporting.* All recipients of Community Connect Grant Program financial assistance must provide annual performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. This report may serve as the last annual report. The final report must include an evaluation of the success of the project in meeting the Community Connect Grant Program objectives. See 7 CFR 1739.19 and 2 CFR 200.328 for additional information on these reporting requirements.

b. *Financial reporting.* All recipients of Community Connect Grant Program financial assistance must provide an annual audit, beginning with the first year in which a portion of the financial

assistance is expended. Audits are governed by USDA audit regulations. See 7 CFR 1739.20 and 2 CFR part 200 (Subpart F) for a description of the financial reporting requirements.

c. *Recipient and Sub-recipient Reporting.* The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR 170 are as follows:

i. First Tier Sub-Awards of $25,000 or more (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *https://www.fsrs.gov* no later than the end of the month following the month the obligation was made. Please note that currently underway is a consolidation of eight federal procurement systems, including the Federal Sub-award Reporting System (FSRS), into one system, the System for Award Management (SAM). As a result, the FSRS will soon be consolidated into and accessed through *https://www.sam.gov/portal/public/SAM/.*

ii. The Total Compensation of the Recipient's Executives (the five most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov/portal/public/SAM/* by the end of the month following the month in which the award was made.

iii. The Total Compensation of the Sub-recipient's Executives (the five most highly compensated executives) must be reported by the Sub-recipient (if the Sub-recipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the sub-award was made.

d. *Record Keeping and Accounting.* The contract will contain provisions related to record keeping and accounting requirements.

G. Federal Awarding Agency Contacts

1. *Website: https://www.rd.usda.gov/programs-services/community-connect-grants.* This site maintains up-to-date resources and contact information for the Community Connect Grant Program;

2. *Telephone:* 202–720–0800;

3. *Email: community.connect@wdc.usda.gov;* and

4. *Main Point of Contact:* Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture.

H. Other Information

1. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, religion, sex, age, national origin, marital status, sex, gender identity (including gender expression), sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at 202–720–2600 (voice and TDD) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.ascr.usda.gov/ad-3027-usda-program-discrimination-complaint-form* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

a. *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

b. *Facsimile:* (202) 690–7442; or

c. *Email:* at *program.intake@usda.gov.*

d. USDA is an equal opportunity provider, employer, and lender.

Dated: February 14, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–05200 Filed 3–14–18; 8:45 am]

BILLING CODE P

ARCTIC RESEARCH COMMISSION

Notice of 109th Commission Meeting

A notice by the U.S. Arctic Research Commission on 03/09/2018.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 109th meeting in Seattle, WA, on April 21, 2018. The business sessions, open to the public, will convene at 8:30 a.m. at The Edgewater Hotel, 2411 Alaskan Way, Seattle, WA 98121.

The Agenda items include:

(1) Call to order and approval of the agenda
(2) Approval of the minutes from the 108th meeting
(3) Commissioners and staff reports
(4) Discussion and presentations concerning Arctic research activities

The meeting will focus on reports and updates relating to programs and research projects affecting Alaska and the greater Arctic.

The Arctic Research and Policy Act of 1984 (Title I Pub. L. 98–373) and the Presidential Executive Order on Arctic Research (Executive Order 12501) dated January 28, 1985, established the United States Arctic Research Commission.

If you plan to attend this meeting, please notify us via the contact information below. Any person planning to attend who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission of those needs in advance of the meeting.

Contact person for further information: Kathy Farrow, Communications Specialist, U.S. Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Kathy Farrow,

Communications Specialist.

[FR Doc. 2018–05213 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 12:00 p.m.

(Alaska Time) Thursday, March 15, 2018. The purpose of the meeting is for the Committee to vote on final advisory memorandum on Alaska Native voting rights that will be issued to the U.S. Commission on Civil Rights.

DATES: The meeting will be held on Thursday, March 15, 2018, at 12:00 p.m. AKT.

Public Call Information:
Dial: 888–609–5689.
Conference ID: 3574845.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–609–5689, conference ID number: 3574845. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=234.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Vote on Advisory Memorandum
III. Public Comment
IV. Next Steps
V. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of this Committee doing work on the FY 2018 statutory enforcement report.

Dated: March 11, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–05234 Filed 3–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Maryland Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on Friday, April 11, 2018. The purpose of the meeting is to plan its next civil rights project.

DATES: Wednesday, April 11, 2018, at 12:00 p.m. (EDT)

Public Call-In Information:
Conference call-in number: 1–888–298–3457 and conference ID: 8259032.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–298–3457 and conference ID: 8259032. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–888–298–3457 and conference ID: 8259032.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=253,* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Wednesday, April 11, 2018 at 12:00 p.m. (EDT)

- Rollcall
- Planning Meeting
- Other Business
- Open Comment
- Adjourn

Dated: March 9, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–05215 Filed 3–14–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2017]

Foreign-Trade Zone (FTZ) 52—Suffolk County, New York; Authorization of Production Activity; Advanced Optowave Corporation; (Diode Pumped Solid State Laser Systems); Ronkonkoma, New York

On November 8, 2017, Advanced Optowave Corporation submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 52, Site 5, in Ronkonkoma, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 55578, November 22, 2017). On March 12, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 12, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–05265 Filed 3–14–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent To Rescind, in Part; 2016

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies have been provided to producers and exporters of aluminum extrusions from the People's Republic of China (China). The period of review (POR) is January 1, 2016, through December 31, 2016.

DATES: Applicable March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Tom Bellhouse, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1121 or (202) 482–2057, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the notice of initiation of this administrative review on July 6, 2017.[1] The review was initiated on 219 companies. On October 4, 2017, the Aluminum Extrusions Trade Enforcement Working Group (the petitioner) withdrew its request for review of all but five companies: Liaoning Zhongwang Group Co. Ltd. (Liaoning), Liaoyang Zhongwang Aluminum Profile Co. Ltd. (Liaoyang), Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Co. Ltd., and Xin Wei Aluminum Company Limited.[2] On July 20, 2017, Commerce received timely no-shipment certifications from certain companies for which there remain active requests for review: Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Company Limited, and Xin Wei Aluminum Co. Ltd.[3] On October 31, 2017, Commerce issued the standard CVD questionnaire to Liaoning and Liaoyang as mandatory respondents.[4]

Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. On January 24, 2018, and March 1, 2018, Commerce extended the deadline for the preliminary results.[5] The revised deadline for the preliminary results of this review is now March 9, 2018.[6]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 44260 (July 6, 2017) (*Initiation Notice*).

[2] *See* Letter from the petitioner, ''Aluminum Extrusions from the People's Republic of China: Request for Administrative Review,'' dated May 31, 2017; Letter from Regal Ideas Inc., ''Aluminum Extrusions from the People's Republic of China: Request for Administrative Review,'' dated May 31, 2017; and Letter, ''Aluminum Extrusions from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated October 4, 2017. *See also* Memorandum, ''Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent to Rescind, in Part; 2016,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum) at ''Background'' and ''Partial Rescission of Review.''

[3] *See* Letter, ''Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries,'' dated July 20, 2017.

[4] *See* Department Letter re: ''2016 Administrative Review of the Countervailing Duty Order on Aluminum Extrusions from the People's Republic of China: Countervailing Duty Questionnaire,'' dated September 6, 2017 (Initial CVD Questionnaire—Liaoning Zhongwang Group Co., Ltd.) and Department Letter re: ''2016 Administrative Review of the Countervailing Duty Order on Aluminum Extrusions from the People's Republic of China: Countervailing Duty Questionnaire,'' dated September 6, 2017 (Initial CVD Questionnaire—Liaoyang Zhongwang Aluminum Profile Co., Ltd.). Liaoning Zhongwang Group Co., Ltd. and Liaoyang Zhongwang Aluminum Profile Co. Ltd. were the only companies with outstanding review requests which had not submitted timely certifications of no-shipment. Commerce also issued a countervailing duty questionnaire to Xin Wei Aluminum Company Limited, Xin Wei Aluminum Co., Ltd., and Guangdong Xin Wei Aluminum Products Co., Ltd., but later determined that Xin Wei Aluminum Company Limited, Xin Wei Aluminum Co., Ltd., Xin Wei Aluminum Co., and Guangdong Xin Wei Aluminum Products Co., Ltd. had submitted a timely no-shipment certification. *See* ''Preliminary Determination of No Shipments,'' below. *See also* Preliminary Decision Memorandum.

[5] *See* Memorandum, ''Aluminum Extrusions from the People's Republic of China: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated January 24, 2018, and uploaded to ACCESS on January 25, 2018; *see also* Memorandum, ''Aluminum Extrusions from the People's Republic of China: Second Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated March 1, 2018.

[6] *See* Memorandum for the Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[7] *See* Preliminary Decision Memorandum.

with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.[8]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For purposes of this review Commerce preliminarily finds that all programs previously countervailed in prior segments of this proceeding, remain countervailable—that is, they provide a financial contribution within the meaning of sections 771(5)(B)(i) and (D) of the Act, confer a benefit within the meaning of section 771(5)(B) of the Act, and are specific within the meaning of 771(5A) of the Act.

For a full description of the methodology underlying our preliminary conclusions, including our reliance on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum. As explained in the Preliminary Decision Memorandum, Commerce relied on adverse facts available because the Government of China and both of the mandatory respondents did not act to the best of their ability in responding to Commerce's requests for information, and consequently, has drawn an adverse inference, where appropriate, in selecting from among the facts otherwise available.[9] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Rescission of Review, in Part

For those companies named in the *Initiation Notice* for which all review requests have been timely withdrawn, we are rescinding this administrative review in accordance with 19 CFR 351.213(d)(1). These 214 companies are listed at Appendix II to this notice.

[8] *See* Preliminary Decision Memorandum for a complete description of the scope of the order.

[9] *See* sections 776(a) and (b) of the Act.

Intent To Rescind Administrative Review, in Part

As explained above, on July 20, 2017, Commerce received timely no-shipment certifications from Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Company Limited, and Xin Wei Aluminum Co. Ltd. Because there is no evidence on the record to indicate that these companies had entries of subject merchandise during the POR,[10] pursuant to 19 CFR 351.213(d)(3), we preliminarily intend to rescind the review with respect to Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Company Limited, and Xin Wei Aluminum Co. Ltd.[11] A final decision regarding whether to rescind the review of this company will be issued with the final results of review.

Preliminary Results

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:[12]

Company	Ad valorem rate (percent)
Liaoning Zhongwang Group Co., Ltd	198.61
Liaoyang Zhongwang Aluminum Profile Co., Ltd	198.61

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP 15 days after publication of the final results of this review.

For the 214 companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2016, through

[10] *See, e.g.,* Memorandum, ''2016 Administrative Review of the Countervailing Duty Order on Aluminum Extrusions from the People's Republic of China: Electronic U.S. Customs and Border Protection Data,'' dated July 7, 2017, and accompanying Microsoft Excel spreadsheet.

[11] *See* Preliminary Decision Memorandum.

[12] *Id.,* at ''Use of Adverse Facts Available'' and ''*Ad Valorem* Rate for Non-Cooperative Companies Under Review.''

December 31, 2016, in accordance with 19 CFR 351.212(c)(l)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above for each company listed on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we intend to instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash 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 preliminary results of review 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 preliminarily applied adverse facts available to Liaoning and Liaoyang, pursuant to section 776 of the Act, there are no calculations to disclose.

Public Comment

Interested parties may submit written case briefs no later than 30 days after the date of publication of the preliminary determination. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. Issues addressed at the hearing will be limited to those raised in the briefs.[15] All case and rebuttal briefs and hearing requests must be filed electronically and received successfully in their entirety through ACCESS by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 8, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Rescission of Review, in Part
IV. Intent To Rescind Administrative Review, in Part
V. Scope of the Order
VI. Use of Adverse Facts Available
VII. *Ad Valorem* Rate for Non-Cooperative Companies Under Review
VIII. Conclusion

Appendix II

List of Companies for Which We Are Rescinding This Administrative Review

1. Acro Import and Export Co.
2. Activa International Inc.
3. Activa Leisure Inc.
4. Allied Maker Limited
5. Alnan Aluminium Ltd.
6. Alnan Aluminum Co., Ltd.
7. Aluminicaste Fundicion de Mexico
8. AMC Limited
9. AMC Ltd.
10. Anji Chang Hong Chain Manufacturing
11. Aoda Aluminium (Hong Kong) Co., Limited
12. Atlas Integrated Manufacturing Ltd.
13. Belton (Asia) Development Limited
14. Belton (Asia) Development Ltd.
15. Birchwoods (Lin'an) Leisure Products Co., Ltd.
16. Bolnar Hong Kong Ltd.
17. Bracalente Metal Products (Suzhou) Co., Ltd.
18. Changshu Changshen Aluminum Products Co., Ltd.
19. Changshu Changsheng Aluminum Products Co., Ltd.
20. Changzhou Changzhen Evaporator Co., Ltd.
21. Changzhou Changzheng Evaporator Co., Ltd.
22. Changzhou Tenglong Auto Accessories Manufacturing Co. Ltd.
23. Changzhou Tenglong Auto Parts Co., Ltd.
24. China Square
25. China Square Industrial Co.
26. China Square Industrial Ltd.
27. China Zhongwang Holdings, Ltd.
28. Chiping One Stop Industrial & Trade Co., Ltd.
29. Classic & Contemporary Inc.
30. Clear Sky Inc.
31. Cosco (J.M.) Aluminum Co., Ltd.
32. Dalian Huacheng Aquatic Products
33. Dalian Liwang Trade Co., Ltd.
34. Danfoss Micro Channel Heat Exchanger (Jia Xing) Co., Ltd.
35. Daya Hardware Co Ltd.
36. Dongguan Dazhan Metal Co., Ltd.
37. Dongguan Golden Tiger Hardware Industrial Co., Ltd.
38. Dongguang Aoda Aluminum Co., Ltd.
39. Dragonluxe Limited
40. Dynabright International Group (HK) Ltd.
41. Dynamic Technologies China
42. ETLA Technology (Wuxi) Co. Ltd.
43. Ever Extend Ent. Ltd.
44. Fenghua Metal Product Factory
45. First Union Property Limited
46. FookShing Metal & Plastic Co. Ltd.
47. Foreign Trade Co. of Suzhou New & High-Tech Industrial Development Zone.
48. Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.
49. Foshan Golden Source Aluminum Products Co., Ltd.
50. Foshan Guangcheng Aluminium Co., Ltd.
51. Foshan Jinlan Aluminum Co. Ltd.
52. Foshan JinLan Aluminum Co., Ltd.
53. Foshan JMA Aluminum Company Limited
54. Foshan Shanshui Fenglu Aluminum Co., Ltd.
55. Foshan Shunde Aoneng Electrical Appliances Co., Ltd.
56. Foshan Yong Li Jian Aluminum Co., Ltd.
57. Fujian Sanchuan Aluminum Co., Ltd.
58. Fuzhou Sunmodo New Energy Equipment
59. Genimex Shanghai, Ltd.
60. Global Hi-Tek Precision Co. Ltd
61. Global PMX Dongguan Co., Ltd.
62. Global Point Technology (Far East) Limited
63. Gold Mountain International

[13] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.310(c).

Development, Ltd.
64. Golden Dragon Precise Copper Tube Group, Inc.
65. Gran Cabrio Capital Pte. Ltd.
66. Gree Electric Appliances
67. GT88 Capital Pte. Ltd.
68. Guang Ya Aluminium Industries Co. Ltd.
69. Guang Ya Aluminium Industries (HK) Ltd.
70. Guang Ya Aluminum Industries Company Ltd.
71. Guangcheng Aluminum Co., Ltd.
72. Guangdong Hao Mei Aluminum Co., Ltd.
73. Guangdong Jianmei Aluminum Profile Company Limited
74. Guangdong JMA Aluminum Profile Factory (Group) Co., Ltd.
75. Guangdong Midea
76. Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.
77. Guangdong Weiye Aluminum Factory Co., Ltd.
78. Guangdong Whirlpool Electrical Appliances Co., Ltd.
79. Guangdong Xin Wei Aluminum Products Co., Ltd.
80. Guangdong Yonglijian Aluminum Co., Ltd.
81. Guangdong Zhongya Aluminum Company Ltd.
82. Guangzhou Jangho Curtain Wall System Engineering Co., Ltd.
83. Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.
84. Hangzhou Xingyi Metal Products Co., Ltd.
85. Hanwood Enterprises Limited
86. Hanyung Alcoba Co., Ltd.
87. Hanyung Alcobis Co., Ltd.
88. Hanyung Metal (Suzhou) Co., Ltd.
89. Hao Mei Aluminum Co., Ltd.
90. Hao Mei Aluminum International Co., Ltd.
91. Hebei Xusen Wire Mesh Products Co., Ltd.
92. Henan New Kelong Electrical Appliances Co., Ltd.
93. Hong Kong Gree Electric Appliances Sales Limited
94. Hong Kong Modern Non-Ferrous Metal
95. Honsense Development Company
96. Hui Mei Gao Aluminum Foshan Co., Ltd.
97. Huixin Aluminum
98. IDEX Dinglee Technology (Tianjin) Co., Ltd.
99. IDEX Health
100. IDEX Technology Suzhou Co., Ltd.
101. Innovative Aluminum (Hong Kong) Limited
102. iSource Asia
103. Jackson Travel Products Co., Ltd.
104. Jangho Curtain Wall Hong Kong Ltd.
105. Jiangmen Jianghai District Foreign Economic Enterprise Corp. Ltd.
106. Jiangmen Jianghai Foreign Ent. Gen.
107. Jiangmen Qunxing Hardware Diecasting Co., Ltd.
108. Jiangsu Changfa Refrigeration Co.
109. Jiangyin Suncitygaylin
110. Jiangyin Trust International Inc.
111. Jiangyin Xinhong Doors and Windows Co., Ltd.
112. Jiaxing Jackson Travel Products Co., Ltd.
113. Jiaxing Taixin Metal Products Co., Ltd.
114. Jiuyan Co., Ltd.
115. JMA (HK) Company Limited
116. Johnson Precision Engineering (Suzhou) Co., Ltd.
117. Justhere Co., Ltd.
118. Kam Kiu Aluminum Products Sdn Bhd
119. Kanal Precision Aluminum Product Co., Ltd.
120. Karlton Aluminum Company Ltd.
121. Kong Ah International Company Limited
122. Kromet International
123. Kromet International Inc.
124. Kromet Intl Inc.
125. Kunshan Giant Light Metal Technology Co., Ltd.
126. Longkou Donghai Trade Co., Ltd.
127. Metaltek Group Co., Ltd.
128. Metaltek Metal Industry Co., Ltd.
129. Midea Air Conditioning Equipment Co., Ltd.
130. Midea International Trading Co., Ltd.
131. Midea International Training Co., Ltd.
132. Miland Luck Limited
133. Nanhai Textiles Import & Export Co., Ltd.
134. New Asia Aluminum & Stainless Steel Product Co., Ltd.
135. New Zhongya Aluminum Factory
136. Nidec Sankyo (Zhejang) Corporation
137. Nidec Sankyo Zhejiang Corporation
138. Nidec Sankyo Singapore Pte. Ltd.
139. Ningbo Coaster International Co., Ltd.
140. Ningbo Hi Tech Reliable Manufacturing Company
141. Ningbo Innopower Tengda Machinery
142. Ningbo Ivy Daily Commodity Co., Ltd.
143. Ningbo Yili Import and Export Co., Ltd.
144. North China Aluminum Co., Ltd.
145. North Fenghua Aluminum Ltd.
146. Northern States Metals
147. PanAsia Aluminum (China) Limited
148. Pengcheng Aluminum Enterprise Inc.
149. Permasteelisa Hong Kong Ltd.
150. Permasteelisa South China Factory
151. Pingguo Aluminum Company Limited
152. Pingguo Asia Aluminum Co., Ltd.
153. Popular Plastics Company Limited
154. Precision Metal Works Limited
155. Press Metal International Ltd.
156. Samuel, Son & Co., Ltd.
157. Sanchuan Aluminum Co., Ltd.
158. Sanhua (Hangzhou) Micro Channel Heat Exchanger Co., Ltd.
159. Shangdong Huasheng Pesticide Machinery Co.
160. Shangdong Nanshan Aluminum Co., Ltd.
161. Shanghai Automobile Air-Conditioner Accessories Co Ltd.
162. Shanghai Automobile Air Conditioner Accessories Ltd.
163. Shanghai Canghai Aluminum Tube Packaging Co., Ltd.
164. Shanghai Dongsheng Metal
165. Shanghai Shen Hang Imp & Exp Co., Ltd.
166. Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co. Ltd.
167. Shenyang Yuanda Aluminum Industry Engineering Co. Ltd.
168. Shenzhen Hudson Technology Development Co.
169. Shenzhen Jiuyuan Co., Ltd.
170. Sihui Shi Guo Yao Aluminum Co., Ltd.
171. Sincere Profit Limited
172. Skyline Exhibit Systems (Shanghai) Co. Ltd.
173. Southwest Aluminum (Group) Co., Ltd.
174. Summit Heat Sinks Metal Co, Ltd.
175. Suzhou JRP Import & Export Co., Ltd.
176. Suzhou New Hongji Precision Part Co.
177. Tai-Ao Aluminum (Taishan) Co. Ltd.
178. Taishan City Kam Kiu Aluminium Extrusion Co., Ltd.
179. Taizhou Lifeng Manufacturing Co., Ltd.
180. Taizhou Lifeng Manufacturing Corporation, Ltd.
181. Taizhou United Imp. & Exp. Co., Ltd.
182. tenKsolar (Shanghai) Co., Ltd.
183. Tianjin Ganglv Nonferrous Metal Materials Co., Ltd.
184. Tianjin Jinmao Import & Export Corp., Ltd.
185. Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.
186. Tianjin Xiandai Plastic & Aluminum Products Co., Ltd.
187. Tiazhou Lifeng Manufacturing Corporation
188. Top-Wok Metal Co., Ltd.
189. Traffic Brick Network, LLC
190. Union Aluminum (SIP) Co.
191. Union Industry (Asia) Co., Ltd.
192. USA Worldwide Door Components (Pinghu) Co., Ltd.
193. Wenzhou Shengbo Decoration & Hardware
194. Whirlpool (Guangdong)
195. Whirlpool Canada L.P.
196. Whirlpool Microwave Products Development Ltd.
197. WTI Building Products, Ltd.
198. Xin Wei Aluminum Co.[16]
199. Xinya Aluminum & Stainless Steel Product Co., Ltd.
200. Yuyao Fanshun Import & Export Co., Ltd.
201. Yuyao Haoshen Import & Export
202. Zahoqing China Square Industry Limited
203. Zhaoqing Asia Aluminum Factory Company Ltd.
204. Zhaoqing China Square Industrial Ltd.
205. Zhaoqing China Square Industry Limited
206. Zhaoqing New Zhongya Aluminum Co., Ltd.
207. Zhejiang Anji Xinxiang Aluminum Co., Ltd.
208. Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.
209. Zhejiang Zhengte Group Co., Ltd.
210. Zhenjiang Xinlong Group Co., Ltd.
211. Zhongshan Daya Hardware Co., Ltd.
212. Zhongshan Gold Mountain Aluminum Factory Ltd.
213. Zhongya Shaped Aluminum (HK) Holding Limited
214. Zhuhai Runxingtai Electrical Equipment

[16] As explained in the Preliminary Decision Memorandum, we preliminarily intend to rescind the review with respect to Guangdong Xin Wei Aluminum Products Co., Ltd., Xin Wei Aluminum Co. Ltd., and Xin Wei Aluminum Company Limited, which certified that they had no POR shipments. A final decision regarding whether to rescind the review of this company will be issued with the final results of review. However, no outstanding review requests exist for Xin Wei Aluminum Co. Therefore, pursuant to these preliminary results, we are hereby rescinding the review with respect to Xin Wei Aluminum Co.

Co., Ltd.

[FR Doc. 2018–05264 Filed 3–14–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG088

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Applications for five new scientific research permits and seven permit renewals.

SUMMARY: Notice is hereby given that NMFS has received twelve scientific research permit application requests relating to Pacific salmon, steelhead, eulachon, and green sturgeon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on April 16, 2018.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent by email to *nmfs.swr.apps@noaa.gov* (include the permit number in the subject line of email).

FOR FURTHER INFORMATION CONTACT: Shivonne Nesbit, Portland, OR (ph.: 503–231–6741), email: *Shivonne.Nesbit@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened California Coastal (CC); endangered Sacramento River winter-run (SRWR); threatened Central Valley spring-run (CVSR).

Coho salmon (*O. kisutch*): Threatened Southern Oregon/Northern California Coast (SONCC); endangered Central California Coast (CCC).

Steelhead (*O. mykiss*): Threatened Northern California (NC); threatened Central California Coast (CCC); threatened California Central Valley (CCV); threatened South-Central California Coast (S–CCC); endangered Southern California (SC).

North American green sturgeon (*Acipenser medirostris*): Threatened southern distinct population segment (sDPS).

Eulachon (*Thaleichthys pacificus*): Threatened sDPS.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1606–2R

Zach Larson and Associates is seeking to renew for five years a research permit that currently allows them to take juvenile SONCC coho in the Smith River, Morrison Creek, Ranch Bar, Saxton Bar Alcove, and Yontocket Slough in Northern California. The research may also cause them to take adult eulachon—a species for which there are currently no ESA take prohibitions. The study's purpose is to establish baseline data for the comparability between pre-treatment and post-treatment project sites. Documenting salmonid and non-salmonid species presence and their habitat use in privately owned portions of the Smith River is also needed to identify further habitat enhancement opportunities in the Smith River. This research would benefit the affected species by informing future restoration designs, providing data to support future enhancement projects, and helping managers assess the status of salmonid populations in the sloughs and alcoves in the Smith River estuary. The researchers propose to capture fish using beach seines. Captured fish would be captured, handled, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

15573–3R

The Glenn-Colusa Irrigation District (GCID) is seeking to renew for five years a research permit that currently allows them to take juvenile CVSR chinook, SRWR chinook, CCV steelhead and juvenile green sturgeon in the Sacramento River, California. The study's purpose is to monitor restoration actions and to detect annular and cyclic population changes. The GCID project provides the longest and most complete anadromous fish data set on Sacramento River. As a result, the research would benefit the affected species by informing operational decisions for state and Federal water facilities and supplementing other out-migrant monitoring projects conducted in the Sacramento River Basin. The researchers propose to use a rotary screw trap to capture the targeted fish. They would then be anesthetized, identified to species, measured, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

15730–2R

The Salmon Protection and Watershed Network (SPAWN) is seeking to renew for five years a research permit that currently allows them to take spawned adult carcasses and juvenile CCC coho, CC chinook and CCC steelhead in Lagunitas Creek and tributaries, California. The study's purpose is to provide baseline data on habitat and juvenile and adult salmon abundance throughout the species' range for CCCCoho. The research would benefit the affected species by providing data to inform future research, restoration, and conservation efforts. The researchers propose to use fyke nets to capture juvenile fish and observe adult fish during spawning surveys. Captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

15824–2R

The County of Santa Cruz is seeking to renew for five years a research permit that currently allows them to take juvenile CCC coho, CCC steelhead, and S–CCC steelhead in the San Lorenzo River and its tributaries, Aptos Creek and its tributaries, Corralitos Creek and its tributaries, and Soquel Creek and its tributaries. The study's purpose is to document habitat conditions and collect data on juvenile salmonid abundance in Santa Cruz County watersheds. The research would benefit the affected species by providing data on salmonid spawning and rearing habitat conditions and thereby help inform habitat restoration and conservation efforts and land and water use decisions. The researchers at Santa Cruz County propose to use backpack electrofishing and beach seines to capture fish and to observe fish during snorkel surveys. Captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

16110–2R

The Marin Municipal Water District (MMWD) is seeking to renew for five years a research permit that currently allows them to take juvenile and adult CCC coho, CCC steelhead, and CC chinook Lagunitas Creek (including two tributaries, San Geronimo Creek and Devil's Gulch) and Walker Creek. The study's purpose is to document trends in coho salmon abundance, determine freshwater and marine survival rates for coho salmon, assess the relationship between population trends and management efforts, and determine which coho life stage has the lowest survival rates. In Lagunitas Creek, this research would benefit the affected species by providing a consistent sampling program as a standardized method to evaluate salmon populations. The renewed monitoring program would maintain Lagunitas Creek as a Coastal Monitoring Program (CMP) life-cycle monitoring station. In Walker Creek, the research would benefit the affected species by providing needed population data for coho and steelhead—data needed to inform future habitat restoration. The MMWD propose to use backpack electrofishing and rotatory screw traps to capture fish and to observe fish during snorkel surveys and spawning surveys. Captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

16417–2R

The Santa Clara Valley Water District (SCVWD) is seeking to renew for five years a research permit that currently allows them take of take juvenile and adult CCC steelhead in Guadalupe Creek, Alamitos Creek, Calero Creek, Los Gatos Creek, Guadalupe River, Stevens Creek, Coyote Creek, Upper Penitencia Creek, and Lake Almaden. The study's purpose is to collect baseline data on *O. mykiss* population status, survival rates and migration patterns. This research would benefit the affected species by filling in data gaps on *O. mykiss* distribution and habitat use in Santa Clara County. The SCVWD proposes to use backpack and boat electrofishing to capture fish. The researchers would also use Vaki Riverwatchers, underwater infrared fish counters, at existing facilities to document migration. All captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

16544

The California Department of Fish and Wildlife (CDFW) is seeking a five-year permit to annually take juvenile and adult SC steelhead in Southern California from Topanga Canyon to Santa Maria. The purpose of this project is to monitor the population status, trends, spatial structure, and life history diversity of SC steelhead. This research would benefit the affected species by providing information to manage and recover the species. The CDFW proposes to use backpack electrofishing, hand and/or dipnets, beach seines, hook and line sampling, minnow traps, fyke nets, and weirs to capture fish. Fish would also be observed during snorkel and spawning surveys. Captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

17428–3R

The U.S. Fish and Wildlife Service (USFWS) is seeking to renew for five years a research permit that currently allows them take juvenile CVSR Chinook, SRWR Chinook, and juvenile and adult CCC steelhead on the America River, CA. The study's purpose is to monitor the abundance of juvenile salmon, infer biological responses to ongoing habitat restoration activities, and generate data for the salmon life cycle models. The research would benefit the affected species by informing future efforts to enhance the juvenile salmonid abundance, production, condition, and survival in the American River. The USFWS propose to use a rotary screw trap to capture fish. Captured fish would be anesthetized, identified to species, measured, PIT tagged, have a tissue sample taken for genetic analysis (fin clip and scales), and allowed to recover in cool, aerated water before being released back to the stream. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

20622

The Confluence Environmental Company (CEC) is seeking a five-year permit to annually take juvenile CC Chinook, juvenile SONCC coho, juvenile NC steelhead, subadult green sturgeon and adult eulachon—a species for which there are currently no ESA take prohibitions—in Humbolt Bay. The study's purpose is to compare different fish communities using estuarine habitats with and without oyster aquaculture in Humboldt Bay. The research would benefit the affected species by providing information on the environmental impacts shellfish aquaculture may have on the listed animals. The CEC proposes to use fyke nets to capture fish. Captured fish would be identified to species, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

20792

FISHBIO is seeking a five-year permit to annually take juvenile and adult CCV steelhead, CVSR chinook, and sDPS green sturgeon in the San Joaquin River and San Joaquin's river south delta. The study's purpose is to characterize the spatial distribution of non-native resident fishes in the San Joaquin River and delta, and to identify areas of relatively elevated predator abundance. That information, in turn, would benefit listed species by increasing our

understanding of the potential impacts predators may be having on juvenile salmonids migrating through this region and thus helping inform management decisions. FISHBIO proposes to use boat electrofishing to capture fish and to observe fish during stream surveys. Captured fish would be immediately placed in an aerated livebox until processing (*i.e.,* measuring and recording) is complete, and a partition in the livebox would separate potential predators from prey-sized fish to eliminate harmful interactions. Captured fish would be identified to species, and released. ESA-listed fish would be kept for as little time as possible and released before non-listed species. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

21499

The California Department of Water Resources (DWR) is seeking a five-year permit to annually take juvenile SRWR chinook, CVSR chinook, CCV steelhead and sDPS green sturgeon in the Northern Sacramento River Delta. The purpose of this project is test if the removal or reduction of invasive aquatic vegetation biomass changes the density and composition of the local food web. The research would benefit the affected species by providing information on ways to reduce non-native predator numbers and helping direct habitat restoration for native fish. The DWR proposes to use boat electrofishing to capture fish. Captured fish would be identified to species, and released. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

21547

The CDFW is seeking a two-year permit to take juvenile SONCC coho, CC chinook, NC steelhead, CCV steelhead, CCC coho, CVSR chinook, SRWR chinook, CCC steelhead, SC steelhead, and sDPS green sturgeon. The study's purpose is to assess the condition of the rivers and streams in California and provide a baseline for future comparisons. CDFW is participating in the USEPA National Rivers and Streams Assessment (NRSA), a probability-based survey designed to assess the condition of the Nation's rivers and streams. NRSA is a keystone program in California that provides data for the National Water Quality Inventory Report to Congress (305(b) report) and fulfills the water quality criteria and water quality monitoring requirements of the Clean Water Act. The CDFW proposes to capture fish by boat, raft or backpack electrofishing. Captured fish would be identified and measured. After the captured fish have fully recovered in an aerated live well they would be released at or near the location of capture, away from any future electroshocking activities. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 12, 2018.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–05257 Filed 3–14–18; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Market Risk Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice; request for nominations and topic submissions.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is requesting nominations for membership on the Market Risk Advisory Committee (MRAC or Committee) and also inviting the submission of potential topics for discussion at future Committee meetings. The MRAC is a discretionary advisory committee established by the Commission in accordance with the Federal Advisory Committee Act.

DATES: The deadline for the submission of nominations and topics is March 29, 2018.

ADDRESSES: Nominations and topics for discussion at future MRAC meetings should be emailed to *MRAC_Submissions@cftc.gov* or sent by hand delivery or courier to Alicia L. Lewis, MRAC Designated Federal Officer and Special Counsel to Commissioner Rostin Behnam, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Please use the title ''Market Risk Advisory Committee'' for any nominations or topics you submit.

FOR FURTHER INFORMATION CONTACT: Alicia L. Lewis, MRAC Designated Federal Officer and Special Counsel to Commissioner Rostin Behnam at (202) 418–5862 or email: *alewis@cftc.gov.*

SUPPLEMENTARY INFORMATION: The MRAC was established to conduct public meetings and submit reports and recommendations to the Commission on matters of public concern to clearinghouses, exchanges, swap execution facilities, swap data repositories, intermediaries, market makers, service providers, end-users (*e.g.,* consumers) and the Commission regarding (1) systemic issues that threaten the stability of the derivatives markets and other related financial markets, and (2) the impact and implications of the evolving market structure of the derivatives markets and other related financial markets. The duties of the MRAC are solely advisory and include advising the Commission with respect to the effects that developments in the structure of the derivatives markets have on the systemic issues that impact the stability of the derivatives markets and other financial markets. The MRAC also makes recommendations to the Commission on how to improve market structure and mitigate risk to support the Commission's mission of ensuring the integrity of the derivatives markets and monitoring and managing systemic risk. Determinations of actions to be taken and policy to be expressed with respect to the reports or recommendations of the MRAC are made solely by the Commission.

MRAC members generally serve as representatives and provide advice reflecting the views of organizations and entities that constitute the structure of the derivatives and financial markets. The MRAC may also include regular government employees when doing so furthers purposes of the MRAC. Historically, the MRAC has had approximately 30 members with the following types of entities with interests in the derivatives markets and systemic risk being represented: (i) Exchanges, (ii) clearinghouses, (iii) swap execution facilities, (iv) swap data repositories, (v) intermediaries, (vi) market makers, (vii) service providers, (viii) end-users, (ix) academia, (x) public interest groups, and (xi) regulators. The MRAC has held approximately 2–4 meetings per year. MRAC members serve at the pleasure of the Commission. In addition, MRAC members do not receive compensation or honoraria for their services, and they are not reimbursed for travel and per diem expenses.

The Commission seeks members who represent organizations or groups with an interest in the MRAC's mission and function and reflect a wide range of perspectives and interests related to the derivatives markets and other financial markets. To advise the Commission effectively, MRAC members must have a high-level of expertise and experience in the derivatives and financial markets and the Commission's regulation of such markets, including from a historical perspective. To the extent practicable, the Commission will strive to select members reflecting wide ethnic, racial, gender, and age representation. MRAC members should be open to participating in a public forum.

The Commission invites the submission of nominations for MRAC membership. Each nomination submission should include relevant information about the proposed member, such as the individual's name, title, and organizational affiliation as well as information that supports the individual's qualifications to serve on the MRAC. The submission should also include suggestions for topics for discussion at future MRAC meetings as well as the name and email or mailing address of the person nominating the proposed member.

Submission of a nomination is not a guarantee of selection as a member of the MRAC. As noted in the MRAC's Membership Balance Plan, the CFTC identifies members for the MRAC based on Commissioners' and Commission staff professional knowledge of the derivatives and other financial markets, consultation with knowledgeable persons outside the CFTC, and requests to be represented received from organizations. The office of the Commissioner primarily responsible for the MRAC plays a primary, but not exclusive, role in this process and makes recommendations regarding membership to the Commission. The Commission, by vote, authorizes members to serve on the MRAC.

In addition, the Commission invites submissions from the public regarding the topics on which MRAC should focus. In other words, topics that:

(a) Reflect matters of public concern to clearinghouses, exchanges, swap execution facilities, swap data repositories, intermediaries, market makers, service providers, end-users and the Commission regarding systemic issues that impact the stability of the derivatives markets and other related financial markets; and/or

(b) Are important to otherwise assist the Commission in identifying and understanding the impact and implications of the evolving market structure of the derivatives markets and other related financial markets.

Each topic submission should include the commenter's name and email or mailing address.

Authority: 5 U.S.C. App. II.

Dated: March 12, 2018.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2018–05271 Filed 3–14–18; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2018–0004]

Notice of Availability: Guidance on the Application of Human Factors to Consumer Products

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice of availability.

SUMMARY: The Consumer Product Safety Commission (Commission, or CPSC) is announcing the availability of a draft document titled, ''Guidance on the Application of Human Factors to Consumer Products.''

DATES: Submit comments by May 14, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2018–0004, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number CPSC–2018–0004, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Rana Balci-Sinha, Director, Division of Human Factors, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850–3213; email: *RBalciSinha@cpsc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Consumer Product Safety Commission (CPSC) staff [1] and Health Canada's Consumer Product Safety Directorate (Health Canada) have developed the draft guidance document, ''Guidance on the Application of Human Factors to Consumer Products,'' to help consumer product manufacturers integrate human factors principles into the product development process. The draft guidance document provides recommendations to improve the usability and reduce the use-related hazards associated with consumer products. Many product-related injuries can be prevented by better user-centered design. Providing the consumer product industry with general human factors principles and guidance, and how these principles can be applied to their products, can help reduce product-related incidents and reduce costly compliance and enforcement actions.

The draft guidance document is intended for industry stakeholders, designers, and manufacturers in the consumer product sector. This draft guidance can be tailored to meet the needs of a particular product, recognizing that not all practices apply to all products.

The draft guidance document is not a rule and does not establish legally enforceable responsibilities.

The draft guidance document is available on the Commission's website at: *https://www.cpsc.gov/s3fs-public/HF-Standard-Practice-Draft-12Feb2018.pdf?CGk4Zs9GabjCnZ5RXQuSlr2toQ1aLPhJ* and from the Commission's Office of the Secretary at the location listed in the **ADDRESSES** section of this notice.

The Commission invites comment on the draft document, ''Guidance on the Application of Human Factors to

[1] This document was prepared under the direction of CPSC staff and has not been reviewed and does not necessarily reflect the views of the Commission.

Consumer Products.'' Comments should be submitted by May 14, 2018. Information on how to submit comments can be found in the **ADDRESSES** section of this notice.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–05208 Filed 3–14–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the Final Environmental Impact Statement (FEIS) for the Holden Beach East End Shore Protection Project With Installation of a Terminal Groin Structure at the Eastern End of Holden Beach, Extending Into the Atlantic Ocean, West of Lockwoods Folly Inlet (Brunswick County, NC)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from the Town of Holden Beach to install a terminal groin structure on the east end of Holden Beach, extending into the Atlantic Ocean, just west of Lockwoods Folly Inlet.

DATES: Written comments on the FEIS will be received until 7 p.m., April 16, 2018.

ADDRESSES: Copies of comments and questions regarding the FEIS may be submitted to: U.S. Army Corps of Engineers (Corps), Wilmington District, Regulatory Division, c/o Mr. Mickey Sugg. ATTN: File Number SAW–2011–01914, 69 Darlington Avenue, Wilmington, NC 28403.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and FEIS can be directed to Mr. Mickey Sugg, Wilmington Regulatory Field Office, telephone: (910) 251–4811 or *mickey.t.sugg@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Project Description. The Town of Holden Beach is seeking Federal and State authorization for construction of a terminal groin, and associated beach fillet with required long-term maintenance, to be located at the eastern end of Holden Beach. The proposed terminal groin and beach fillet is the Town's Applicant Preferred alternative (Alternative 6—Intermediate Terminal Groin and Beach Nourishment) of six alternatives considered in this document. Under the Applicant's preferred alternative, the main stem of the terminal groin would include a 700-foot long segment extending seaward from the toe of the primary dune and a 300-foot anchor segment extending landward from the toe of the primary dune. The groin would also include a 120-ft-long shore-parallel T-Head segment centered on the seaward terminus of the main stem designed to prevent flanking. This is expected to have more of a stabilizing effect on the shoreline and minimize formation of potential offshore rip currents and sand losses during extreme wave conditions.

The seaward section of the groin would be constructed with loosely placed 4- to 5-ft-diameter granite armor stone to facilitate the movement of sand past the structure, and would have a crest width of ~5 ft and a base width of ~40 ft, while the underlying geo-textile base layer would have a slightly greater width of ~45 ft. The shore anchorage segment would be entirely buried at the completion of groin construction and would remain buried so long as the position of the MHW line remains seaward of the initial post-construction primary dune line. The intermediate groin would be designed to be a relatively low-profile structure to maximize sand overpassing and to minimize impacts to beach recreation and aesthetics.

The proposed terminal groin is one of four such structures approved by the General Assembly to be constructed in North Carolina following passing of Senate Bill (SB) 110. The USACE determined that there is sufficient information to conclude that the project would result in significant adverse impact on the human environment, and has prepared a FEIS pursuant to the National Environmental Policy Act (NEPA) to evaluate the environmental effects of the alternatives considering the project's purpose and need. The purpose and need of the proposed Holden Beach East End Shore Protection Project is to provide shoreline protection that would mitigate ongoing chronic erosion on the eastern portion on the Town's oceanfront shoreline so as to preserve the integrity of its public infrastructure, provide protection to existing development, and ensure the continued public use of the oceanfront beach along this area.

2. Issues. There are several potential environmental and public interest issues that are addressed in the FEIS. Public interest issues include, but are not limited to, the following: public safety, aesthetics, recreation, navigation, infrastructure, economics, and noise pollution. Additional issues may be identified during the public review process. Issues initially identified as potentially significant include:

a. Potential impacts to marine biological resources (burial of benthic organisms, passageway for fish and other marine life) and Essential Fish Habitat.

b. Potential impacts to threatened and endangered marine mammals, reptiles, birds, fish, and plants.

c. Potential for effects/changes to Holden Beach, Oak Island, Lockwoods Folly inlet, and the AIWW respectively.

d. Potential impacts to navigation.

e. Potential effects on federal navigation maintenance regimes, including the Federal project.

f. Potential effects of shoreline protection.

g. Potential impacts on public health and safety.

h. Potential impacts to recreational and commercial fishing.

i. Potential impacts to cultural resources.

j. Potential impacts to future dredging and nourishment activities.

3. Alternatives. Six alternatives are being considered for the proposed project. These alternatives, including the No Action alternative, were further formulated and developed during the scoping process and are considered in the FEIS. A summary of alternatives under consideration are provided below:

a. Alternative 1—No Action (Continue Current Management Practices);

b. Alternative 2—Abandon and Retreat;

c. Alternative 3—Beach Nourishment Only;

d. Alternative 4—Inlet Management and Beach Nourishment;

e. Alternative 5—Short Terminal Groin with Beach Nourishment;

f. Alternative 6—Intermediate Terminal Groin with Beach Nourishment/Applicants Preferred Alternative.

4. Scoping Process. Project Review Team meetings were held to receive comments and assess concerns regarding the appropriate scope and preparation of the FEIS. Federal, state, and local agencies and other interested organizations and persons participated in these Project Review Team meetings.

The Corps has initiated consultation with the United States Fish and Wildlife Service pursuant to the Endangered Species Act and the Fish and Wildlife

Coordination Act. The Corps has also initiated consultation with the National Marine Fisheries Service pursuant to the Magnuson-Stevens Act and Endangered Species Act. The Corps has coordinated with the State Department of Cultural Resources pursuant to Section 106 of the National Historic Preservation Act.

Potential water quality concerns will be addressed pursuant to Section 401 of the Clean Water Act through coordination with the North Carolina Divisions of Coastal Management (DCM) and Water Resources (DWR). This coordination will ensure consistency with the Coastal Zone Management Act and project compliance with water quality standards. The Corps has coordinated closely with DCM in the development of the FEIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The FEIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

5. Availability of the FEIS. The FEIS has been published and circulated. The FEIS for the proposal can be found at the following link: *http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/MajorProjects* under Holden Beach Terminal Groin—Corps ID # SAW–2011–01914.

Dated: March 8, 2018.

Scott McLendon,

Chief, Regulatory Division.

[FR Doc. 2018–05244 Filed 3–14–18; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0001]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Evaluation of Departmentalized Instruction in Elementary Schools

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 14, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0001. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Thomas Wei, 202–341–0626.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Impact Evaluation of Departmentalized Instruction in Elementary Schools.

OMB Control Number: 1850—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 8,531.

Total Estimated Number of Annual Burden Hours: 3,202.

Abstract: This package requests clearance for data collection activities to support an evaluation of departmentalized instruction in elementary schools. This evaluation is authorized by Title VII Section 8601 of the Elementary and Secondary Education Act, as amended most recently in 2015 by the Every Student Succeeds Act (ESSA). ESSA gives states considerable flexibility in designing systems to hold their schools accountable for improving student achievement. This flexibility extends to the types of strategies that states encourage or require their low-performing schools to adopt. However, many strategies in use have little to no evidence of effectiveness. More research is needed to help states identify strategies that are likely to help their low-performing schools improve.

One potential strategy that has recently become more popular in upper elementary school grades is to departmentalize instruction, where each teacher specializes in teaching one subject to multiple classes of students instead of teaching all subjects to a single class of students (self-contained instruction). However, virtually no evidence exists on its effectiveness relative to the more traditional self-contained approach. This evaluation will help to fill the gap by examining whether departmentalizing fourth and fifth grade teachers improves teacher and student outcomes. The evaluation will focus on math and reading, with an emphasis on low-performing schools that serve a high percentage of disadvantaged students.

The evaluation will include implementation and impact analyses. The implementation analysis will describe schools' approaches to departmentalization and benefits and challenges encountered. The analysis will be based on information from schools' study agreement form; meetings to design each school's approach to departmentalization; monitoring and support calls with schools; a principal interview; and a teacher survey. The impact analysis will draw on data from a teacher survey, videos of classroom instruction, a principal interview, and district administrative records to estimate the impact of departmentalized instruction on various outcomes. The outcomes include the quality of instruction and student-teacher relationships, teacher satisfaction and retention, and student achievement and behavior. These various data collection activities will be carried out between spring 2018 and fall 2020, although

most of the activities with the exception of the administrative data will take place only once during the first year treatment schools implement departmentalized instruction (2018–2019 school year).

Dated: March 12, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–05258 Filed 3–14–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–94–000]

Colorado Interstate Gas Company, L.L.C.; Notice of Request Under Blanket Authorization

Take notice that on February 27, 2018, Colorado Interstate Gas Company, L.L.C. (CIG) Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP18–94–000 a prior notice request pursuant to sections 157.205, 157.208(b), 157.210 and 157.216 of the Commission's regulations under the Natural Gas Act for authorization for the CIG 2018 Line Nos. 5A and 5B Expansion Project, which consists on modifying certain existing compression facilities located at the Cheyenne Hub in Weld County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Francisco Tarin, Director, Regulatory Affairs, Colorado Interstate Gas Company, L.L.C., P.O. Box 1087, Colorado Springs, Colorado 80944, at (703) 667–7517.

Specifically, CIG proposes to modify its existing CIG Cheyenne Compressor Station, CIG Cheyenne Jumper Compressor Station, and CIG Front Range Jumper Compressor Station located in Weld County, Colorado to allow for additional transportation service from mainline receipt points along the Colorado Front Range to the Cheyenne Hub Complex. The project will enable CIG to provide an incremental 230 million cubic feet per day (MMscf/d) of northbound capacity along Line Nos. 5A and 5B from points of receipt in the DJ Basin to the Cheyenne Hub. As a result of the project, CIG will increase its mainline northbound capability from 315 MMscf/d to 545 MMscf/d. Additionally, the delivery capability into the high pressure pool at the Cheyenne Hub will increase from 255 MMscf/d to 505 MMscf/d. The estimated cost for the project is approximately $14.5 million.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 57.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: March 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–05232 Filed 3–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD18–5–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice of Technical Conference

In an order issued on October 8, 2004, the Commission set forth a guideline for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act.[1] The Commission required OFAs to submit their costs using the OFA Cost Submission Form. The October 8 Order also announced that a technical conference would be held for the purpose of reviewing the submitted cost forms and detailed supporting documentation.

The Commission will hold a technical conference for reviewing the submitted OFA costs. The purpose of the conference will be for OFAs and licensees to discuss costs reported in the forms and any other supporting documentation or analyses.

The technical conference will be held on March 29, 2018, in Conference Room 3M–3 at the Commission's headquarters, 888 First Street NE, Washington, DC. The technical conference will begin at 2:00 p.m. (EST).

The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's website or who has questions about the technical conference should contact Raven A. Rodriguez at (202) 502–6276 or via email at *annualcharges@ferc.gov.*

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free

[1] *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures,* 109 FERC 61,040 (2004) (October 8 Order).

(866) 208–3372 (voice), (202) 208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Dated: March 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–05231 Filed 3–14–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–125–000]

Associated Electric Cooperative, Inc.; Notice of Petition for Partial Waiver

Take notice that on March 9, 2018, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,[1] 18 CFR 292.402 (2018), Associated Electric Cooperative, Inc. (Associated Electric), on behalf of 56 rural electric cooperative member-owners (collectively, the Participating Members),[2] request a partial waiver of certain obligations imposed on the Participating Members under sections 292.303(a) and 292.303(b) of the Commission's Regulations[3] implementing section 210 of the Public Utility Regulatory Policies Act of 1978, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 30, 2018.

Dated: March 9, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–05233 Filed 3–14–18; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 292.402 (2017).

[2] Associated Electric Cooperative, Incorporated's Participating Member-Owners joining in this petition are Central Electric Power Cooperative, Boone Electric Cooperative, Callaway Electric Cooperative, Central Missouri Electric Cooperative, Inc., CO–MO Electric Cooperative, Inc., Consolidated Electric Cooperative, Cuivre River Electric Cooperative, Inc., Howard Electric Cooperative, Inc., Three Rivers Electric Cooperative, KAMO Electric Cooperative, Inc., Barry Electric Cooperative, Inc., Barton County Electric Cooperative, Inc., Cookson Hills Electric Cooperative, Inc., East Central Oklahoma Electric Cooperative, Inc., Indian Electric Cooperative, Inc., Kiamichi Electric Cooperative, Inc., Lake Region Electric Cooperative, Inc., New-Mac Electric Cooperative, Inc., Northeast Oklahoma Electric Cooperative, Inc., Osage Valley Electric Cooperative Association, Inc., Ozark Electric Cooperative, Inc., Ozarks Electric Cooperative Corp., Sac Osage Electric Cooperative, Inc., Southwest Electric Cooperative, Verdigris Valley Electric Cooperative, Inc., White River Valley Electric Cooperative, Inc., M&A Electric Power Cooperative, Black River Electric Cooperative, Ozark Border Electric Cooperative, Pemiscot-Dunklin Electric Cooperative, Inc., SEMO Electric Cooperative, Inc., Northeast Missouri Electric Power Cooperative, Access Energy Cooperative, Chariton Valley Electric Cooperative, Inc., Lewis County Rural Electric Cooperative Association, Macon Electric Cooperative, Missouri Rural Electric Cooperative, Ralls County Electric Cooperative, Southern Iowa Electric Cooperative, Tri-County Electric Cooperative Association, NW Electric Power Cooperative, Inc., Atchison-Holt Electric Cooperative, Farmers' Electric Cooperative, Inc., Grundy Electric Cooperative, Inc., North Central Missouri Electric Cooperative, Inc., Platte-Clay Electric Cooperative, Inc., United Electric Cooperative, Inc., West Central Electric Cooperative, Inc., Sho-Me Power Electric Cooperative, Crawford Electric Cooperative, Gascosage Electric Cooperative, Howell-Oregon Electric Cooperative, Inc., Intercounty Electric Cooperative Association, Laclede Electric Cooperative, Se-Ma-No Electric Cooperative, and Webster Electric Cooperative.

[3] 18 CFR 292.303(a) and (b) (2012).

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: EC18–65–000.
Applicants: Franklin Resources, Inc.
Description: Request for Reauthorization and Extension of Blanket Authorizations Under Section 203 of the Federal Power Act. of Franklin Resources, Inc.
Filed Date: 3/8/18.
Accession Number: 20180308–5180.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: EC18–66–000.
Applicants: Florida Power & Light Company.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Florida Power & Light Company.
Filed Date: 3/8/18.
Accession Number: 20180308–5181.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: EC18–67–000.
Applicants: Elk City II Wind, LLC, Elk City Renewables II, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Elk City II Wind, LLC, et. al.
Filed Date: 3/8/18.
Accession Number: 20180308–5185.
Comments Due: 5 p.m. ET 3/29/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3028–003.
Applicants: Elk Hills Power, LLC.
Description: Notice of Non-Material Change in Status of Elk Hills Power, LLC.
Filed Date: 3/8/18.
Accession Number: 20180308–5178.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: ER17–2074–001; ER10–2538–008; ER14–1317–007.
Applicants: Burney Forest Products, A Joint Venture, Panoche Energy Center, LLC, Sunshine Gas Producers, LLC.
Description: Notice of Non-Material Change in Status of Burney Forest Products, A Joint Venture, et al.
Filed Date: 3/8/18.
Accession Number: 20180308–5190.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: ER18–980–000.
Applicants: PacifiCorp.
Description: Notice of Termination of LGIA Facilities Maintenance Service Agreement No. 580 of PacifiCorp.

Filed Date: 3/8/18.
Accession Number: 20180308–5114.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: ER18–981–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notices of Cancellation of IFA & Distrib Serv Agmt RCWMD to be effective 2/28/2018.
Filed Date: 3/8/18.
Accession Number: 20180308–5169.
Comments Due: 5 p.m. ET 3/29/18.

Docket Numbers: ER18–982–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–03–09 SA 6510 MISO-Cleco Renewal SSR Agreement for Teche Unit No. 3 to be effective 4/1/2018.
Filed Date: 3/9/18.
Accession Number: 20180309–5025.
Comments Due: 5 p.m. ET 3/30/18.

Docket Numbers: ER18–983–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: First Revised Transmission Service Agreement 489 between PNM and El Cabo Wind to be effective 2/27/2018.
Filed Date: 3/9/18.
Accession Number: 20180309–5035.
Comments Due: 5 p.m. ET 3/30/18.

Docket Numbers: ER18–984–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 4953; Queue No. AC2–074 to be effective 2/21/2018.
Filed Date: 3/9/18.
Accession Number: 20180309–5072.
Comments Due: 5 p.m. ET 3/30/18.

Docket Numbers: ER18–985–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tri-State Generation and Transmission Association Depreciation Rates to be effective 7/1/2018.
Filed Date: 3/9/18.
Accession Number: 20180309–5079.
Comments Due: 5 p.m. ET 3/30/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05225 Filed 3–14–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0787; FRL–9974–71]

Pesticide Product Registration; Receipt of Applications for Pyroxasulfone New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered pyroxasulfone. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 16, 2018.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol of interest as show in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing pyroxasulfone a currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is

hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

EPA Registration Numbers: 63588–91 and 63588–92. *Docket ID Number:* EPA–HQ–OPP–2015–0787. *Applicant:* K–I Chemical USA, Inc., 11 Martine Ave., Suite 970, White Plains, NY 10606. *Active Ingredient:* Pyroxasulfone. *Product Type:* Herbicide. *Proposed Uses:* Crop Subgroup 1C, tuberous and corm vegetables (except granular/flakes and chips); Crop Subgroup 3–07, bulb vegetables; potatoes, granular/flakes and potato chips. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 28, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2018–05292 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0057; FRL–9974–56]

Pesticide Program Dialogue Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is announcing a public meeting of the Pesticide Program Dialogue Committee (PPDC) on May 2–3, 2018. This meeting provides advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides.

DATES: The meeting will be held on Wednesday, May 2, 2018, from 9 a.m. to 5 p.m., and Thursday, May 3, 2018, from 9 a.m. to noon.

Agenda: A draft agenda will be posted on or before April 18, 2018.

Accommodations requests: To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The PPDC Meeting will be held at 1 Potomac Yard South, 2777 S Crystal Drive, Arlington, VA, in the lobby-level Conference Center.

EPA's Potomac Yard South Bldg. is approximately 1 mile from the Crystal City Metro Station.

FOR FURTHER INFORMATION CONTACT: Dea Zimmerman, Office of Pesticide Programs (L–17J), Environmental Protection Agency, 77 W Jackson Boulevard, Chicago, IL 60604; telephone number: (312) 353–6344; email address: *zimmerman.dea@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you work in an agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act, and the Endangered Species Act. Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0057, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the PPDC in September 1995 to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

III. How can I request to participate in this meeting?

PPDC meetings are free, open to the public, and no advance registration is required. Public comments may be made during the public comment session of each meeting or in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 136 *et. seq.*

Dated: February 22, 2018.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

[FR Doc. 2018–05287 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9975–02]

Access to Confidential Business Information by Accelera Solutions, Inc

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Accelera Solutions, Inc. of Fairfax, VA, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data occurred on or about February 22, 2018.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Scott Sherlock, Environmental Assistance Division (7408M), Office of

Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8257; email address: *sherlock.scott@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2003–0004, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

Under EPA contract number (GS–35F–0391P, order number EP–G18H–01472), contractor Accelera of 12150 Monument Drive, Suite 800, Fairfax, VA, is assisting the Office of Pollution Prevention and Toxics (OPPT) in the operations, maintenance and infrastructure support for the Confidential Business Information Local Area Network (CBI LAN). This includes the existing hardware, associated operating systems, security artifacts and COTS products, currently in use on the OPPT CBI LAN and ADMIN LAN. In addition, the contractor is providing assistance on the virtual desktop solution, which will streamline the process of bilateral use of CBI and business processes, to support headquarters and region offices. Furthermore, they are assisting in establishing expertise in secure virtual environments.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number (GS–35F–0391P, order number EP–G18H–01472), Accelera required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. Accelera personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided Accelera access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until February 13, 2022. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

Accelera personnel have signed nondisclosure agreements and were briefed on appropriate security procedures before they were permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 28, 2018.

Pamela S. Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–05290 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9975–27–OLEM]

FY2018 Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the availability of funds.

SUMMARY: The Environmental Protection Agency (EPA) plans to make available approximately $7 million to provide supplemental funds to Revolving Loan Fund (RLF) capitalization grants previously awarded competitively under section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Brownfields Cleanup Revolving Loan Fund pilots awarded under section 104(d)(1) of CERCLA that have not transitioned to section 104(k)(3) grants are not eligible to apply for these funds. EPA will consider awarding supplemental funding only to RLF grantees who have demonstrated an ability to deliver programmatic results by making at least one loan or subgrant. The award of these funds is based on the criteria described at CERCLA 104(k)(4)(A)(ii).

The Agency is now accepting requests for supplemental funding from RLF grantees. Requests for funding must be submitted to the appropriate EPA Regional Brownfields Coordinator (listed below) by April 13, 2018. Funding requests for hazardous substances and/or petroleum funding will be accepted. Specific information on submitting a request for RLF supplemental funding is described below and additional information may be obtained by contacting the EPA Regional Brownfields Coordinator.

DATES: This action is effective March 15, 2018.

ADDRESSES: A request for supplemental funding must be in the form of a letter addressed to the appropriate Regional Brownfields Coordinator (see listing below) with a copy to Rachel Congdon, *congdon.rachel@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Congdon, U.S. EPA, (202) 566–1564 or the appropriate Brownfields Regional Coordinator.

SUPPLEMENTARY INFORMATION:

Background

The Small Business Liability Relief and Brownfields Revitalization Act added section 104(k) to CERCLA to authorize federal financial assistance for brownfields revitalization, including grants for assessment, cleanup and job training. Section 104(k) includes a provision for EPA to, among other things, award grants to eligible entities to capitalize Revolving Loan Funds and to provide loans and subgrants for brownfields cleanup. Section 104(k)(4)(A)(ii) authorizes EPA to make additional grant funds available to RLF grantees for any year after the year for which the initial grant is made (noncompetitive RLF supplemental funding) taking into consideration:

(I) The number of sites and number of communities that are addressed by the revolving loan fund;

(II) the demand for funding by eligible entities that have not previously received a grant under this subsection;

(III) the demonstrated ability of the eligible entity to use the revolving loan

fund to enhance remediation and provide funds on a continuing basis; and

(IV) such other similar factors as the [Agency] considers appropriate to carry out this subsection.

Eligibility

In order to be considered for supplemental funding, grantees must demonstrate that they have significantly depleted funds (both EPA grant funding and any available pre- or post-closeout program income) and that they have a clear plan for quickly utilizing requested additional funds. Grantees must demonstrate that they have made at least one loan or subgrant prior to applying for this supplemental funding and have significantly depleted existing available funds. For FY2018, EPA defines ''significantly depleted funds'' as uncommitted or available funding is 25% or less of total RLF funds awarded under both open and closed grants, and cannot exceed $600,000. For new RLF recipients with an award of $1 million of less, the uncommitted or available funding cannot exceed $300,000. Additionally, the RLF recipient must have demonstrated a need for supplemental funding based on, among other factors, the list of potential projects in the RLF program pipeline; demonstrated the ability to make loans and subgrants for cleanups that can be started and completed and will lead to redevelopment; demonstrated the ability to administer and revolve the capitalization funding in the RLF grant; demonstrated an ability to use the RLF grant to address funding gaps for cleanup; and demonstrated that they have provided a community benefit from past and potential loan(s) and/or subgrant(s). EPA encourages innovative approaches to maximizing revolving and leveraging with other funds, including use of grants funds as a loan loss guarantee, combining with other government or private sector lending resources. Applicants for supplemental funding must contact the appropriate Regional Brownfields Coordinator below to obtain information on the format for supplemental funding applications for their region. When requesting supplemental funding, applicants must specify whether they are seeking funding for sites contaminated by hazardous substances or petroleum. Applicants may request both types of funding.

REGIONAL CONTACTS

Region	States	Address/phone number/email
EPA Region 1, Joe Ferrari, *Ferrari.Joe@epa.gov*.	CT, ME, MA, NH, RI, VT	5 Post Office Square, Boston, MA 02109–3912, Phone (617) 918–1105 Fax (617) 918–0105.
EPA Region 2, Lya Theodoratos, *Theodoratos.Lya@epa.gov*.	NJ, NY, PR, VI	290 Broadway, 18th Floor, New York, NY 10007, Phone (212) 637–3260 Fax (212) 637–3083.
EPA Region 3, Brett Gilmartin, *Gilmartin.Brett@epa.gov*.	DE, DC, MD, PA, VA, WV	1650 Arch Street, Mail Code 3HS51, Philadelphia, Pennsylvania 19103–2029, Phone (215) 814–3405 Fax (215) 814–3015.
EPA Region 4, Derek Street, *Street.Derek@epa.gov*.	AL, FL, GA, KY, MS, NC, SC, TN	Atlanta Federal Center, 61 Forsyth Street SW, 10TH FL, Atlanta, GA 30303–8960, Phone (404) 562–8574 Fax (404) 562–8761.
EPA Region 5, Keary Cragan, *Cragan.Keary@epa.gov*.	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard, Mail Code SB–5J, Chicago, Illinois 60604–3507, Phone (312) 353–5669 Fax (312) 886–7190.
EPA Region 6, Mary Kemp, *Kemp.Mary@epa.gov*.	AR, LA, NM, OK, TX	1445 Ross Avenue, Suite 1200 (6SF–PB), Dallas, Texas 75202–2733, Phone (214) 665–8358 Fax (214) 665–6660.
EPA Region 7, Susan Klein, *R7_Brownfields@epa.gov*.	IA, KS, MO, NE	11201 Renner Blvd, Lenexa, Kansas 66219, Phone (913) 551–7786 Fax (913) 551–8688.
EPA Region 8, Daniel Heffernan, *Heffernan.daniel@epa.gov*.	CO, MT, ND, SD, UT, WY	1595 Wynkoop Street (EPR–B), Denver, CO 80202–1129, Phone (303) 312–7074 Fax (303) 312–6065.
EPA Region 9, Noemi Emeric-Ford, *Emeric-Ford.Noemi@epa.gov*.	AZ, CA, HI, NV, AS, GU	75 Hawthorne Street, WST–8, San Francisco, CA 94105, Phone (213) 244–1821 Fax (415) 972–3364.
EPA Region 10, Susan Morales, *Morales.Susan@epa.gov*.	AK, ID, OR, WA	1200 Sixth Avenue, Suite 900, Mailstop: ECL–112 Seattle, WA 98101, Phone (206) 553–7299 Fax (206) 553–0124.

Dated: March 1, 2018.

David R. Lloyd,

Director, Office of Brownfields and Land Revitalization, Office of Land and Emergency Management.

[FR Doc. 2018–05283 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9975–36–Region 2]

Proposed CERCLA Cost Recovery Settlement Regarding the Universal Oil Products Superfund Site, East Rutherford, New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed cost recovery settlement agreement pursuant to CERCLA between EPA and Honeywell International Inc. (''Settling Party'') regarding the Universal Oil Products Superfund Site, East Rutherford, New Jersey (''Site''). Pursuant to the proposed cost recovery settlement agreement, the Settling Party will pay $161,352.00 to resolve the Settling Party's civil liability under Section 107(a) of CERCLA for certain past response costs.

DATES: Comments must be submitted on or before April 16, 2018.

ADDRESSES: The proposed settlement agreement is available for public inspection at EPA's Region 2 offices. To request a copy of the proposed settlement agreement, please contact the EPA employee identified in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Michael J. van Itallie, Assistant Regional Counsel, U.S. Environmental Protection Agency, Office of Regional Counsel, Region 2, 290 Broadway—17th Floor, New York, New York 10007–1866. Email: *vanitallie.michael@epa.gov.* Telephone: (212) 637–3151.

SUPPLEMENTARY INFORMATION: For 30 days following the date of publication of this notice, EPA will receive written

comments concerning the proposed cost recovery settlement agreement. Comments to the proposed settlement agreement should reference the Universal Oil Products Superfund Site, U.S. EPA Index No. CERCLA–02–2018–2002. EPA will consider all comments received during the 30-day public comment period and may modify or withdraw its consent to the settlement agreement if comments received disclose facts or considerations that indicate that the proposed settlement agreement is inappropriate, improper, or inadequate. EPA's response to comments will be available for public inspection at EPA's Region 2 offices located at 290 Broadway, New York, NY 10007–1866.

Dated: February 12, 2018.

John Prince,

Acting Director, Emergency and Remedial Response Division, Region 2.

[FR Doc. 2018–05285 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1046]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 14, 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: 3060–1046.

Title: Part 64, Modernization of Payphone Compensation Rules, et al., WC Docket No. 17–141, et al.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 329 respondents; 2,257 responses.

Estimated Time per Response: 0.50 hours—122 hours.

Frequency of Response: On occasion, one-time, and quarterly reporting requirements; third party disclosure requirements; and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154 and 276.

Total Annual Burden: 34,720 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

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

Needs and Uses: Section 276 of the Communications Act, as amended (the Act), requires that the Federal Communications Commission (Commission or FCC) establish rules ensuring that payphone service providers or PSPs are ''fairly compensated'' for each and every completed payphone-originated call. The Commission's Payphone Compensation Rules satisfy section 276 by identifying the party liable for compensation and establishing a mechanism for PSPs to be paid. A 2003 Report and Order (FCC 03–235) established detailed rules (Payphone Compensation Rules) ensuring that payphone service providers or PSPs are ''fairly compensated'' for each and every completed payphone-originated call pursuant to section 276 of the Communications Act, as amended (the Act). The Payphone Compensation Rules satisfy section 276 by identifying the party liable for compensation and establishing a mechanism for PSPs to be paid. The Payphone Compensation Rules: (1) Place liability to compensate PSPs for payphone-originated calls on the facilities-based long distance carriers or switch-based resellers (SBRs) from whose switches such calls are completed; (2) define these responsible carriers as ''Completing Carriers'' and require them to develop their own system of tracking calls to completion; (3) require Completing Carriers to file with PSPs a quarterly report and also submit an attestation by the chief financial officer (CFO) that the payment amount for that quarter is accurate and is based on 100% of all completed calls; (4) require quarterly reporting obligations for other facilities-based long distance carriers in the call path, if any, and define these carriers as ''Intermediate Carriers;'' and (5) give parties flexibility to agree to alternative compensation arrangements (ACA) so that small Completing Carriers may

avoid the expense of instituting a tracking system. and undergoing an audit. On February 22, 2018, the Commission adopted a Report and Order, FCC 18–21 (*2018 Payphone Order*), that: (1) Eliminated the payphone call tracking system audit and associated reporting requirements; (2) permitted a company official, including but no longer limited to, the chief financial officer (CFO), to certify that a Completing Carrier's quarterly compensation payments to PSPs are accurate and complete; and (3) eliminated expired interim and intermediate per-payphone compensation rules that no longer apply to any entity. We believe that the revisions adopted in the *2018 Payphone Order* significantly decrease the paperwork burden on carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05204 Filed 3–14–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1180]

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 14, 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: 3060–1180.

Title: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents: 258 respondents; 258 responses.

Estimated Time per Response: 0.5 to 2 hours.

Frequency of Response: One-time and on occasion reporting requirements, twice within 12 years reporting requirement, 6, 10 and 12-years reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454 of the Communications Act of 1934.

Total Annual Burden: 431 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 FCC adopted the Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions Report and Order, FCC 14–50, on May 15, 2014, published at 79 FR 48442 (Aug. 15, 2014). The Commission seeks to extend for a period of three years from the Office of Management and Budget (OMB) some of the information collection requirements contained in FCC 14–50. The Commission will use the information to ensure compliance with required filings of notifications, certifications, license renewals, license cancelations, and license modifications. Also, such information will be used to minimize interference and to determine compliance with Commission's rules.

The following is a description of the information collection requirements approved under this collection:

Section 27.14(k) requires 600 MHz licensees to demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the applicable benchmark.

Section 27.14(t)(6) requires 600 MHz licensees to make a renewal showing as a condition of each renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address: (i) The level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered); (ii) the date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (iii) the extent to which service is provided to rural areas; (iv) the extent to which service is provided to qualifying tribal land as defined in 47 CFR 1.2110(f)(3)(i); and (v) any other factors associated with the level of service to the public.

Section 27.17(c) requires 600 MHz licensees to notify the Commission within 10 days of discontinuance if they permanently discontinue service by filing FCC Form 601 or 605 and requesting license cancellation.

Section 27.1321(b) previously designated as 27.19(b) requires 600 MHz licensees with base and fixed stations in the 600 MHz downlink band within 25 kilometers of Very Long Baseline Array (VLBA) observatories to coordinate with the National Science Foundation (NSF) prior to commencing operations.

Section 27.1321(c) previously designated as 27.19(c) requires 600 MHz licensees that intend to operate base and fixed stations in the 600 MHz downlink band in locations near the Radio Astronomy Observatory site located in Green Bank, Pocahontas County, West Virginia, or near the Arecibo Observatory in Puerto Rico, to comply with the provisions in 47 CFR 1.924.

Section 74.602(h)(5)(ii) requires 600 MHz licensees to notify the licensee of a studio-transmitter link (TV STL), TV relay station, or TV translator relay station of their intent to commence wireless operations and the likelihood of harmful interference from the TV STL, TV relay station, or TV translator relay station to those operations within the wireless licensee's licensed geographic service area. The notification is to be in the form of a letter, via certified mail, return receipt requested and must be sent not less than 30 days in advance of approximate date of commencement of operations.

Section 74.602(h)(5)(iii) requires all TV STL, TV relay station and TV translator relay station licensees to modify or cancel their authorizations and vacate the 600 MHz band no later than the end of the post-auction transition period as defined in 47 CFR 27.4.

These rules which contain information collection requirements are designed to provide for flexible use of this spectrum by allowing licensees to choose their type of service offerings, to encourage innovation and investment in mobile broadband use in this spectrum, and to provide a stable regulatory environment in which broadband deployment would be able to develop through the application of standard terrestrial wireless rules. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05203 Filed 3–14–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates (FR Y–8; OMB No. 7100–0126).

DATES: Comments must be submitted on or before May 14, 2018.

ADDRESSES: You may submit comments, identified by *FR Y–8,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* .
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Federal Reserve Board's public website at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for comment on information collection proposal:

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report title: Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates.

Agency form number: FR Y–8.

OMB control number: 7100–0126.

Frequency: Quarterly.

Respondents: Certain bank holding companies (BHCs) and savings and loan holding companies (SLHCs).

Estimated number of respondents: 933.

Estimated average hours per response: 7.8 hours.

Estimated annual burden hours: 29,110.

General description of report: The FR Y–8 collects information on covered transactions between an insured depository institution and its affiliates that are subject to the quantitative limits and requirements of section 23A of the Federal Reserve Act and the Board's Regulation W (12 CFR Pt. 223). The FR Y–8 is filed quarterly by all U.S. top-tier BHCs and SLHCs, and by foreign banking organizations (FBOs) that directly own or control a U.S. subsidiary insured depository institution. If an FBO indirectly controls a U.S. insured depository institution through a U.S. holding company, the U.S. holding company must file the FR Y–8. A respondent must file a separate report for each U.S. insured depository institution it controls. The primary purpose of the data is to enhance the Board's ability to monitor the credit exposure of insured depository institutions to their affiliates and to ensure that insured depository institutions are in compliance with section 23A of the Federal Reserve Act and Regulation W. Section 23A of the Federal Reserve Act limits an insured depository institution's exposure to affiliated entities and helps to protect against the expansion of the federal safety net to uninsured entities.

Proposed revisions: In order to reduce reporting burden, the Board proposes to eliminate the FR Y–8 declaration page. Currently, respondents that own or control insured depository institutions may, instead of completing the entire form, submit a declaration page each quarter attesting to the fact that the institutions do not have any covered transactions with their affiliates. The Board proposes to revise the instructions to eliminate the declaration page and to clarify that respondents that own or control insured depository institutions that do not have any covered transactions with their affiliates would not have to file the FR Y–8.

Legal authorization and confidentiality: The FR Y–8 is mandatory for respondents that control an insured depository institution that has engaged in covered transactions with an affiliate during the reporting period. Section 5(c) of the Bank Holding Company Act authorizes the Board to require BHCs to file the FR Y–8 reporting form with the Board. (12 U.S.C. 1844(c)). Section 10(b)(2) of the Home Owners' Loan Act authorizes the Board to require SLHCs to file the FR Y–8 reporting form with the Board. (12 U.S.C. 1467a(b)(2)). The release of data collected on this form includes financial information that is not normally disclosed by respondents, the release of which would likely cause substantial harm to the competitive position of the respondent if made publicly available. The data collected on this form, therefore, would be kept confidential under exemption 4 of the Freedom of Information Act, which protects from disclosure trade secrets and commercial or financial information. (5 U.S.C. 552(b)(4)).

Board of Governors of the Federal Reserve System, March 12, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05254 Filed 3–14–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Survey of Consumer Finances (FR 3059; OMB 7100–0287).

DATES: Comments must be submitted on or before May 14, 2018.

ADDRESSES: You may submit comments, identified by *FR 3059,* by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public website at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents,

including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report(s)

Report title: 2019 Survey of Consumer Finances (SCF).

Agency form number: FR 3059.

OMB control number: 7100–0287.

Frequency: One-time survey.

Respondents: U.S. families.

Estimated number of respondents: Pretest, 150; and Main survey, 7,000.

Estimated average hours per response: Pretest, 90 minutes; and Main survey, 90 minutes.

Estimated annual burden hours: Pretest: 225 hours and Main survey: 10,500 hours.

General description of report: This would be the thirteenth triennial SCF since 1983, the beginning of the current series. This survey is the only source of representative information on the structure of U.S. families' finances. The survey would collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families. Because the ownership of some assets is relatively concentrated in a small number of families, the survey would make a special effort to ensure proper representation of such assets by systematically oversampling wealthier families.

Legal authorization and confidentiality: Section 2A of the Federal Reserve Act (FRA) requires that the Board and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks. Those transactions must be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). The Board and the FOMC use the information obtained from the FR 3059 to help fulfill these obligations. The FR 3059 is a voluntary survey. The information collected on the FR 3059 is exempt from disclosure in identifiable form under exemption 6 of the Freedom of Information Act, which protects information that the disclosure of which would constitute an unwarranted invasion of personal privacy of individuals involved (5 U.S.C. 552(b)(6)).

Consultation outside the agency: The final survey questionnaire would be developed jointly by the Board and the contractor. The contractor would conduct the interviews for this survey. The data to support the part of the survey sample selected by the Board would be provided by the Statistics of Income Division (SOI) of the Internal Revenue Service under a contract that allows this use of the data as well as other more limited uses of the data for statistical adjustments to the final data and related purposes. As in past SCFs, the sample selection and survey administration would be managed so that the Board would not be given any names of survey participants; SOI would not be given data to link survey responses with tax records; and the contractor would not be given income data derived from the tax returns.

Board of Governors of the Federal Reserve System, March 12, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05266 Filed 3–14–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Interagency Notice of Change in Control (FR 2081a; OMB No. 7100–0134), Interagency Notice of Change in Director or Senior Executive Officer (FR 2081b; OMB No. 7100–0134), Interagency Biographical and Financial Report (FR 2081c; OMB 7100–0134), and the Interagency Bank Merger Act Application (FR 2070; OMB No. 7100–0171).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. These documents will also be made available on the Federal Reserve Board's public website at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Reports

Report title: Interagency Notice of Change in Control.

Agency form number: FR 2081a.

OMB control number: 7100–0134.

Frequency: On occasion.

Respondents: An individual (or a group of individuals or company or group of companies that would not be bank holding companies (BHCs) or savings and loan holding companies (SLHCs) after consummation of the proposed transaction) seeking to acquire shares of an insured depository institution, SLHC, or BHC (or group of BHCs or SLHCs).

Estimated number of respondents: 156.

Estimated average hours per response: 30.5.

Estimated annual burden hours: 4,758.

Report title: Interagency Notice of Change in Director or Senior Executive Officer.

Agency form number: FR 2081b.

OMB control number: 7100–0134.

Frequency: On occasion.

Respondents: Insured depository institutions, SLHCs, BHCs, and individuals.

Estimated number of respondents: 287.

Estimated average hours per response: 2.

Estimated annual burden hours: 574.

Report title: Interagency Biographical and Financial Report.

Agency form number: FR 2081c.

OMB control number: 7100–0134.

Frequency: On occasion.

Respondents: Certain shareholders, directors, and executive officers of financial institutions.

Estimated number of respondents: 1,512.

Estimated average hours per response: 4.5.

Estimated annual burden hours: 6,804.

Report title: Interagency Bank Merger Act Application.

Agency form number: FR 2070.

OMB control number: 7100–0171.

Frequency: On occasion.

Respondents: State member banks.

Estimated number of respondents: Non-affiliate, 54; Affiliate, 10.

Estimated average hours per response: Non-affiliate, 31; Affiliate, 19.

Estimated annual burden hours: 1,864.

General description of reports: The Interagency Notice of Change in Control form is used by an individual (or a group of individuals or a company or group of companies that would not be BHCs or SLHCs after consummation of the proposed transaction) seeking to acquire shares of a state member bank, SLHC or a BHC (or group of BHCs or SLHCs). The notice is submitted to the Board. The notice includes a description of the proposed transaction, the purchase price and funding source, and the personal and financial information of the proposed acquirer(s) and any proposed new management.

The Interagency Notice of Change in Director or Senior Executive Officer form is used, under certain circumstances, by a state member bank, BHC, SLHC, or the affected individual to notify the Board of a proposed change in the institution's board of directors or senior executive officers. The notice must be filed only if the state member bank, SLHC, or BHC is not in compliance with all minimum capital requirements, is in troubled condition or, is otherwise required by the Board to provide such notice.

The Interagency Biographical and Financial Report is used by certain shareholders, directors, and executive officers, in connection with different types of applications filed with the agencies. Information requested on this reporting form is subject to verification and, as with all required information, must be complete.

The Interagency Bank Merger Act Application is an event-generated application and is completed by a state member bank each time the bank requests approval to effect a merger, consolidation, assumption of deposit liabilities, other combining transaction with a nonaffiliated party, or a corporate reorganization with an affiliated party. The form collects information on the basic legal and structural aspects of these transactions.

Legal authorization and confidentiality: Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) authorizes the Board to require the information under the FR 2081a and FR 2081c. Section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 1831(i)) authorizes the Board to collect the information in the FR 2081b and FR 2081c.

The notices and reporting forms are public documents. Any organization or individual that submits a form may request that all or a portion of the submitted information be kept confidential. In such cases, the filer must justify the exemption by demonstrating that disclosure would cause substantial competitive harm, result in an unwarranted invasion of personal privacy, or would otherwise qualify for an exemption under the Freedom of Information Act (5 U.S.C. 552). The confidentiality status of the information submitted is judged on a case-by-case basis.

Because information is being collected from individuals, the Board is required to make certain disclosures to the notificant under the Privacy Act (5 U.S.C. 552a(e)(3)). The disclosures made by the Federal Reserve on the FR 2081 meet the requirements of the Privacy Act.

The Bank Merger Act (BMA), 12 U.S.C. 1828(c), authorizes the Board to collect the information in the FR 2070. The BMA requires, in relevant part, that a state member bank, when it is the acquiring, assuming or resulting bank, obtain prior approval from the Board before merging or consolidating with another insured depository institution, or before acquiring the assets of or assuming liability to deposits made in any other insured depository institution.

The Interagency Bank Merger Act Application is a public document. However, applicants may request that parts of their applications be kept confidential. In such cases, the filer must justify the exemption by demonstrating that disclosure would cause substantial competitive harm, would result in an unwarranted invasion of personal privacy, or would otherwise qualify for an exemption under the Freedom of Information Act (5 U.S.C. 552). The confidentiality status of the information submitted is judged on a case-by-case basis.

Effective Date: All revisions would become effective upon FDIC and OCC receiving OMB approval of their comparable reports.

Current actions: On October 2, 2017, the Board published a notice in the **Federal Register** (82 FR 45847) requesting public comment for 60 days on the extension, with revision, of the Interagency Notice of Change in Control (FR 2081a; OMB No. 7100–0134), Interagency Notice of Change in Director or Senior Executive Officer (FR 2081b; OMB No. 7100–0134), Interagency Biographical and Financial Report (FR 2081c; OMB 7100–0134), and the Interagency Bank Merger Act Application (FR 2070; OMB No. 7100–0171). The Board proposed to revise the FR 2070, 2081a, FR 2081b, and FR 2081c to improve the clarity of the information requests, delete information requests that are not typically useful for the analysis of the proposal, and increase transparency.

The draft final forms would include certain new information requests. These new requests relate to information that is customarily requested during the application review process but not reflected on the current forms. Requesting this information at the beginning of the review, through the forms, should increase the efficiency of the applications process and improve transparency. For example, the draft final FR 2070 would require a description of any contract deadlines and any filings with other state and federal regulators; the draft final FR 2081a would require a narrative description of the proposal and information regarding the expected timing of the proposal; the draft final FR 2081c would require a description of any liability that is contractually delinquent; and the draft final FR 2081a and FR 2081b would both require a description of whether the submission is being filed after-the-fact and whether any exemptions apply.

In addition, each of the draft final forms has been revised to remove information that is no longer relevant. For example, the draft final FR 2070 would no longer require a description of goodwill amortization and purchase discount accretion schedules because of accounting rule changes; the draft final FR 2081a would no longer require a description of current book value per share because that information can be calculated using other available information; and the draft final FR 2081c would remove the requirement to provide a fax number.

The comment period for this notice expired on December 1, 2017. The Board did not receive any comments. The revisions will be implemented as proposed.

Consultation With the Federal Deposit Insurance Corporation (FDIC) and Office of the Comptroller of the Currency (OCC)

Representatives from the Board worked together with representatives from the FDIC and OCC to draft revisions to the Interagency Notice of Change in Control, Interagency Notice of Change in Director or Senior Executive Officer, Interagency Biographical and Financial Report, Interagency Bank Merger Act because each of the agencies uses the forms for information collection. The agencies collaborated to determine whether the forms should be modified. They reviewed the forms in consideration of current law and applications processing procedures and practices.

Board of Governors of the Federal Reserve System, March 12, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05255 Filed 3–14–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
FEBRUARY 1, 2018 THRU FEBRUARY 28, 2018

02/01/2018		
20180647	G	Dominion Energy, Inc.; SCANA Corporation; Dominion Energy, Inc.
02/02/2018		
20180107	G	Michael S. Dunlap; Great Lakes Higher Education Corporation; Michael S. Dunlap.
20180645	G	OCM Big Wave Equity Holdings LLC; Billabong International Ltd.; OCM Big Wave Equity Holdings LLC.
20180650	G	Ascension Health Alliance; Presence Health Network; Ascension Health Alliance.
20180676	G	KKR European Fund IV L.P.; Unilever N.V.; KKR European Fund IV L.P.
20180677	G	Grey Mountain Partners Fund III, L.P.; Brambles Limited; Grey Mountain Partners Fund III, L.P.
20180678	G	AXA S.A.; Maestro Health, Inc.; AXA S.A.
20180682	G	Alps Electric Co., Ltd.; Alpine Electronics, Inc.; Alps Electric Co., Ltd.
20180685	G	Fuad El-Hibri; Emergent BioSolutions, Inc.; Fuad El-Hibri.
02/05/2018		
20180730	G	Idera Pharmaceuticals, Inc.; BioCryst Pharmaceuticals, Inc.; Idera Pharmaceuticals, Inc.
02/06/2018		
20180611	G	Warburg Pincus Private Equity XI, L.P.; Dude Solutions Holdings, Inc.; Warburg Pincus Private Equity XI, L.P.
20180654	G	Corvex Select Equity Master Fund LP; Energen Corporation; Corvex Select Equity Master Fund LP.
20180683	G	Compass Diversified Holdings; Jeffrey Wayne Palmer; Compass Diversified Holdings.
20180702	G	GTCR Fund XII/A LP; AP VIII Duke Holdings, L.P.; GTCR Fund XII/A LP.
02/07/2018		
20180662	G	Vista Foundation Fund II, L.P.; KKR 2006 Fund L.P.; Vista Foundation Fund II, L.P.
20180704	G	SLP BHN Investor, L.L.C.; Blackhawk Network Holdings, Inc.; SLP BHN Investor, L.L.C.
02/08/2018		
20180534	G	W.R. Grace & Co.; Albemarle Corporation; W.R. Grace & Co.
20180623	G	ABB Ltd; General Electric Company; ABB Ltd.
02/09/2018		
20180693	G	Rocher Participations; Natural Products Group, Inc.; Rocher Participations.
20180698	G	Michael J. Brown; Euronet Worldwide, Inc.; Michael J. Brown.

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2018 THRU FEBRUARY 28, 2018

20180699	G	Bureau Veritas S.A.; Joanne Limoges; Bureau Veritas S.A.
20180700	G	USA Compression Partners, LP; Energy Transfer Partners, L.P.; USA Compression Partners, LP.
20180705	G	Edgewell Personal Care Company; Jeff and Curran Dandurand; Edgewell Personal Care Company.
20180707	G	Archrock, Inc.; Archrock Partners, L.P.; Archrock, Inc.
20180710	G	Ardian LBO Fund VI A S.L.P.; Les Derives Resiniques et Terpeniques S.A.; Ardian LBO Fund VI A S.L.P.
20180713	G	Royal Dutch Shell plc; Silicon Ranch Corporation; Royal Dutch Shell plc.
20180715	G	Wolong Electric Group Co., Ltd.; General Electric Company; Wolong Electric Group Co., Ltd.
20180716	G	Green Equity Investors Side VII, L.P.; AEA Investors Fund V LP; Green Equity Investors Side VII, L.P.
20180718	G	NGP Natural Resources XI, L.P.; Bill Barrett Corporation; NGP Natural Resources XI, L.P.
20180720	G	Lincoln National Corporation; Liberty Mutual Holding Company Inc.; Lincoln National Corporation.
02/12/2018		
20180681	G	Amdocs Limited; Vubiquity Holdings, Inc.; Amdocs Limited.
20180708	G	RELX PLC; ThreatMetrix, Inc.; RELX PLC.
20180709	G	RELX NV; ThreatMetrix, Inc.; RELX NV.
20180726	G	Genstar Capital Partners VI, L.P.; Action Acquisition Holding, Inc.; Genstar Capital Partners VI, L.P.
20180733	G	Lithia Motors, Inc.; Deborah Lee (Numrich) Flaherty; Lithia Motors, Inc.
20180734	G	Keller Group plc; Moretrench American Corporation; Keller Group plc.
02/13/2018		
20180656	G	Baxter International Inc.; Mallinckrodt plc; Baxter International Inc.
02/15/2018		
20171961	G	CoStar Group, Inc.; Landmark Media Enterprises, LLC; CoStar Group, Inc.
20180651	G	UnitedHealth Group Incorporated; Reliant Medical Group, Inc.; UnitedHealth Group Incorporated.
20180729	G	BioCryst Pharmaceuticals, Inc.; Idera Pharmaceuticals, Inc.; BioCryst Pharmaceuticals, Inc.
02/16/2018		
20180739	G	New Mountain Partners IV, L.P.; Timothy S. O'Donnell; New Mountain Partners IV, L.P.
20180740	G	New Mountain Partners IV, L.P.; David F. O'Donnell; New Mountain Partners IV, L.P.
20180741	G	Exponent Private Equity Partners III, LP; Gartner, Inc.; Exponent Private Equity Partners III, LP.
20180742	G	Internap Corporation; Zak Boca; Internap Corporation.
20180743	G	Internap Corporation; Daniel Ushman; Internap Corporation.
20180744	G	Greenbriar Equity Fund III, L.P.; Monitor Clipper Equity Partners III, L.P.; Greenbriar Equity Fund III, L.P.
20180746	G	The Resolute Fund IV, L.P.; Carlisle Companies Incorporated; The Resolute Fund IV, L.P.
20180747	G	The Resolute Fund III, L.P.; Carlisle Companies Incorporated; The Resolute Fund III, L.P.
20180756	G	Clayton, Dubilier & Rice Fund X, L.P.; Caxton Global Investments Limited; Clayton, Dubilier & Rice Fund X, L.P.
20180757	G	Clayton Dubilier & Rice Fund X, L.P.; Golden Gate Capital Opportunity Fund, L.P.; Clayton Dubilier & Rice Fund X, L.P.
20180759	G	Enduring Resources IV, LLC; WPX Energy, Inc.; Enduring Resources IV, LLC.
20180761	G	Trident VII, L.P.; Gem Topco, LP; Trident VII, L.P.
20180763	G	Shutterfly, Inc.; Lifetouch Inc.; Shutterfly, Inc.
02/20/2018		
20180725	G	GoDaddy Inc.; Main Street Hub, Inc.; GoDaddy Inc.
20180751	G	Cerberus Institutional Partners VI, L.P.; OCM Principal Opportunities Fund IV, L.P.; Cerberus Institutional Partners VI, L.P.
20180762	G	TPG Growth III (A), L.P.; Trivest Fund V, L.P.; TPG Growth III (A), L.P.
20180765	G	Sinji Yamazaki; Yamazaki Mazak Trading Corporation; Sinji Yamazaki.
20180766	G	H.I.G. Middle Market LBO Fund II, L.P.; Centerbridge Capital Partners II, L.P.; H.I.G. Middle Market LBO Fund II, L.P.
02/21/2018		
20180692	G	Melrose Industries PLC; GKN plc; Melrose Industries PLC.
02/22/2018		
20180758	G	On Assignment, Inc.; ECS Federal, LLC; On Assignment, Inc.
20180771	G	SAP SE; Callidus Software Inc.; SAP SE.
02/23/2018		
20180703	G	GI Partners Fund V LP; Doxim Inc.; GI Partners Fund V LP.
20180752	G	Fresh Del Monte Produce Inc.; Mann Packing Co., Inc.; Fresh Del Monte Produce Inc.
02/26/2018		
20180732	G	Motorola Solutions, Inc.; Avigilon Corporation; Motorola Solutions, Inc.
20180738	G	Bacardi Limited; John Paul Dejoria; Bacardi Limited.
20180750	G	CGFSP III Eagle, L.P.; CFGI Holdings, LLC; CGFSP III Eagle, L.P.
20180772	G	Capgemini SE; LiquidHub, Inc.; Capgemini SE.

EARLY TERMINATIONS GRANTED—Continued
FEBRUARY 1, 2018 THRU FEBRUARY 28, 2018

20180777	G	Newco; Golden Gate Capital Opportunity Fund, L.P.; Newco.
20180778	G	Mr. Jose Ignacio Vicente Sala Milego, Sr.; Gerdau S.A.; Mr. Jose Ignacio Vicente Sala Milego, Sr.
20180779	G	Mr. Juan Carlos Sala Milego; Gerdau S.A.; Mr. Juan Carlos Sala Milego.
20180780	G	Sentinel Capital Partners V, L.P.; James Sheffield; Sentinel Capital Partners V, L.P.
20180786	G	American International Group, Inc.; Validus Holdings, Ltd.; American International Group, Inc.
20180788	G	Ivory Super Holdco, Inc.; Avista Capital Partners III, L.P.; Ivory Super Holdco, Inc.
20180791	G	PES Inc.; PES Holdings, LLC; PES Inc.
20180802	G	Barry Diller; Expedia Inc.; Barry Diller.
20180808	G	CHG PPC Investor LLC; C.H. Guenther & Son, Incorporated; CHG PPC Investor LLC.
02/28/2018		
20180735	G	Stanley Black & Decker, Inc.; Dubai Holding LLC; Stanley Black & Decker, Inc.
20180754	G	LogMeIn, Inc.; Jive Communications, Inc.; LogMeIn, Inc.
20180789	G	American Securities Partners VII, L.P.; PMHC II, Inc.; American Securities Partners VII, L.P.
20180804	G	TA XII–A L.P.; Polaris Venture Partners IV, L.P.; TA XII–A L.P.
20180807	G	Curtiss-Wright Corporation; Siemens Aktiengesellschaft; Curtiss-Wright Corporation.
20180816	G	GIP III Zephyr Acquisition Partners, L.P.; NRG Energy, Inc.; GIP III Zephyr Acquisition Partners, L.P.

For Further Information Contact: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05249 Filed 3–14–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
JANUARY 1, 2018 THRU JANUARY 31, 2018

01/03/2018		
20180436	G	WestRock Company; Paul J. Magnell; WestRock Company.
20180446	G	D.E. Shaw Oculus International Fund; EQT Corporation; D.E. Shaw Oculus International Fund.
20180447	G	D.E. Shaw Composite Portfolios, L.L.C.; EQT Corporation; D.E. Shaw Composite Portfolios, L.L.C.
20180474	G	Colgate-Palmolive Company; Prairie Capital V, L.P.; Colgate-Palmolive Company.
20180487	G	Cortec Group Fund VI, L.P.; Harold V. Groome, III; Cortec Group Fund VI, L.P.
20180488	G	Cortec Group Fund VI, L.P.; Christopher A. Groome; Cortec Group Fund VI, L.P.
20180490	G	Novartis AG; Ultragenyx Pharmaceutical Inc.; Novartis AG.
20180493	G	Stryker Corporation; Entellus Medical, Inc.; Stryker Corporation.
20180503	G	Edward J. Foley, IV; Wayne Bromley and Jane Bromley; Edward J. Foley, IV.
20180508	G	KKR Americas Fund XII, L.P.; Sandvik AB; KKR Americas Fund XII, L.P.
20180510	G	American Securities Partners VII, L.P.; G. Stuart Yount; American Securities Partners VII, L.P.
20180512	G	TCO Holdings Inc.; Windjammer Senior Equity Fund III, L.P.; TCO Holdings Inc.
01/04/2018		
20180420	G	Caesars Entertainment Corporation; Roderick J. Ratcliff; Caesars Entertainment Corporation.
20180429	G	Roark Capital Partners II, L.P.; Buffalo Wild Wings, Inc.; Roark Capital Partners II, L.P.
20180457	G	Piedmont Healthcare, Inc.; Columbus Regional Healthcare System, Inc.; Piedmont Healthcare, Inc.
20180497	G	Kao Corporation; Luxury Brand Partners, LLC; Kao Corporation.
20180498	G	GEODynamics B.V.; Oil States International, Inc.; GEODynamics B.V.
20180500	G	Oil States International, Inc.; GEODynamics B.V.; Oil States International, Inc.
01/05/2018		
20180476	G	Sedgwick, Inc.; CL Acquisition Holdings Limited; Sedgwick, Inc.

EARLY TERMINATIONS GRANTED—Continued
JANUARY 1, 2018 THRU JANUARY 31, 2018

20180499	G	IIF US Holding LP; Southwest Generation Parentco, LLC; IIF US Holding LP.
20180517	G	AEA Investors Fund VI AIV LP; KPEX Holdings, Inc.; AEA Investors Fund VI AIV LP.
01/08/2018		
20180482	G	Cineworld Group plc; Philip F. Anschutz; Cineworld Group plc.
20180496	G	Becle, S.A.B de C.V.; Hood River Distillers, Inc.; Becle, S.A.B de C.V.
20180513	G	Tencent Holdings Limited; Uber Technologies, Inc.; Tencent Holdings Limited.
20180518	G	Marathon Petroleum Corporation; MPLX LP; Marathon Petroleum Corporation.
20180525	G	SoftBank Vision Fund (AIV M1) L.P.; Urban Compass, Inc.; SoftBank Vision Fund (AIV M1) L.P.
20180543	G	Taylor Parent, LLC; Lifetime Brands, Inc.; Taylor Parent, LLC.
20180544	G	Lifetime Brands, Inc.; Taylor Parent, LLC; Lifetime Brands, Inc.
01/09/2018		
20180469	G	Total System Services, Inc.; Parthenon Investors IV, L.P.; Total System Services, Inc.
20180533	G	Oak Hill Capital Partners IV (Onshore), L.P.; Sterling Capital Partners III, L.P.; Oak Hill Capital Partners IV (Onshore), L.P.
20180539	G	Ares Corporate Opportunities Fund V, L.P.; Convergint Technologies Holdings, LLC; Ares Corporate Opportunities Fund V, L.P.
01/10/2018		
20180449	G	Royal Dutch Shell plc; SBM Offshore B.V.; Royal Dutch Shell plc.
20180504	G	Total S.A.; A.P. Moller Holding A/S; Total S.A.
20180516	G	Vinci S.A.; FR XII Charlie AIV, L.P.; Vinci S.A.
20180522	G	Andeavor; EnCap Flatrock Midstream Fund II, L.P.; Andeavor.
20180528	G	TEGNA Inc.; Elisabeth M. Kimmel; TEGNA Inc.
20180529	G	SK Invictus Holdings, L.P.; Israel Chemicals Ltd.; SK Invictus Holdings, L.P.
20180537	G	One Rock Capital Partners II, LP; Sun Capital Partners VI, LP.; One Rock Capital Partners II, LP.
20180542	G	Romulus Parent LLC; 1925637 Ontario Limited; Romulus Parent LLC.
01/11/2018		
20180452	G	Kainos Capital Partners II LP; CulinArte' Marketing Group, LLC; Kainos Capital Partners II LP.
20180494	G	Firmenich International SA; Natural Flavors, Inc.; Firmenich International SA.
01/12/2018		
20180435	G	Meredith Corporation; Time Inc.; Meredith Corporation.
20180479	G	Elliott International Limited; Akamai Technologies, Inc.; Elliott International Limited.
20180549	G	The Hershey Trust Company, as Trustee for Milton Hershey Sch; Amplify Snack Brands, Inc.; The Hershey Trust Company, as Trustee for Milton Hershey Sch.
01/16/2018		
20180248	G	Cisco Systems, Inc.; Broadsoft, Inc.; Cisco Systems, Inc.
20180454	G	New Residential Investment Corp.; Shellpoint Partners, LLC; New Residential Investment Corp.
20180486	G	Ningbo Joyson Electronic Corporation; Takata Sogyo; Ningbo Joyson Electronic Corporation.
20180548	G	NQP SPV I, LP; Viamet Pharmaceuticals Holdings, LLC; NQP SPV I, LP.
20180551	G	Hakuhodo Dy Holdings, Inc.; IDEO Partners, LP; Hakuhodo Dy Holdings, Inc.
20180554	G	Platinum Equity Capital Partners International IV (Cayman); Husky IMS International Ltd.; Platinum Equity Capital Partners International IV (Cayman).
20180556	G	Hubbell Incorporated; Sun Capital Partners VI, L.P.; Hubbell Incorporated.
20180559	G	B.S.A. S.A.; The Icelandic Milk & Skyr Corporation; B.S.A. S.A.
20180560	G	Crown Holdings, Inc.; Carlyle Partners VI Cayman, L.P.; Crown Holdings, Inc.
20180564	G	Summit Park II, L.P.; The Pamela Zboch Irrevocable Trust; Summit Park II, L.P.
01/18/2018		
20180561	G	PE Vertiv Holdings, LLC; PCE, Inc.; PE Vertiv Holdings, LLC.
20180570	G	WME Entertainment Parent, LLC; Searchlight Capital II PV, L.P.; WME Entertainment Parent, LLC.
01/19/2018		
20180491	G	Linamar Corporation; Moray Marketing Ltd.; Linamar Corporation.
20180547	G	Silver Lake Partners V DE (AIV), L.P.; KKR 2006 Fund L.P.; Silver Lake Partners V DE (AIV), L.P.
20180572	G	Masco Corporation; The Harold S. Minoff Trust; Masco Corporation.
20180583	G	Masco Corporation; The Clare Minoff Trust; Masco Corporation.
01/23/2018		
20180562	G	Dustin Moskovitz; Asana, Inc.; Dustin Moskovitz.

EARLY TERMINATIONS GRANTED—Continued
JANUARY 1, 2018 THRU JANUARY 31, 2018

01/24/2018		
20180584	G	PAI Europe VI–I FPCI; Sun Capital Partners V, L.P.; PAI Europe VI–I FPCI.
20180589	G	Applied Industrial Technologies, Inc.; Harvest Partners VI, L.P.; Applied Industrial Technologies, Inc.
20180591	G	LB Spectrum Holdings, LLC; AT&T Inc.; LB Spectrum Holdings, LLC.
20180592	G	McDermott International, Inc.; Chicago Bridge & Iron Company N.V.; McDermott International, Inc.
20180593	G	Rockland Power Partners III, LP; The AES Corporation; Rockland Power Partners III, LP.
20180595	G	PAI Europe VI–1 FPCI; Refresco Group N.V.; PAI Europe VI–1 FPCI.
20180598	G	Corning Incorporated; 3M Company; Corning Incorporated.
20180599	G	Crestview Partners III, L.P.; Marlin Equity III, L.P.; Crestview Partners III, L.P.
20180601	G	Blue Water Aggregates Fund LP; Thomas S. Hoover, Sr.; Blue Water Aggregates Fund LP.
20180603	G	Softbank Group Corp.; Lemonade, Inc.; Softbank Group Corp.
20180607	G	Manulife Financial Corporation; Sodim SGPS, S.A.; Manulife Financial Corporation.
20180609	G	SCANA Corporation; LS Power Equity Partners III, L.P.; SCANA Corporation.
20180612	G	Diligere Holdings, L.P.; Diamond Parent Holdings, Corp.; Diligere Holdings, L.P.
20180622	G	M III Acquisition Corp.; Oaktree Power Opportunities Fund III, L.P.; M III Acquisition Corp.
20180625	G	Fluidra, S.A.; Piscine Luxembourg Holdings 1 S.a.r.l.; Fluidra, S.A.
20180626	G	Clearlake Capital Partners V, L.P.; Saw Mill Capital Partners, LP; Clearlake Capital Partners V, L.P.
20180634	G	Blue Water Aggregates Fund LP; Ephriam H. Hoover, III; Blue Water Aggregates Fund LP.
01/25/2018		
20180558	G	Starboard Value and Opportunity Fund Ltd.; Cars.com Inc.; Starboard Value and Opportunity Fund Ltd.
01/29/2018		
20180471	G	TPG VI Wolverine Co-Invest, LP; Assurant, Inc.; TPG VI Wolverine Co-Invest, LP.
20180473	G	TPG Partners VI–AIV, L.P.; Assurant, Inc.; TPG Partners VI–AIV, L.P.
20180555	G	Campbell Soup Company; Snyder's-Lance, Inc.; Campbell Soup Company.
20180588	G	Celgene Corporation; Impact Biomedicines, Inc.; Celgene Corporation.
20180597	G	Discovery Global Opportunity Fund, Ltd.; Urban Compass, Inc.; Discovery Global Opportunity Fund, Ltd.
20180606	G	Hopmeadow Cayman GP LLC; The Hartford Financial Services Group, Inc.; Hopmeadow Cayman GP LLC.
20180629	G	Pamlico Capital Management LP; Mr. Thomas E. McInerney and Ms. Paula McInerney; Pamlico Capital Management LP.
20180632	G	Indigo Natural Resources LLC; Indigo Haynesville LLC; Indigo Natural Resources LLC.
20180633	G	Indigo Natural Resources LLC; M5 Midstream LLC; Indigo Natural Resources LLC.
20180635	G	Starr International Company, Inc.; New Mountain Partners IV (AIV–B), L.P.; Starr International Company, Inc.
20180636	G	Sompo Holdings, Inc.; Lexon Surety Group, LLC; Sompo Holdings, Inc.
20180637	G	Accel-KKR Capital Partners V, LP; Pylon Capital LLC; Accel-KKR Capital Partners V, LP.
20180638	G	LifeBridge Health, Inc.; Affinity Health Alliance, Inc.; LifeBridge Health, Inc.
20180640	G	Platinum Equity Capital Partners IV, L.P.; Winter Street Opportunities Fund, L.P.; Platinum Equity Capital Partners IV, L.P.
20180642	G	Apollo VIII Uniform Investor, L.P.; FCFI Acquisition LLC; Apollo VIII Uniform Investor, L.P.
20180644	G	KKR North America XI (Indigo) Blocker Parent L.P.; Avvo, Inc.; KKR North America XI (Indigo) Blocker Parent L.P.
20180653	G	Kinder Morgan, Inc.; The Southern Company; Kinder Morgan, Inc.
01/30/2018		
20180563	G	Conagra Brands, Inc.; Kangaroo Brands, Inc.; Conagra Brands, Inc.
20180613	G	Omnicom Group Inc.; Brenda Snow; Omnicom Group Inc.
20180614	G	Omnicom Group Inc.; Corbin Wood; Omnicom Group Inc.
20180643	G	Mercury Fortuna Buyer, LLC; Shahriar "James" Ekbatani; Mercury Fortuna Buyer, LLC.
01//31/2018		
20180660	G	Compass Diversified Holdings; Warren F. Florkiewicz; Compass Diversified Holdings.
20180664	G	Energy Capital Partners IV–A, LP; KS Family Holdings Corporation; Energy Capital Partners IV–A, LP.
20180667	G	Frederic Sanchez; Novafives SAS; Frederic Sanchez.
20180675	G	Allscripts Healthcare Solutions, Inc.; Practice Fusion, Inc.; Allscripts Healthcare Solutions, Inc.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05248 Filed 3–14–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 171 0217]

Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 6, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc.; File No. 1710217, Docket No. C–4642'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/kkrenvisionamgconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc.; File No. 1710217, Docket No. C–4642'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Sylvia Kundig (415–848–5188), Western Region-San Francisco, 901 Market Street, Suite 570, San Francisco, CA 94103.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 7, 2018), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 6, 2018. Write ''Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc.; File No. 1710217, Docket No. C–4642'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/kkrenvisionamgconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''Air Medical Group Holdings, Inc., KKR North America Fund XI (AMG) LLC, and AMR Holdco, Inc.; File No. 1710217, Docket No. C–4642'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 6, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') with KKR North America Fund XI (AMG), LLC, Air Medical Group Holdings, Inc., (''AMGH''), and AMR Holdco, Inc. (''AMR''). The Consent Agreement is intended to remedy the anticompetitive effects that likely would result from AMGH's proposed acquisition of AMR (the ''Acquisition''). Under the terms of the Consent Agreement, AMR must sell its inter-facility air medical transport services business in Hawaii. The Acquisition, if consummated, would result in the consolidation of the only two inter-facility air medical transport service providers in Hawaii.

The Consent Agreement has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this

period will become part of the public record. After 30 days, the Commission will again review the Consent Agreement and the comments received, and will decide whether it should withdraw from the Consent Agreement, modify it, or make final the Decision and Order (''Order'').

II. The Parties

A. AMGH

AMGH is wholly owned by KKR North America Fund XI (AMG) LLC. It is likely the largest provider of air ambulance services in the United States with 270 operating locations in 38 states. AMGH operates as Hawaii Life Flight in Hawaii.

B. AMR

AMR is a wholly-owned subsidiary of Envision Healthcare and is the largest national ground ambulance provider in the United States, but also provides air ambulance services in several locations. In Hawaii, it provides both ground ambulance services and inter-facility air ambulance transport services. To provide inter-facility air ambulance transport services, AMR partners with LifeTeam, an air ambulance provider located in the Midwest, which has the necessary FAA licenses and certifications, and provides the pilots and maintenance for the fixed-wing aircraft. AMR handles the marketing, medical personnel, and billing for the services provided.

III. The Proposed Acquisition

Under an agreement executed on August 7, 2017, AMGH will acquire 100 percent of the voting stock of AMR in a deal valued at approximately $2.4 billion.

The Commission's Complaint alleges that the Acquisition, if consummated would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. 45, by substantially lessening competition for the provision of inter-facility air ambulance transport services in Hawaii.

IV. The Relevant Market and Structure of the Markets

The Commission's Complaint alleges that the relevant product market in which to analyze the Acquisition is the provision of inter-facility air ambulance transport services. These services consist of air ambulance services that transfer patients between medical facilities on different islands, including from medical facilities with low acuity or limited patient treatment capabilities to those that can provide the appropriate medical and surgical care. The Commission's Complaint alleges that the relevant geographic market in which to analyze the effects of the Acquisition is the State of Hawaii.

The Commission's Complaint alleges that the Acquisition will increase concentration in an already highly concentrated market. AMGH and AMR are the only two providers of inter-facility air ambulance transport services in Hawaii.

V. Effects of the Transaction

According to the Commission, the effect of the Acquisition, if consummated, may be substantially to lessen competition and tend to create a monopoly in inter-facility air ambulance transport services, and increase the likelihood of the unilateral exercise of market power. The Acquisition would increase the likelihood that consumers, third-party payers, or government health care providers would be forced to pay higher prices or experience degradation in service or quality.

VI. Entry Conditions

The Commission's Complaint alleges that entry into the relevant market would not be timely, likely, or sufficient to deter or counteract the anticompetitive effects of the Acquisition. The primary barrier to entry is the lack of sufficient volume of referrals and payments from third party payers to justify the economic risk of new entry, even if the parties imposed a small but significant non-transitory increase in price (SSNIP).

VII. The Proposed Consent Agreement

The proposed Consent Agreement remedies the anticompetitive concerns raised by the Acquisition by requiring AMR to sell its inter-facility air ambulance transport services business, including the assets that support that business, to AIRMD, LLC, dba LifeTeam. LifeTeam is a large, established company with experience in the industry. It is also the current operator of the FAA certified aircraft used by AMR for inter-facility air ambulance transport services in Hawaii, and thus very familiar with AMR's assets and operations in Hawaii. Under the proposed Consent Agreement, AMR will divest to LifeTeam the four-fixed wing aircraft it uses to fly patients inter-island, support LifeTeam's application for a Certificate of Need with the State of Hawaii to operate ground ambulances, and offer LifeTeam the option to purchase up to four ground ambulances from AMR. LifeTeam would use the ground ambulances to support its air ambulance transport service to transfer patients to and from medical facilities and the aircraft it operates.

The proposed Consent Agreement also contains an Order to Maintain Assets that will issue at the time the proposed Consent Agreement is accepted for public comment. The Order to Maintain Assets requires Respondents to operate and maintain the divestiture assets in the normal course of business through the date that the Respondents complete divestiture of the assets, thereby maintaining the economic viability, marketability, and competitiveness of the assets. The Order to Maintain Assets also authorizes the Commission to appoint an independent third party as a monitor to oversee the Respondents' compliance with the requirements of the proposed Consent Agreement.

The purpose of this analysis is to facilitate public comment on the proposed Consent agreement, and the Commission does not intend this analysis to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05251 Filed 3–14–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 161 0230]

Oregon Lithoprint, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 8, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of Oregon Lithoprint, Inc., File No. 161 0230'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/oregonlithoprintconsent* by following the instructions on the web-based form. If

you prefer to file your comment on paper, write ''In the Matter of Oregon Lithoprint, Inc., File No. 161 0230'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael Turner (202–326–3619), Bureau of Competition, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 9, 2018), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 8, 2018. Write ''In the Matter of Oregon Lithoprint, Inc., File No. 161 0230'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/oregonlithoprintconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''In the Matter of Oregon Lithoprint, Inc., File No. 161 0230'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 8, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing consent order (''Consent Agreement'') from Oregon Lithoprint Inc. (''OLI''). The Commission's Complaint alleges that OLI violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by inviting a competitor in the publication of foreclosure notices to divide clients by geographic market.

Under the terms of the proposed Consent Agreement, OLI is required to cease and desist from communicating with its competitors about the placement of foreclosure notices. It is also barred from entering into, participating in, inviting, or soliciting an agreement with any competitor to divide markets or to allocate customers.

The Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement again and the comments received, and will decide whether it should withdraw from the Consent Agreement or make final the accompanying Decision and Order (''Proposed Order'').

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not intended to constitute an official interpretation of the proposed Consent Agreement and the accompanying Proposed Order or in any way to modify their terms.

I. The Complaint

The allegations of the Complaint are summarized below:

OLI owns the News-Register, a twice-weekly community newspaper based in Yamhill, Oregon. Among other things, the News-Register charges clients to publish a type of legal notice known as a foreclosure notice. Under Oregon law, parties foreclosing on real property must place a notice of foreclosure in a qualifying newspaper in the county within which the property is located.

The News-Register's only competitor in Yamhill County is The Newberg Graphic, a weekly community newspaper. The Newberg Graphic also publishes foreclosure notices, and it charges considerably less than the News-Register for the service. The News-Register has more subscribers and a wider circulation within Yamhill County than The Newberg Graphic.

In August 2016, the publisher of the News-Register learned that a client intended to place foreclosure notices only in The Newberg Graphic from that point on because The Newberg Graphic was less expensive than the News-Register. In response, on August 29, 2016, the publisher emailed a manager at the parent company of The Newberg Graphic and explained the publisher's view that, under state law, foreclosure notices should be placed in the newspaper with the largest circulation in the area that the property is located. The publisher concluded his email by inviting the competitor to join the News-Register in instructing mutual clients that they should place foreclosure notices in the newspaper dominant in the area of the foreclosed property. The parent company of the The Newberg Graphic rejected the invitation and reported it to the Federal Trade Commission.

Several months later, in October 2016, the publisher of the News-Register emailed the competitor again to state that the News-Register had told a client to use The Newberg Graphic because the property in question was located in its area, and that the client was in fact going to use The Newberg Graphic to publish the notice. He ended the email stating ''[i]t is probably too much to expect that others would do likewise.''

The parent company of the The Newberg Graphic interpreted this second email as another invitation to collude, rejected the invitation, and reported it to the Federal Trade Commission.

II. Analysis

OLI's August 29, 2016, email to its competitor is an explicit attempt to arrange an agreement between the two companies to divide foreclosure notices by geography. It is an invitation to collude. The October 2016 email is also an invitation to collude: OLI proposed a market allocation scheme and expressed a hope that its competitor would join that conduct. The Commission has long held that invitations to collude violate Section 5 of the FTC Act.

In a 2015 statement, the Commission explained that unfair methods of competition under Section 5 ''must cause, or be likely to cause, harm to competition or the competitive process, taking into account any associated cognizable efficiencies and business justifications.'' [1] Potential violations are evaluated under a ''framework similar to the rule of reason.'' [2] Competitive effects analysis under the rule of reason depends upon the nature of the conduct that is under review.[3]

An invitation to collude is ''potentially harmful and . . . serves no legitimate business purpose.'' [4] For this reason, the Commission treats such conduct as ''inherently suspect'' (that is, presumptively anticompetitive).[5] Accordingly, an invitation to collude can be condemned under Section 5 without a showing that the respondent possesses market power.[6]

The Commission has long held that an invitation to collude violates Section 5 of the FTC Act even where there is no proof that the competitor accepted the invitation [7] This is for several reasons. First, unaccepted solicitations may facilitate coordination between competitors because they reveal information about the solicitor's intentions or preferences. Second, it can be difficult to discern whether a competitor has accepted a solicitation. Third, finding a violation may deter conduct that has no legitimate business purpose.[8]

III. The Proposed Consent Order

The Proposed Order contains the following substantive provisions:

Section II, Paragraph A of the Proposed Order enjoins OLI from entering or attempting to enter any agreement to refuse to publish legal notices or allocate customers for the publication of legal notices.

Section II, Paragraph B prohibits OLI from publically or privately communicating with a competitor that the competitor should advice customers to place foreclosure notices in the newspaper with the widest circulation in the area in which the property is located, or refuse to publish notices for properties located in a competitor's primary distribution area.

Section II, Paragraph C, contains three provisos. The first allows OLI to communicate with any governmental body regarding the proper interpretation of state law related to legal notices. The second allows OLI to participate with any effort of the Oregon newspaper association to lobby any governmental body regarding legal notices. The third allows OLI to disseminate information regarding legal notices to the public.

Sections III–VI of the Proposed Order impose certain standard reporting and compliance requirements on OLI.

The Proposed Order will expire in 10 years.

---

[1] Fed. Trade Comm'n, Statement of Enforcement Principles Regarding ''Unfair Methods of Competition'' Under Section 5 of the FTC Act (Aug. 13, 2015) (Section 5 Unfair Methods of Competition Policy Statement), *available at https://www.ftc.gov/system/files/documents/public_statements/735201/150813section5enforcement.pdf.* Acting Chairman Ohlhausen dissented from the issuance of the Section 5 Unfair Methods of Competition Policy Statement. *See https://www.ftc.gov/public-statements/2015/08/dissenting-statement-commissioner-ohlhausen-ftc-act-section-5-policy.*

[2] Section 5 Unfair Methods of Competition Policy Statement.

[3] *See, e.g., California Dental Ass'n* v. *FTC,* 526 U.S. 756, 781 (1999) (''What is required . . . is an inquiry meet for the case, looking to the circumstances, details, and logic of a restraint.'').

[4] *In re Valassis Commc'ns., Inc.,* 141 F.T.C. 247, 283 (2006) (Analysis of Agreement Containing Consent Order to Aid Public Comment); *see also* Address by FTC Chairwoman Edith Ramirez, Section 5 Enforcement Principles, George Washington University Law School at 5 (Aug. 13, 2015), *available at https://www.ftc.gov/system/files/documents/public_statements/735411/150813section5speech.pdf.*

[5] *See, e.g., In re North Carolina Bd. of Dental Examiners,* 152 F.T.C. 640, 668 (2011) (noting that conduct is inherently suspect if it can be ''reasonably characterized as 'giv[ing] rise to an intuitively obviously inference of anticompetitive effect.' '' (citation omitted)).

[6] *See, e.g., In re Realcomp II, Ltd.,* 148 F.T.C. ___, No. 9320, 2009 FTC LEXIS 250 at *51 (Oct. 30, 2009) (Comm'n Op.) (explaining that if conduct is ''inherently suspect'' in nature, and there are no cognizable procompetitive justifications, the Commission can condemn it ''without proof of market power or actual effects'').

[7] *See, e.g., In re Valassis Commc'ns, Inc.,* 141 F.T.C. 247 (2006); *In re Stone Container,* 125 F.T.C. 853 (1998); *In re Precision Moulding,* 122 F.T.C. 104 (1996). *See also In re McWane, Inc.,* Docket No. 9351, *Opinion of the Commission on Motions for Summary Decision* at 20–21 (F.T.C. Aug. 9, 2012) (''an invitation to collude is 'the quintessential example of the kind of conduct that should be . . . challenged as a violation of Section 5' '') (citing the Statement of Chairman Liebowitz and Commissioners Kovacic and Rosch, *In re U-Haul Int'l, Inc.,* 150 F.T.C. 1, 53 (2010)). This conclusion has been endorsed by leading antitrust scholars. *See* P. Areeda & H. Hovenkamp, VI ANTITRUST LAW ¶ 1419 (2003); Stephen Calkins, *Counterpoint: The Legal Foundation of the Commission's Use of Section 5 to Challenge Invitations to Collude is Secure,* ANTITRUST Spring 2000, at 69. In a case brought under a state's version of Section 5, the First Circuit expressed support for the Commission's application of Section 5 to invitations to collude. *Liu* v. *Amerco,* 677 F.3d 489 (1st Cir. 2012).

[8] *In re Valassis Comm'c, Inc.,* 141 F.T.C. 247, 283 (2006) (Analysis of Agreement Containing Consent Order to Aid Public Comment).

The purpose of this analysis is to facilitate public comment on the proposed Consent agreement, and the Commission does not intend this analysis to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05252 Filed 3–14–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2016–0094]

Final Revised Vaccine Information Materials for MMR (Measles, Mumps, and Rubella) and MMRV (Measles, Mumps, Rubella, and Varicella) Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Under the National Childhood Vaccine Injury Act (NCVIA), CDC must develop vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. On October 18, 2016, CDC published a notice in the **Federal Register** seeking public comments on proposed updated vaccine information materials for MMR vaccine and MMRV vaccine. Following review of comments submitted and consultation as required under the law, CDC has finalized the materials. Copies of the final vaccine information materials for MMR and MMRV vaccine are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2016–0094).

DATES: Beginning no later than June 1, 2018, each health care provider who administers MMR or MMRV vaccine to any child or adult in the United States shall provide copies of the relevant vaccine information materials referenced in this notice, dated February 12, 2018, in conformance with the February 23, 2018 CDC Instructions for the Use of Vaccine Information Statements prior to providing such vaccinations.

FOR FURTHER INFORMATION CONTACT: Suzanne Johnson-DeLeon (*msj1@cdc.gov*), National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road NE, Atlanta, Georgia 30329.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program (VICP).

Development and revision of the vaccine information materials, also known as Vaccine Information Statements (VIS), have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since then, the following vaccines have been added to the National Vaccine Injury Compensation Program, requiring use of vaccine information materials for them as well: Hepatitis B, *Haemophilus influenzae* type b (Hib), varicella (chickenpox), pneumococcal conjugate, rotavirus, hepatitis A, meningococcal, human papillomavirus (HPV), and seasonal influenza vaccines. Instructions for use of the vaccine information materials are found on the CDC website at: *http://www.cdc.gov/vaccines/hcp/vis/index.html.*

Revised Vaccine Information Materials

The vaccine information materials referenced in this notice were developed in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, and parent and healthcare provider organizations. Following consultation and review of comments submitted, the vaccine information materials covering MMR and MMRV vaccines have been finalized and are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2016–0094). The Vaccine Information Statements (VISs) are ''MMR Vaccine (Measles, Mumps, and Rubella): What You Need to Know'' and ''MMRV Vaccine (Measles, Mumps, Rubella, and Varicella): What You Need to Know,'' publication date February 12, 2018.

With publication of this notice, by June 1, 2018, all health care providers must discontinue use of the previous editions and provide copies of these updated vaccine information materials prior to immunization in conformance with CDC's February 23, 2018 Instructions for the Use of Vaccine Information Statements.

Dated: March 12, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–05299 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–FY–1072; Docket No. CDC–2018–0020]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public

burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comments on the proposed revision of the information collection titled ''The Enhanced STD surveillance Network (SSuN),'' which is the only source for enhanced and sentinel sexually transmitted disease (STD) surveillance data in the United States that: (1) Serves to strengthen national and local surveillance capacity; (2) collects information on populations at risk for STDs attending healthcare facilities; and (3) provides more accurate estimates of the burden of disease, incidence of disease, trends and impact of STDs at the population level.

DATES: CDC must receive written comments on or before May 14, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0020 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

The Enhanced STD surveillance Network (SSuN)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention seeks to request a three-year revision approval of the information collection project entitled, *The Enhanced STD surveillance Network (SSuN).* Revisions to this submission include, removal of facility-based surveillance in family planning clinics, the addition of seven interview questions to the gonorrhea population component and eight new data elements to the facility component, and the addition of an enhanced surveillance activity to monitor adverse health outcomes of early syphilis cases with neurologic and/or ocular syphilis manifestations. The estimate of annualized burden hours will increase from 3,052 hours to 3,479 hours as a result of the revision.

The purpose of this project is to: (1) Provide supplemental information on case reports of notifiable STDs that enhances the ability of public health authorities to interpret trends in reported case incidence, assess inequalities in the burden of disease by population characteristics and to monitor STD treatment and selected adverse health outcomes of STDs; and (2) monitor STD screening, incidence, prevalence, epidemiologic and health care access trends in at-risk populations seeking STD services in specific clinical settings.

While routine STD surveillance activities are ongoing in all U.S. states and jurisdictions, through the *National Notifiable Disease Surveillance System,* these data are often missing critical patient demographics and are of limited scope with respect to risk behavior, provider and clinical information, treatment and partner characteristics needed to direct disease control activities. *Enhanced SSuN* is the only infrastructure providing information about diagnosed and reported STD cases with respect to patient and partner characteristics, clinical presentation, screening and uptake of HIV testing, treatment patterns or provider compliance with treatment recommendations for patients receiving STD-related care.

The precursor to *Enhanced SSuN* was the *STD Surveillance Network (SSuN),* established in 2005 as a network of collaborating state and local public health agencies to provide more comprehensive STD case-level and clinical facility information. In 2008, *SSuN* was expanded to 12 awardees to add important geographic diversity and to include visit-level data on a full census of patients being seen in categorical STD clinics. Activities of the previously funded *SSuN* were subsumed under the network's scope in establishing enhanced *SSuN* in 2013.

The current project comprises 10 US local/state health departments. These facilities include Baltimore City Health Department, California Department of Public Health, Florida Department of Health, Massachusetts Department of Public Health, Minnesota Department of Health, Multnomah County Health Department, New York City Department of Health & Mental Hygiene, Philadelphia Department of Public Health, San Francisco Department of Public Health, and Washington State Department of Health.

Since the initial OMB approval in 2015, *Enhanced SSuN* has provided ongoing data addressing CDC/Division of Sexually Transmitted Disease and Prevention priorities (DSTDP), including contributing to CDC's annual STD surveillance report, CDC's quarterly progress indicators, and informed policy discussions on expedited partner therapy, pre-exposure

prophylaxis to prevent HIV infection (PrEP), documentation of critical clinical services provided by categorical STD clinics, and on the proportion of cases treated with appropriate antimicrobial regimens, which is an essential indicator of compliance with CDC treatment recommendations.

The two major data collection components of the *Enhanced SSuN* project are grouped into two primary categories, reflecting sentinel and enhanced population-based surveillance activities. The first component includes sentinel surveillance in participating STD clinics, which monitors patient care, screening and diagnostic practices, treatment and STD-related services delivered. Participating local/state health departments have implemented common protocols to collect demographic, clinical, risk behaviors on patients presenting for care in selected facilities. Data for this activity is abstracted from existing electronic medical records at participating STD clinics, leveraging information routinely collected in the provision of clinical care. All records are fully de-identified by collaborating health departments and transmitted to CDC through secure file transport mechanisms six times annually (every 2 months). The estimated time for the clinic data managers to abstract data is 3 hours every 2 months.

The second population-focused component is comprised of two activities, including enhanced surveillance on a random sample of persons diagnosed with gonorrhea, and enhanced surveillance on person diagnosed and reported with early syphilis with ocular/neurologic manifestations. For the first activity a random sample of all gonorrhea cases diagnosed and reported to health departments among persons residing within the participating jurisdictions are selected for enhanced interview. The second population of interest are persons diagnosed with primary, secondary, and early latent syphilis. Cases determined to have neurologic/ocular manifestations will be selected for enhanced interview/investigation. In both these activities, jurisdictions follow consensus protocols to collect uniform data on demographic characteristics, behavioral risk factors, and health care seeking behaviors.

In 2016, there were 129,434 persons diagnosed and reported with gonorrhea across the 10 participating *Enhanced SSuN* jurisdictions. Approximately 10%, or 12,943 cases were randomly sampled for enhanced investigation. Many cases were lost to follow-up because of limited contact information. Hence, the response rate for gonorrhea patient interviews in the first three years of *Enhanced SSuN* data collection was 39.3%, with approximately 5,086 respondents interviewed.

In 2016, there were 25,253 early syphilis cases reported across the 10 participating *SSuN* jurisdictions. Studies estimate that 2% of all early syphilis cases will report neurologic and/or ocular manifestations, corresponding to 507 cases requiring additional investigation. CDC expects to interview 80% of 507 patients or 406 respondents. The 5,492 patient interviews for both the gonorrhea and early syphilis are estimated to take 10 minutes to complete for an estimated annualized burden hours of 934.

CDC will conduct an early syphilis case follow-up evaluation with diagnosing or reporting providers to ascertain additional information about physical exam findings, laboratory tests results, including cerebrospinal fluid (CSF) results, and prescribed (type and duration) treatment not present in the original case or laboratory report. CDC will collect clinical information from the diagnosing healthcare facilities for those diagnosed with early syphilis who reported neurologic/ocular symptoms (406 early syphilis cases). These evaluations can be either by direct contact with providers (phone) or through other methods such as secure fax-back, mail or other means as long as privacy of patient information can be strictly maintained.

Collection of this information is estimated to take approximately 10 minutes to complete, for 69 burden hours.

For the syphilis cases with neurologic and/or ocular manifestations only, there will be a three-month follow up interview to document resolution of symptoms. Data collection for this three-month follow-up is expected to take about five minutes per person and will be conducted through either telephone-administered or in-person interviews. With an estimated 50% follow-up success rate, the total burden hours is estimated at 16 hours.

Data managers at each of the 10 local/state health departments will be responsible for transmitting validated datasets to CDC every month, alternating between the facility and population-based activities in *Enhanced SSuN.* This reflects 2,280 burden hours for data management (10 respondents × 12 data transmissions × 19 hours).

The total estimated annual burden hours are 3,479 for *Enhanced SSuN.* Respondents from local/state health departments receive federal funds to participate in this project. Participation of patients and of facility staff are voluntary. There are no additional costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Data manager at Sentinel STD clinics	Record Abstraction	10	6	3	180
General Public—Adults (persons diagnosed with gonorrhea or early syphilis.	Interview	5,492	1	10/60	934
Diagnosing Provider	Data for early syphilis cases	406	1	10/60	69
General Public—Adults (persons with early syphilis who have neurologic/ocular manifestations.	Follow up Interview	203	1	5/60	16
Data Managers: 10 local/state health department.	Data cleaning/validation	10	12	19	2,280
Total					3,479

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–05243 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From the De Soto Avenue Facility in Los Angeles County, California, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice of a decision to evaluate a petition to designate a class of employees from the De Soto Avenue Facility in Los Angeles County, California, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 CFR 83.9–83.12.

Pursuant to 42 CFR 83.12, the initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: De Soto Avenue Facility.

Location: Los Angeles County, California.

Job Titles and/or Job Duties: All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the De Soto Avenue Facility.

Period of Employment: January 1, 1965 through December 31, 1995.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health.

[FR Doc. 2018–05277 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18PR; Docket No. CDC–2018–0021]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *The World Trade Center Health Program (WTCHP): Impact Assessment and Strategic Planning for Translational Research—Focus Group Protocol.* This project includes a series of focus groups with different stakeholder groups to explore their perspectives on the decisions that each of them makes in the context of the WTCHP.

DATES: CDC must receive written comments on or before May 14, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0021 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

The World Trade Center Health Program: Impact Assessment and Strategic Planning for Translational Research (Focus Group Protocol)—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (hereafter referred to as ''the Zadroga Act''), established the World Trade Center Health Program (WTCHP). Under subtitle C, the Zadroga Act requires the establishment of a research program on health conditions resulting

from the 9/11 terrorist attacks. Thus, the CDC seeks a one-year OMB approval to collect information using focus groups.

The WTCHP employs the Research-to-Care (RTC) model strategic framework employed to prioritize, conduct, and assess research that informs excellence in clinical care for the population of responders and survivors affected by the 9/11 attack in New York City. The RTC model assumes the collective involvement of WTCHP stakeholders, including members, researchers, clinicians, and program administrators. It accounts for a variety of inputs that can affect the progress and impact of WTCHP research. These inputs include people and organizations (*e.g.,* program members, providers, clinical centers of excellence, extramural researchers, and program staff), resources (*e.g.,* technology, data centers, the NYC 9/11 Health Registry) and regulatory rules, principally the Zadroga Act.

The program supports activities such as research prioritization, conduct of research, delivery of medical care, and iterative assessments of the translation of research to improvements in health care services and chronic disease management. These activities aim to produce tangible outputs such as research findings on WTC-related conditions, healthcare protocols, peer-reviewed publications, quality assessment reports, and member and provider education products. Finally, the model anticipates short-, intermediate-, and long-term measurement of outcomes and serves as a communication tool for program planning and evaluation.

In 2016, NIOSH contracted with the Research and Development (RAND) Corporation to evaluate the WTCHP RTC model including the research investments to date and the effectiveness with which the Program translates its research to different stakeholder groups. This work will ultimately provide guidance for the WTCHP on strategic directions, as well as produce generalizable knowledge about the translation of research into improved outcomes for individuals and populations exposed to disasters such as the 9/11 attacks. In the formative stage of our assessment, we propose to hold a series of focus groups with different stakeholder groups to explore their perspectives on translational research in the context of the WTCHP. The focus groups will each consist of a well-defined stakeholder group, and will last approximately two hours.

These focus groups are necessary to gather background information on the relationship between different stakeholders and the WTCHP that will inform the development of more detailed interview protocols to be used with stakeholders in the next phase of this evaluation. Specific topics to be addressed in the focus groups will include:

- Conceptualizations of research and ''translational research.''
- Relevance of WTCHP research topics, potential gaps, and stakeholder priorities.
- Uses and usefulness of WTCHP research.
- Barriers to conduct and use of WTCHP research.
- Understanding of and perspectives on the relevance and usefulness of the Research-to-Care model.

The total estimated burden hours is 360. There are no costs to the respondent other than their time and local travel to the location of the focus group.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
WTCH Researchers	Focus Group Protocol	40	1	3	120
WTCH Research Users	Focus Group Protocol	70	1	3	210
WTCH Funders (NIOSH)	Focus Group Protocol	10	1	3	30
Total					360

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–05242 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2016–0029]

Final Revised Vaccine Information Materials for Varicella Vaccine

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Under the National Childhood Vaccine Injury Act (NCVIA), CDC must develop vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. On March 15, 2016, CDC published a notice in the **Federal Register** (81 FR 13794) seeking public comments on proposed updated vaccine information materials for polio vaccine and varicella vaccine. Following review of comments submitted and consultation as required under the law, CDC has finalized the materials for varicella vaccine. Copies of the final vaccine information materials for varicella vaccine are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2016–0029).

DATES: Beginning no later than June 1, 2018, each health care provider who administers varicella vaccine to any child or adult in the United States shall provide copies of the relevant vaccine information materials referenced in this notice, dated February 12, 2018, in conformance with the February 23, 2018 CDC Instructions for the Use of Vaccine Information Statements prior to providing such vaccinations.

FOR FURTHER INFORMATION CONTACT: Suzanne Johnson-DeLeon (*msj1@cdc.gov*), National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road NE, Atlanta, Georgia 30329.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health

Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program (VICP).

Development and revision of the vaccine information materials, also known as Vaccine Information Statements (VIS), have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since then, the following vaccines have been added to the National Vaccine Injury Compensation Program, requiring use of vaccine information materials for them as well: Hepatitis B, *Haemophilus influenzae* type b (Hib), varicella (chickenpox), pneumococcal conjugate, rotavirus, hepatitis A, meningococcal, human papillomavirus (HPV), and seasonal influenza vaccines. Instructions for use of the vaccine information materials are found on the CDC website at: *http://www.cdc.gov/vaccines/hcp/vis/index.html.*

Revised Vaccine Information Materials

The varicella vaccine information materials referenced in this notice were developed in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, and parent and healthcare provider organizations. Following consultation and review of comments submitted, the vaccine information materials covering varicella vaccine have been finalized and are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2016–0029). The Vaccine Information Statement (VIS) is ''Varicella (Chickenpox) Vaccine: What You Need to Know,'' publication date February 12, 2018.

With publication of this notice, by June 1, 2018, all health care providers must discontinue use of the previous edition and provide copies of these updated varicella vaccine information materials prior to immunization in conformance with CDC's February 23, 2018 Instructions for the Use of Vaccine Information Statements.

Dated: March 12, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–05298 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2018–0024, NIOSH–302]

Draft—National Occupational Research Agenda for Respiratory Health

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Respiratory Health* for public comment. To view the notice and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0024 in the search field and click ''Search.''

Table of Contents

- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:
- BACKGROUND:

DATES: Electronic or written comments must be received by May 14, 2018.

ADDRESSES: You may submit comments, identified by CDC–2018–0024 and docket number NIOSH–302, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2018–0024; NIOSH–302]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Emily Novicki *NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The National Occupational Research Agenda for Respiratory Health is intended to identify the research, information, and actions most urgently needed to prevent occupational injuries. The National Occupational Research Agenda for Respiratory Health provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector.

This is the first Respiratory Health Agenda, developed for the third decade of NORA (2016–2026). It was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Respiratory Health.* Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at *https://www.regulations.gov* (see Docket Number CDC–2018–0024).

Dated: March 12, 2018.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–05256 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Ames Laboratory in Ames, Iowa, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384l(14)(C).

On February 1, 2018, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors or subcontractors who worked in any area of the Ames Laboratory in Ames, Iowa, during the period from January 1, 1971, through December 31, 1989, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation became effective on March 3, 2018. Therefore, beginning on March 3, 2018, members of this class of employees, defined as reported in this notice, became members of the SEC.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health.

[FR Doc. 2018–05276 Filed 3–14–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–372(S) and CMS–10241]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 14, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–372(S) Annual Report on Home and Community Based Services Waivers and Supporting Regulations

CMS–10241 Survey of Retail Prices: Payment and Utilization Rates, and Performance Rankings

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual Report on Home and Community Based Services Waivers and Supporting Regulations; *Use:* We use this report to compare actual data to the approved waiver estimates. In conjunction with the waiver compliance review reports, the information provided will be compared to that in the Medicaid Statistical Information System (MSIS) (CMS–R–284; OMB control number 0938–0345) report and FFP claimed on a state's Quarterly Expenditure Report (CMS–64; OMB control number 0938–1265), to determine whether to continue the state's home and community-based services waiver. States' estimates of cost and utilization for renewal purposes are based upon the data compiled in the CMS–372(S) reports. *Form Number:* CMS–372(S) (OMB control number: 0938–0272); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 47; *Total Annual Responses:* 282; *Total Annual Hours:* 12,126. (For policy questions regarding this collection contact Ralph Lollar at 410–786–0777).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey of Retail Prices; *Use:* This information collection request provides for a survey of the average acquisition costs of all covered outpatient drugs purchased by retail community pharmacies. CMS may contract with a vendor to conduct monthly surveys of retail prices for covered outpatient drugs. Such prices represent a nationwide average of consumer purchase prices, net of discounts and rebates. The contractor shall provide notification when a drug product becomes generally available and that the contract include such terms and conditions as the Secretary shall specify, including a requirement that the vendor monitor the marketplace. CMS has developed a National Average Drug Acquisition Cost (NADAC) for states to consider when developing reimbursement methodology. The NADAC is a pricing benchmark that is based on the national average costs that pharmacies pay to acquire Medicaid covered outpatient drugs. This pricing benchmark is based on drug acquisition costs collected directly from pharmacies through a nationwide survey process. This survey is conducted on a monthly basis to ensure that the NADAC reference file remains current and up-to-date. *Form Number:* CMS–10241 (OMB control number 0938–1041); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 30,000; *Total Annual Responses:* 30,000; *Total Annual Hours:* 15,000. (For policy questions regarding this collection contact: Lisa Shochet at 410–786–5445.)

Dated: March 12, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–05296 Filed 3–14–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0215]

Agency Information Collection Activities; Proposed Collection; Comment Request; Health Care Professional Survey of Professional Prescription Drug Promotion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on ''Health Care Professional Survey of Professional Prescription Drug Promotion.'' This study will examine how health care professionals experience and perceive prescription drug promotion directed to them.

DATES: Submit either electronic or written comments on the collection of information by May 14, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 14, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 14, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–0215 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Health Care Professional Survey of Professional Prescription Drug Promotion.'' 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: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Health Care Professional Survey of Professional Prescription Drug Promotion

OMB Control Number 0910—NEW

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

As part of its federal mandate, FDA regulates whether direct-to-consumer (DTC) advertising of prescription drug products is truthful, balanced, and accurately communicated (see 21 U.S.C. 352(n)). Similarly, the FD&C Act prohibits the dissemination of false or misleading information about medications in consumer-directed and professional prescription drug promotion. FDA regulates within the framework of free speech and due process principles of the United States Constitution. To inform current and future policies, and to seek to enhance audience comprehension, the Office of Prescription Drug Promotion conducts research focusing on (1) advertising features including content and format, (2) target populations, and (3) research quality. This proposed research focuses on the physician target population. FDA surveyed physicians about their attitudes toward DTC advertising and its role in their relationships with their patients in 2002 (Ref. 1) and again in 2013 (Refs. 2 and 3). The 2013 survey included multiple types of prescribers: Primary care physicians, specialists, nurse practitioners, and physician assistants. Whereas the focus of both previous FDA surveys was on DTC advertising and promotion, the current study is designed to address issues related to professional prescription drug promotion. The goal is to query a representative sample of health care professionals (HCPs) about their opinions of promotional materials and procedures targeted at HCPs, clinical trial design and knowledge, and FDA approval status. We will also take this opportunity to ask HCPs briefly about their knowledge of abuse-deterrent formulations for opioid products.

To educate themselves about prescription drugs, HCPs sometimes rely on professionally directed promotional information (Refs. 4–8). In 2012, pharmaceutical companies spent more than $24 billion on marketing to physicians (Ref. 9). The industry exposes health care professionals to promotional materials through a variety of mechanisms, including communication with pharmaceutical representatives, journal ads, prescribing software, presentations at sponsored meetings, and direct mail ads (Ref. 10). Several studies indicate that data presented in promotional materials may not be fully comprehended and may even potentially be misleading due to a variety of causes, such as insufficient information, unsupported claims, or a failure to disclose limitations of the information presented (Refs. 11–15).

Although HCPs are learned intermediaries, like most people, they may rely on heuristics in making decisions and may have cognitive biases in the type of information they attend to at any given time. They may be persuaded by strong statements and may not have the time to ascertain accuracy of such information (Ref. 16). The proposed survey will provide further insights about how professionally targeted prescription drug promotion might influence health care professionals' decision-making processes and practices and how

information may be communicated more effectively. It is important to note that FDA does not regulate the practice of medicine. However, as previously mentioned, FDA does regulate prescription drug promotion. This survey is designed to inform FDA of various responses to and impacts of prescription drug promotion of prescription drugs.

The general research questions in the survey are as follows:

1. What methods and/or channels are used to disseminate prescription drug promotional information to health care professionals/prescribers?

2. How knowledgeable and interested are HCPs in clinical trial data and its presence in prescription drug promotion?

3. How familiar are HCPs with the FDA approval of prescription drugs and how does this translate into practice?

In addition, given the critical nature of the opioid situation in the United States at this time, we plan to ask several questions about prescription drug promotion of opioid products.

HCPs who fall into one of four categories will be recruited online through WebMD's Medscape subscriber network. We propose to complete 700 primary care physician, 600 specialist, 350 nurse practitioner, and 350 physician assistant surveys. HCPs will be included if they see patients at least 50 percent of the time. Both Doctors of Medicine and Doctors of Osteopathy will be included. Primary care physicians will include those who indicate they work in general, family, or internal medicine. Specialties were chosen based on prevalence in the United States and prescription drug promotional activity. Specialists will include cardiologists, dermatologists, endocrinologists, neurologists, obstetrician/gynecologists, oncologists, ophthalmologists, psychiatrists, rheumatologists, and urologists. The data will be weighted to adjust for differential coverage of select characteristics such as region and respondent age and gender. Pretesting with 25 respondents will take place before the main study to evaluate the procedures and measures used in the main study.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest Study					
HCP screener	63	1	63	0.08 (5 minutes)	5
Informed Consent	25	1	25	0.08 (5 minutes)	2
HCP Survey	25	1	25	0.33 (20 minutes)	8
Main Study					
HCP screener	5,037	1	5,037	0.08 (5 minutes)	403
Informed Consent	2,000	1	2,000	0.08 (5 minutes)	160
HCP Survey	2,000	1	2,000	0.33 (20 minutes)	660
Total					1,238

[1] There are no capital costs and maintenance costs associated with this collection of information.

II. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* 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.

1. Available at: *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm090276.htm.* Last accessed January 26, 2018.
2. Betts, K.R., A.C. O'Donoghue, K.J. Aikin, et al. (2016). ''Healthcare Professional Social Media Membership and Participation: Findings From a Nationally Representative Sample,'' *Journal of the American Association of Nurse Practitioners.* Doi: 10.1002/2327–6924.12383.
3. O'Donoghue, A.C., V. Boudewyns, K.J. Aikin, et al. (2015). ''Awareness of FDA's Bad Ad Program and Education Regarding Pharmaceutical Advertising: A National Survey of Prescribers in Ambulatory Care Settings,'' *Journal of Health Communication,* vol. 20(11), pp. 1330–1336.
4. Crigger, N.J. (2005). ''Pharmaceutical Promotions and Conflict of Interest in Nurse Practitioner's Decision Making: The Undiscovered Country,'' *Journal of the American Academy of Nurse Practitioners,* vol. 17(6), pp. 207–212.
5. Fischer, M.A., M.E. Keough, J.L. Baril, et al. (2009). ''Prescribers and Pharmaceutical Representatives: Why Are We Still Meeting?'' *Journal of General Internal Medicine,* vol. 24(7), pp. 795–801.
6. C. Robertson, S. Rose, and A.S. Kesselheim. (2012). ''Effect of Financial Relationships on the Behaviors of Health Care Professionals: A Review of the Evidence,'' *The Journal of Law, Medicine & Ethics,* vol. 40(3), pp. 452–466.
7. Srivastava, V., M. Handa, and A. Vohra. (2014). ''Promotional Tools: Do Physicians Really Bite the Hook?'' *Drishtikon: A Management Journal,* vol. 5(2).
8. Austad, K.E., J. Avorn, J.M. Franklin, et al. (2014). ''Association of Marketing Interactions With Medical Trainees' Knowledge About Evidence-Based Prescribing: Results From a National Survey,'' *JAMA Internal Medicine,* vol. 174(8), pp. 1283–1290.
9. Cegedim Strategic Data. (2013). ''2012 U.S. Pharmaceutical Company Promotion Spending.'' Available at: *http://www.skainfo.com/health_care_market_reports/2012_promotional_spending.pdf.*
10. Spurling, G.K., P.R. Mansfield, B.D. Montgomery, et al. (2010). ''Information From Pharmaceutical Companies and the Quality, Quantity, and Cost of Physicians' Prescribing: A Systematic Review,'' *PLoS Medicine,* vol. 7(10), e1000352. doi: 10.1371/jounal.pmed.1000352.
11. Villanueva, P., S. Peiró, J. Librero, et al. (2003). ''Accuracy of Pharmaceutical Advertisements in Medical Journals,'' *Lancet,* vol. 361(9351), pp. 27–32.
12. Cooper, R.J. and D.L. Schriger. (2005). ''The Availability of References and the Sponsorship of Original Research Cited in Pharmaceutical Advertisements,'' *Canadian Medical Association Journal,* vol. 172(4), pp. 487–491.
13. Jureidini, J.N., L.B. McHenry, and P.R. Mansfield. (2008). ''Clinical Trials and Drug Promotion: Selective Reporting of

Study 329,'' *International Journal of Risk & Safety in Medicine,* vol. 20(1–2), pp. 73–81.

14. Garcia-Retamero, R. and M. Galesic. (2010). ''Who Profits From Visual Aids: Overcoming Challenges in People's Understanding of Risks,'' *Social Science & Medicine,* vol. 70(7), pp. 1019–1025.
15. Cooper, R.J., D.L. Schriger, R.C. Wallace, et al. (2003). ''The Quantity and Quality of Scientific Graphs in Pharmaceutical Advertisements,'' *Journal of General Internal Medicine,* vol. 18(4), pp. 294–297.
16. Sah, S. and A. Fugh-Berman. (2013). ''Physicians Under the Influence: Social Psychology and Industry Marketing Strategies,'' *The Journal of Law, Medicine & Ethics,* vol. 41(3), pp. 665–672. doi: 10.1111/jlme.12076.

Dated: March 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05235 Filed 3–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Announcing Budget Period Extensions with Funding for the Health Center Program.

SUMMARY: HRSA provided additional grant funds during extended budget periods to prevent interruptions in the provision of critical health care services for funded service areas until new awards could be made to eligible Service Area Competition (SAC) applicants or HRSA could conduct an orderly phase-out of Health Center Program activities by the current award recipients.

SUPPLEMENTARY INFORMATION:

Recipients of the Award: Health Center Program award recipients for service areas that were threatened with a lapse in services due to service area re-announcement or transitioning award recipients, as listed in Table 1.

Amount of Non-Competitive Awards: 33 awards for $17,248,966.

Period of Supplemental Funding: Fiscal years 2016 and 2017.

CFDA Number: 93.224

Authority: Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

Justification: Targeting the nation's high need populations and geographic areas, the Health Center Program currently funds nearly 1,400 health centers that operate more than 11,000 service delivery sites in every state, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific Basin. Nearly 26 million people received accessible, affordable, quality primary health care services through the Health Center Program award recipients in 2016.

Approximately one-third of Health Center Program award recipients' service areas are competed each year, and each competition has the potential to result in a change in award recipient. SACs are also held prior to the current grant's project period end date when (1) a grant is voluntarily relinquished, or (2) a program noncompliance enforcement action taken by HRSA terminates the grant. If the SAC draws no fundable applications, HRSA may extend the current award recipient's budget period to ensure primary health care services remain available while a new competition is conducted for the service area.

The amount of additional grant funds is calculated by pro-rating HRSA's annual funding commitment to the service area. Approximately 6 months is required to announce and conduct a SAC and select a new award recipient. In all cases, current fiscal year funds are used to extend the award recipient's existing budget period award. Through these actions, award recipients receive consistent levels of funding to support uninterrupted primary health care services to the nation's underserved populations and communities during service area award recipient transition.

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant number	Award recipient name	Extension award date	Award amount ($)
H80CS06641	Ko'olauloa Community Health and Wellness Center, Inc	12/01/15	235,116
H80CS26606	Horizon Health and Wellness, Inc	12/23/15	182,771
H80CS26604	Neighborhood Outreach Access to Health	12/23/15	192,815
H80CS00851	Duval County Health Department	01/11/16	480,066
H80CS26560	East Central Missouri Behavioral Health Services, Inc.	01/15/16	281,845
H80CS00048	Santa Cruz County	01/15/16	672,655
H80CS00001	City of Springfield, Massachusetts	01/15/16	606,761
H80CS00384	Monroe County Health Center	01/15/16	640,737
H80CS26631	La Casa de Salud, Inc	01/15/16	563,753
H80CS00400	Circle Family Healthcare Network, Inc	01/22/16	501,296
H80CS00013	Covenant House (Under 21)	02/03/16	279,116
H80CS26632	Whitman-Walker Clinic, Inc	02/06/16	423,273
H80CS00054	Metropolitan Development Council	02/06/16	457,843
H80CS00055	White Bird Clinic	02/10/16	412,985
H80CS26587	Saint Hope Foundation	02/10/16	229,491
H80CS26620	Korean Health, Education, Information and Research Center	02/12/16	504,386
H80CS26513	FirstMed Health and Wellness Center	02/12/16	596,025
H80CS08770	Health Center of Southeast Texas	02/12/16	737,066
H80CS00872	Madison County Community Health Center	03/01/16	467,855
H80CS00622	The Hunter Health Clinic, Inc	03/08/16	450,569
H80CS10606	St. Vincent de Paul Village, Inc	04/06/16	334,418
H80CS06078	Yakima Neighborhood Health Services	04/06/16	1,025,892
H80CS17251	Upper Room Aids Ministry, Inc. Health Care Center	04/06/16	738,043
H80CS00722	Community Clinic of Maui, Inc	04/06/16	570,042
H80CS01443	Lane County	05/15/16	649,218
H80CS00054	Metropolitan Development Council	06/14/16	228,922
H80CS00299	Brazos Valley Community Action Agency, Inc	01/17/17	1,520,645
H80CS00814	Kalihi-Palama Health Center	01/17/17	1,105,506

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

Grant number	Award recipient name	Extension award date	Award amount ($)
H80CS00802	Harrington Family Health Center	02/22/17	294,843
H80CS00436	Family Health Centers of Baltimore	02/27/17	743,058
H80CS00283	Oakland Primary Health Services, Inc	03/03/17	466,752
H80CS00291	The University of Pittsburgh	05/02/17	116,417
H80CS06445	Fourth Ward d.b.a. Good Neighbor Healthcare Center	05/30/17	538,786

FOR FURTHER INFORMATION CONTACT: Matt Kozar, Strategic Initiatives and Planning Division Director, Office of Policy and Program Development, Bureau of Primary Health Care, Health Resources and Services Administration, at *mkozar@hrsa.gov* or 301–443–1034.

Dated: March 8, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–05279 Filed 3–14–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Appointment to the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services (HHS) is soliciting nominations of individuals who are interested in being considered a voting member for appointment to the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (Advisory Council). Nominations from qualified individuals who wish to be considered for appointment to this member category of the Advisory Council are currently being accepted.

DATES: Nominations must be received no later than 5:00 p.m. ET on April 30, 2018.

ADDRESSES: Information on how to submit a nomination is on the Advisory Council website, *http://www.hhs.gov/ash/carb/.*

FOR FURTHER INFORMATION CONTACT: Jomana Musmar, MS, Ph.D., Acting Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, Room 715H, Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201. Phone: (202) 690–5566; email: *CARB@hhs.gov.* The Advisory Council charter may be accessed online at *http://www.hhs.gov/ash/carb/.* The charter includes detailed information about the Advisory Council's purpose, function, and structure.

SUPPLEMENTARY INFORMATION: Under Executive Order 13676, dated September 18, 2014, authority was given to the Secretary of HHS to establish the Advisory Council, in consultation with the Secretaries of Defense and Agriculture. Activities of the Advisory Council are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees. The Advisory Council will provide advice, information, and recommendations to the Secretary of HHS regarding programs and policies intended to: preserve the effectiveness of antibiotics by optimizing their use; advance research to develop improved methods for combating antibiotic resistance and conducting antibiotic stewardship; strengthen surveillance of antibiotic-resistant bacterial infections; prevent the transmission of antibiotic-resistant bacterial infections; advance the development of rapid point-of-care and agricultural diagnostics; further research on new treatments for bacterial infections; develop alternatives to antibiotics for agricultural purposes; maximize the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal healthcare providers; and improve international coordination of efforts to combat antibiotic resistance.

The Advisory Council is authorized to consist of not more than 30 members, including the voting and non-voting members and the Chair and Vice Chair. The current composition of the Advisory Council consists of 15 voting members, including the Chair and Vice Chair, five non-voting liaison representative members, and 10 non-voting *ex-officio* members.

This announcement is to solicit nominations to fill seven positions that are scheduled to be vacated during the 2018 calendar year in the voting member category. Voting members are appointed to serve three or four year terms.

The seven public voting members sought for this solicitation will be selected from individuals who are engaged in: Research on, or implementation of, interventions regarding efforts to preserve the effectiveness of antibiotics by optimizing their use; advancing research to develop improved methods for combating antibiotic resistance and conducting antibiotic stewardship; strengthening surveillance of antibiotic-resistant bacterial infections; preventing the transmission of antibiotic-resistant bacterial infections; advancing the development of rapid point-of-care and agricultural diagnostics; furthering research on new treatments for bacterial infections; developing alternatives to antibiotics for agricultural purposes; maximizing the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal health care providers; and improving international coordination of efforts to combat antibiotic resistance.

The public voting members will represent balanced points of view from human biomedical, public health, and agricultural fields to include surveillance of antibiotic-resistant infections, prevention and/or interruption of the spread of antibiotic-resistant threats, or development of rapid diagnostics and novel treatments. The public voting members may be physicians, veterinarians, epidemiologists, microbiologists, or other health care professionals (*e.g.,* nurses, pharmacists, others); individuals who have expertise and experience as consumer or patient advocates concerned with antibiotic resistance, or in the fields of agriculture and pharmaceuticals; and they also may be from state or local health agencies or public health organizations. The voting public members will be appointed by the Secretary, in consultation with the Secretaries of Defense and Agriculture. All public voting members will be

classified as special government employees (SGEs).

Individuals who are appointed to serve as voting members may be allowed to receive per diem and reimbursement for any applicable expenses for travel that is performed to attend meetings of the Advisory Council as authorized by 5 U.S.C. 5703, for persons employed intermittently in the Government service. The Advisory Council meets, at a minimum, two times per fiscal year depending on the availability of funds. Meetings are open to the public, except as determined otherwise by the Secretary, or other official to whom the authority has been delegated, in accordance with guidelines under the Government in the Sunshine Act, 5 U.S.C. 552b(c). Every effort will be made to ensure that the membership of federal advisory committees is fairly balanced in terms of points of view represented. Detailed information on what is required in a nomination package and how to submit one is on the Advisory Council website, *http://www.hhs.gov/ash/carb/.*

Dated: March 9, 2018.

Jomana F. Musmar,

Acting Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Committee Manager.

[FR Doc. 2018–05278 Filed 3–14–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 Environmental Health Sciences Special Emphasis Panel; Career Development in Environmental Research.

Time: March 27, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Suite 1002, Research Triangle Park, NC 27709 (Telephone Conference).

Contact Person: Laura A. Thomas, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–2824, *laura.thomas@nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Environmental Risk Factors for Breast Cancer.

Date: March 29–30, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Sheraton Imperial Hotel Raleigh-Durham Airport RP, 4700 Emperor Blvd., Durham, NC 27703.

Contact Person: RoseAnne M. McGee, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752, *mcgee1@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Organotypic Culture Models Developed from Experimental Animals for Chemical Toxicity Screening.

Date: March 29, 2018.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone, 530 Davis Drive, Research Triangle Park, NC 27713.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P. O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709 (919) 541–0670, *worth@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05221 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; Investigator Initiated Program Project Applications (P01).

Date: April 2, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Rm 3G42B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5070, *rosenthalla@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Silencing of HIV–1 Proviruses (R61/R33).

Date: April 3, 2018.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Vasundhara Varthakavi, DVM, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5020, *varthakaviv@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID; INVESTIGATOR INITIATED PROGRAM PROJECT APPLICATION (P01).

Date: April 11, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institues of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05219 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIEHS.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: April 15–17, 2018.

Closed: April 15, 2018, 7:00 p.m. to 10:00 p.m.

Agenda: To review and evaluate programmatic concerns and personnel qualifications.

Place: Hilton Garden Inn Durham Southpoint, 7007 Fayetteville Road, Durham, NC 27713.

Open: April 16, 2018, 8:30 a.m. to 11:50 a.m.

Agenda: Scientific Presentations.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 16, 2018, 11:50 a.m. to 1:35 p.m.

Agenda: To review and evaluate programmatic concerns and personnel qualifications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: April 16, 2018, 1:35 p.m. to 3:25 p.m.

Agenda: Scientific Presentations.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 16, 2018, 3:25 p.m. to 3:50 p.m.

Agenda: To review and evaluate programmatic concerns and personnel qualifications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 16, 2018, 7:00 p.m. to 10:00 p.m.

Agenda: To review and evaluate to programmatic concerns and personnel qualifications.

Place: Hilton Garden Inn Durham Southpoint, 7007 Fayetteville Road, Durham, NC 27713.

Open: April 17, 2018, 8:30 a.m. to 9:30 a.m.

Agenda: Poster Session.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 17, 2018, 9:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate programmatic concerns and personnel qualifications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 17, 2018, 10:45 a.m. to 4:00 p.m.

Agenda: To review and evaluate programmatic concerns and personnel qualifications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Darryl C. Zeldin, Scientific Director & Principal Investigator, Division of Intramural Research, National Institute of Environmental Health Sciences, NIH, 111 T. W. Alexander Drive, Mail drop A2–09, Research Triangle Park, NC 27709, 919–541–1169, *zeldin@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05220 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pediatric Immunotherapy Discovery and Development Network (PI–DDN) (U01).

Date: April 9, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Reston Hotel, 11810 Sunrise Valley Dr., Reston, VA 20191.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Convergent Neuroscience: From Genomic Association to Causation.

Date: April 10, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, *jdrgonova@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIBIB Trailblazer Award for New and Early Stage Investigators (R21).

Date: April 11, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, 301–435–1850, *limc4@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 9, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05217 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings of the NHLBI Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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 grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; K12: Institutional Career Development Program in HIV-related Heart, Lung, Blood and Sleep Research.

Date: April 6, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Gene Therapy Resource Program Contract Review.

Date: April 9, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7194, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Charles Joyce, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7194, Bethesda, MD 20892–7924, 301–827–7939, *Cjoyce@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Cancer Related Thrombosis.

Date: April 13, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Michael P Reilly, Ph.D., Scientific Review Officer, Office of Scientific Review, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7200, Bethesda, MD 20892, 301–827–7975, *reillymp@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 9, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05218 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Disorders in Neurodevelopment.

Date: March 20, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Cellular and Molecular Biology of Neurodegeneration.

Date: March 23, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Christine A Piggee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, 301–435–0657, *christine.piggee@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Medical Imaging Investigations.

Date: March 29, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine;

93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05207 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA: NIH Transformative Research Awards (R01) Review.

Date: April 3, 2018.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037.

Contact Person: Raymond Jacobson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5858, MSC 7849, Bethesda, MD 20892, 301–996–7702, *jacobsonrh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Nephrology Review.

Date: April 4, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Science of Behavior Change.

Date: April 4, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Virology.

Date: April 4, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–435–1149, *marci.scidmore@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR: SBIR/STTR Interactive Digital Media STEM Resources for Pre-College and Informal Science Education Audiences.

Date: April 4, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Multidisciplinary Studies of HIV/AIDS and Aging.

Date: April 4, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Neuropsychopharmacology.

Date: April 4, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroimmunology, Neuroinflammation, and Brain Tumor.

Date: April 4, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nataliya Gordiyenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301.435.1265, *gordiyenkon@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–366: Dual Benefit Research in Biomedicine and Agriculture.

Date: April 4, 2018.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting)

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182 MSC 7892, Bethesda, MD 20892, 301 435–2514, *riverase@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering Sciences.

Date: April 4, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–366: Dual Benefit Research in Biomedicine and Agriculture.

Date: April 4, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *gary.hunnicutt@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 15–279: Strategies to Increase Delivery of Guideline-Based Care to Populations with Health Disparities.

Date: April 4, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yvonne Owens Ferguson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3139, Bethesda, MD 20892, 301–827–3689, *fergusonyo@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05216 Filed 3–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0017]

Assistance to Firefighters Grant Program; Fire Prevention and Safety Grants

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of guidance.

SUMMARY: This Notice provides guidelines that describe the application process for grants and the criteria the Federal Emergency Management Agency (FEMA) will use for awarding Fire Prevention and Safety (FP&S) grants in the Fiscal Year (FY) 2017 Assistance to Firefighters Grant (AFG) Program. It explains the differences, if any, between these guidelines and those recommended by representatives of the Nation's fire service leadership during the annual Criteria Development meeting, which was held February 28—March 3, 2017. The application period for the FY 2017 FP&S Grant Program year will be February 12, 2018—March 16, 2018, and will be announced on the AFG website (*www.fema.gov/firegrants*), *www.grants.gov,* and the U.S. Fire Administration website (*www.usfa.fema.gov*).

DATES: Grant applications for the FP&S Grant Program will be accepted electronically at *https://portal.fema.gov,* from February 12, 2018 at 8:00 a.m. ET to March 16, 2018 at 5:00 p.m. ET.

ADDRESSES: Assistance to Firefighters Grants Branch, DHS/FEMA, 400 C Street SW, 3N, Washington, DC 20472–3635.

FOR FURTHER INFORMATION CONTACT: Catherine Patterson, Chief, Assistance to Firefighters Grants Branch, 1–866–274–0960.

SUPPLEMENTARY INFORMATION: The purpose of the FP&S Program is to reduce fire and fire-related injuries and prevent deaths among the public and firefighters by assisting fire prevention programs and supporting firefighter health and safety research and development. The FEMA Grant Programs Directorate administers the FP&S Grant Program as part of the AFG Program.

FP&S Grants are offered to support projects in two activities:

1. Activities designed to reach high-risk target groups and mitigate the incidence of death, injuries, and property damage caused by fire and fire-related hazards (''FP&S Activity'').

2. Projects aimed at improving firefighter safety, health, or wellness through research and development that reduces firefighter fatalities and injuries (''R&D Activity'').

The grant program's authorizing statute requires that DHS publish in the **Federal Register** each year the guidelines that describe the application process and the criteria for grant awards. Approximately 1,000 applications for FP&S Grant Program funding are anticipated to be submitted electronically, using the application submission form and process available at the AFG e-Grant application portal: *https://portal.fema.gov.* Specific information about the submission of grant applications can be found in the FY 2017 Fire Prevention and Safety Program Notice of Funding Opportunity (NOFO), which will be available for download at *www.fema.gov/firegrants* and at *www.regulations.gov* under Docket ID: FEMA–2018–0017.

Appropriations

Congress appropriated $345,000,000 for AFG in FY 2017 pursuant to the *Department of Homeland Security Appropriations Act, 2017,* Public Law 115–31. From this amount, $34,500,000 will be made available for FP&S Grant awards, pursuant to 15 U.S.C. 2229(h)(5), which states that not less than 10 percent of available grant funds each year are awarded under the FP&S Grant Program. Funds appropriated for all FY 2017 AFG awards, pursuant to Public Law 115–31, will be available for obligation and award until September 30, 2018.

From the approximately 1,000 applications that will be requesting assistance, FEMA anticipates that it will award approximately 150 FP&S Grants from available grant funding.

Background of the AFG Program

DHS awards grants on a competitive basis to applicants that best address the FP&S Grant Program's priorities and provide the most compelling justification. Applications that best address the Program's priorities will be reviewed by a panel composed of fire service personnel.

Award Criteria

All applications for grants will be prepared and submitted through the AFG e-Grant application portal (*https://portal.fema.gov*).

The FP&S Grant Program panels will review the applications and score them using the following criteria areas:

- Financial Need
- Vulnerability Statement
- Implementation Plan
- Evaluation Plan
- Cost-Benefit
- Funding Priorities

The applications submitted under the R&D Activity will be reviewed first by a panel of fire service members to identify those applications most relevant to the fire service. The following evaluation criteria will be used for this review:

- Purpose
- Potential Impact
- Implementation by the Fire Service
- Partners
- Barriers

The applications that are determined most likely to enable improvement in firefighter safety, health, or wellness will be deemed to be in the ''competitive range'' and forwarded to the second level of application review, which is the scientific panel review process. This panel will be comprised of scientists and technology experts who have expertise pertaining to the subject matter of the proposal.

The Scientific Technical Evaluation Panel for the R&D Activity will review the application and evaluate it using the following criteria:

- Project goals, objectives, and specific aims
- Literature Review
- Project Methods
- Project Measurements
- Project Analysis
- Dissemination and Implementation
- Cost vs. Benefit (additional consideration)
- Financial Need (additional consideration)
- Mentoring (additional consideration for Early Career Investigator Projects only)

Eligible Applicants

Under the FY 2017 FP&S Grant Program, eligible applicants are limited to those entities described below within each activity:

1. Fire Prevention and Safety (FP&S) Activity: Eligible applicants for this activity include fire departments; and national, regional, State, local, federally recognized tribal, and nonprofit organizations that are recognized for their experience and expertise in fire prevention and safety programs and activities. Both private and public non-profit organizations are eligible to apply for funding in this activity. For-profit organizations, Federal agencies, and individuals are not eligible to receive a FP&S Grant Award under the FP&S Activity.

2. Firefighter Safety Research and Development (R&D) Activity: Eligible applicants for this activity include national, State, local, federally recognized tribal, and nonprofit organizations, such as academic (*e.g.,* universities), public health, occupational health, and injury prevention institutions. Both private and public non-profit organizations are eligible to apply for funding in this activity.

The aforementioned entities are encouraged to apply, especially those that are recognized for their experience and expertise in firefighter safety, health, and wellness research and development activities. Fire departments are not eligible to apply for funding in the R&D activity. Additionally, for-profit organizations, Federal agencies, and individuals are not eligible to receive a grant award under the R&D Activity.

Funding Limitations

Awards are limited to a maximum federal share of $1.5 million dollars, regardless of applicant type, in accordance with 15 U.S.C. 2229(d)(2). FP&S Research and Development applicants applying under the Early Career Investigator category are limited to a maximum federal share of $75,000 per project year.

Cost Sharing

Grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with 2 CFR 200.101(b)(1), but they are not required to have the cost-share at the time of application nor at the time of award. However, before a grant is awarded, FEMA may contact potential awardees to determine whether the grant recipient has the funding in hand or whether the grant recipient has a viable plan to obtain the funding necessary to fulfill the cost-sharing requirement.

In general, an eligible applicant seeking an FP&S grant to carry out an activity shall agree to make available non-Federal funds to carry out such activity in an amount equal to, and not less than, 5 percent of the grant awarded. Cash match and in-kind matches are both allowable in the FP&S Grant Program. Cash (hard) matches include non-Federal cash spent for project-related costs. In-kind (soft) matches include, but are not limited to, the valuation of in-kind services; complementary activities; and provision of staff, facilities, services, material, or equipment. In-kind is the value of something received or provided that does not have a cost associated with it. For example, where an in-kind match (other than cash payments) is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grant recipient receiving the contributions expends them as allowable costs in compliance with provisions listed above.

Grant recipients under this program must also agree to a maintenance of effort requirement per 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). Per this requirement, a grant recipient shall agree to maintain during the term of the grant, the grant recipient's aggregate expenditures relating to the activities allowable under the FP&S NOFO at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

In cases of demonstrated economic hardship and upon the request of the grant recipient, the FEMA Administrator may waive or reduce certain grant recipient's cost share or maintenance of expenditure requirements (15 U.S.C. 2229(k)(4)(A)). As required by 15 U.S.C. 2229(k)(4)(B), the Administrator established guidelines for determining what constitutes economic hardship and published these guidelines at FEMA's website *www.fema.gov/grants.* Per 15 U.S.C. 2229(k)(4)(C), FP&S nonprofit organization grant recipients that are not fire departments or emergency medical services organizations are not eligible to receive a waiver of their cost share or economic hardship requirements.

System for Award Management (SAM)

Per 2 CFR 25.200, all grant applicants and recipients are required to register in *https://SAM.gov,* which is available free of charge. They must maintain validated information in SAM that is consistent with the data provided in their AFG grant application and in the Dun & Bradstreet (DUNS) database. FEMA will not accept any application, process any awards, consider any payment or amendment requests, or consider any amendment unless the applicant or grant recipient has complied with the requirements to provide a valid DUNS number and an active SAM registration with current information. The banking information, employer identification number (EIN), organization/entity name, address, and DUNS number provided in the application must match the information that is provided in SAM.

Application Process

Applicants may only submit one application, but may submit for up to three projects under each activity (FP&S and R&D). Any applicant that submits more than one application may have *all* applications deemed ineligible.

Under the FP&S Activity, applicants may apply under the following categories:

- Community Risk Reduction
- Fire & Arson Investigation
- Code Enforcement/Awareness
- National/State/Regional Programs and Studies

Under the R&D Activity, applicants may apply under the following categories:

- Clinical Studies
- Technology and Product Development
- Database System Development
- Dissemination and Implementation Research
- Preliminary Studies
- Early Career Investigator

Prior to the start of the FY 2017 FP&S Grant Program application period, FEMA provided applicants with technical assistance tools (available at the AFG website: *www.fema.gov/firegrants*) and other online information to help them prepare quality grant applications. AFG will also staff a Help Desk throughout the application period to assist applicants with navigation through the automated application as well as assistance with related questions. Applicants can reach the AFG Help Desk through a toll-free telephone number (1–866–274–0960) or email (*firegrants@fema.dhs.gov*).

Applicants are advised to access the application electronically at *https://portal.fema.gov*. The application also is accessible from the *Grants.gov* website

(*http://www.grants.gov*). New applicants are required to register and establish a username and password for secure access to their application. Applicants that applied to any previous AFG or Staffing for Adequate Fire and Emergency Response (SAFER) funding opportunities are required to use their previously established usernames and passwords when applying for an FP&S grant.

In completing an application under this funding opportunity, applicants will be asked to provide relevant information on their organization's characteristics and existing capabilities. Those applicants are asked to answer questions about their grant request that reflect the funding priorities, described below. In addition, each applicant will complete narratives for each project or grant activity requested.

The following are the funding priorities for each category under the FP&S Activity:

- *Community Risk Reduction*—Under the Community Risk Reduction category there are three funding priorities:
  - Priority will be given to programs that target a specific high-risk population to conduct both door-to-door smoke alarm installations and provide home safety inspections, as part of a comprehensive home fire safety campaign.
  - Priority will be given to programs that include sprinkler awareness that affect the entire community, such as educating the public about residential sprinklers, promoting residential sprinklers, and demonstrating working models of residential sprinklers.
  - Priority will be given to programs to conduct community-appropriate comprehensive risk assessments and risk reduction planning.
- *Code Enforcement/Awareness*—These are projects that focus on first time or reinstatement of code adoption and code enforcement, including Wildland Urban Interface (WUI) codes for communities with a WUI-wildfire risk.
- *Fire & Arson Investigation*—These are projects that aim to aggressively investigate every fire.
- *National/State/Regional Programs and Studies*—These are projects that focus on residential fire issues and/or firefighter behavior and decision-making.

Under the R&D Activity, in order to identify and address the most important elements of firefighter safety, FEMA looked to the fire service for its input and recommendations. In June 2005, the National Fallen Firefighters' Foundation (NFFF) hosted a working group to facilitate the development of an agenda for the Nation's fire service, and in particular for firefighter safety. In November 2015, the NFFF hosted its third working group to update the agenda with current priorities. A copy of the research agenda is available on the NFFF website at *http://www.everyonegoeshome.com/resources/research-symposium-reports/.*

All proposed projects, regardless of whether they have been identified by this working group, will be evaluated on their relevance to firefighter health and safety, and scientific rigor.

The electronic application process will permit the applicant to enter and save the application data. The system does not permit the submission of incomplete applications. Except for the narrative textboxes, the application will use a ''point-and-click'' selection process or require the entry of data (*e.g.,* name and address). Applicants are encouraged to read the FP&S NOFO for more details.

Criteria Development Process

Each year, DHS convenes a panel of fire service professionals to develop the funding priorities and other implementation criteria for AFG. The Criteria Development Panel is composed of representatives from nine major fire service organizations that are charged with making recommendations to FEMA regarding the creation of new funding priorities, the modification of existing funding priorities, and the development of criteria for awarding grants. The nine major fire service organizations represented on the panel:

- Congressional Fire Services Institute (CFSI)
- International Association of Arson Investigators (IAAI)
- International Association of Fire Chiefs (IAFC)
- International Association of Fire Fighters (IAFF)
- International Society of Fire Service Instructors (ISFSI)
- National Association of State Fire Marshals (NASFM)
- National Fire Protection Association (NFPA)
- National Volunteer Fire Council (NVFC)
- North American Fire Training Directors (NAFTD)

The FY 2017 criteria development panel meeting occurred February 28–March 3, 2017. The content of the FY 2017 FP&S Notice of Funding Opportunity reflects the implementation of the Criteria Development Panel's recommendations with respect to the priorities, direction, and criteria for awards. All of the funding priorities for the FY 2017 FP&S Grant Program are designed to address the following:

- First responder safety
- Enhancing national capabilities
- Risk
- Interoperability

Changes for FY 2017

FY 2017 FP&S Notice of Funding Opportunity Announcement

(1) Under the Fire Prevention and Safety Activity, a new priority has been added under the Community Risk Reduction Category to add community-appropriate comprehensive risk assessments and risk reduction planning.

(2) Under the Fire Prevention and Safety Activity, clarification has been provided to the Code Enforcement/Awareness Priority to ensure inclusion of Wildland Urban Interface (WUI) codes for communities with a WUI-wildfire risk.

(3) Under the Research and Development Activity, a new category has been added for Early Career Investigator projects.

(4) Under the Research and Development Activity, special emphasis topics have been added.

Application Review Process and Considerations

The program's authorizing statute requires that each year DHS publish in the **Federal Register** a description of the grant application process and the criteria for grant awards. This information is provided below.

DHS will review and evaluate all FP&S applications submitted using the funding priorities and evaluation criteria described in this document, which are based on recommendations from the AFG Criteria Development Panel.

Peer Review Process

Peer Review Panel Process—Fire Prevention and Safety Activity

All FP&S activity applications will be evaluated by a peer review process. A panel of peer reviewers is composed of fire service representatives recommended by the Criteria Development Panel. These reviewers will assess each application's merits with respect to the detail provided in the Narrative Statement on the activity, including the evaluation elements listed in the Evaluation Criteria identified below. The panel will independently score each project within the application, discuss the merits and/or shortcomings of the application, and document the findings. A consensus is not required.

Peer Review Panel Process—Research and Development Activity

R&D applications will go through a two-phase review process. First, all applications will be reviewed by a panel of fire service experts to assess the need for the research results and the likelihood that the results would be implemented by the fire service in the United States. Applications that are deemed likely to be implemented to enable improvement in firefighter safety, health, or wellness will be deemed to be in the ''competitive range'' and will be forwarded to the second level of project review, which is the science review panel process. This panel will be composed of scientists and technology experts who have expertise pertaining to the subject matter of the proposal.

Scientific reviewers will independently score applications in the competitive range and, if necessary, discuss the merits or shortcomings of the project in order to reconcile any major discrepancies identified by the reviewers. A consensus is not required.

Technical Evaluation Process

The highest ranked projects from both Activities will be deemed in the fundable range. Applications that are in the fundable range will undergo a Technical Review by the FEMA Program Office prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award.

Once the review process is complete, each project's score will be determined and a final ranking of project applications will be created. FEMA will award grants based on this final ranking. Award announcements will be made on a rolling basis until all available grant funds have been committed. Awards will not be made in any specified order. DHS will notify unsuccessful applicants as soon as it is feasible.

Evaluation Criteria for Projects—Fire Prevention and Safety Activity

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below. Applications will be reviewed by the peer reviewers using weighted evaluation criteria to score the project. These scores will impact the ranking of a project for funding.

The relative weight of the evaluation criteria in the determination of the grant award is listed below.

- *Financial Need (10%):* Applicants should provide details on the need for financial assistance to carry out the proposed project(s). Included in the description might be other unsuccessful attempts to acquire financial assistance or specific examples of the applicant's operational budget.
- *Vulnerability Statement (25%):* The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk assessment as a basis for action. Vulnerability is a ''weak link'' demonstrating high risk behavior, living conditions or any type of high risk situation or behavior. The Vulnerability Statement should include a description of the steps taken to determine the vulnerability (weak link) and identify the target audience. The methodology for determination of vulnerability (*i.e.,* how the weak link was found) should be discussed in-depth in the application's rrative Statement.
  - ○ The specific vulnerability (weak link) that will be addressed with the proposed project can be established through a formal or informal risk assessment. FEMA encourages the use of local statistics, rather than national statistics, when discussing the vulnerability.
  - ○ The applicant should summarize the vulnerability (weakness) the project will address in a clear, to-the-point statement that addresses who is at risk, what the risks are, where the risks are, and how the risks can be prevented.
  - ○ For the purpose of the FY 2017 FP&S NOFO, formal risk assessments consist of the use of software programs or recognized expert analysis that assess risk trends.
  - ○ Informal risk assessments could include an in-house review of available data (*e.g.,* tional Fire Incident Reporting System) to determine fire loss, burn injuries or loss of life over a period of time, and the factors that are the cause and origin for each occurrence.
- *Implementation Plan (25%):* Projects should provide details on the implementation plan, discussing the proposed project's goals and objectives. The following information should be included to support the implementation plan:
  - ○ Goals and objectives.
  - ○ Details regarding the methods and specific steps that will be used to achieve the goals and objectives.
  - ○ Timelines outlining the chronological project steps.
  - ○ Where applicable, examples of marketing efforts to promote the project, who will deliver the project (*e.g.,* effective partnerships), and the manner in which materials or deliverables will be distributed.
  - ○ Requests for props (*i.e.,* tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized as part of the implementation plan. Applicants should include information describing the efforts that will be used to reach the high risk audience and/or the number of people reached through the proposed project.
- *Evaluation Plan (25%):* Projects should include an evaluation of effectiveness and should identify measurable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience. Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained including the use of surveys, pre- and post-tests, or documented observations.
- *Cost-Benefit (10%):* Projects will be evaluated based on how well the applicant addresses the fire prevention needs of the department or organization in an economical and efficient manner. The applicant should show how it will maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project must also be reasonable for the target audience that will be reached, and a description of how the anticipated benefit(s) of their projects outweighs the cost(s) of the requested item(s) should be included. The application should provide justification for all costs included in the project in order to assist the FEMA Program Office with the Technical Evaluation Panel review.
- *Funding Priorities (5%):* Applicants will be evaluated on whether the proposed project meets the stated funding priority (listed below) for the applicable category.
  - ○ *Community Risk Reduction Priority:* Comprehensive home fire safety campaign with door-to-door smoke alarm installations and/or sprinkler awareness and/or community risk assessments.
  - ○ *Fire/Arson Investigation Priority:* Projects that aim to aggressively investigate every fire.
  - ○ *Code Enforcement/Awareness Priority:* Projects that focus on first time or reinstatement of code adoption and code enforcement, including Wildland

Urban Interface (WUI) codes for communities with a WUI-wildfire risk.

○ *National/State/Regional Programs and Studies Priority:* Projects that focus on residential fire issues, and/or firefighter safety projects or strategies that are designed to measurably change firefighter behavior and decision-making.

▪ *Meeting the needs of people with disabilities (additional consideration):* Applicants in the Community Risk Reduction category will receive additional consideration if, as part of their comprehensive smoke alarm installation and education program, they address the needs of people with disabilities (*e.g.,* deaf/hard-of-hearing) in their community.

▪ *Experience and Expertise (additional consideration):* Applicants that demonstrate their experience and ability to conduct fire prevention and safety activities, and to execute the proposed or similar project(s), will receive additional consideration.

Evaluation Criteria—Firefighter Safety Research and Development Activity

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below. All applications will be reviewed by a fire service expert panel using weighted evaluation criteria, and those projects deemed to be in the ''competitive range'' will then be reviewed by a scientific peer review panel evaluation using weighted evaluation criteria to score the project. Scientific evaluations will impact the ranking of the project for funding.

Fire Service Evaluation Criteria:

• *Purpose (25%):* Applicants should clearly identify the benefits of the proposed research project to improve firefighter safety, health, or wellness, and identify specific gaps in knowledge that will be addressed.

• *Implementation by Fire Service (25%):* Applicants should discuss how the outcomes/products of this research, if successful, are likely to be widely/nationally adopted and accepted by the fire service as changes that enhance firefighter safety, health, or wellness.

• *Potential Impact (15%):* Applicants should discuss the potential impact of the research outcome/product on firefighter safety by quantifying the possible reduction in the number of fatal or non-fatal injuries, or on the projected wellness by significantly improving the overall health of firefighters.

• *Barriers (15%):* The applicant needs to identify and discuss potential fire service and other barriers to successfully complete the study on schedule, including contingencies and strategies to deal with barriers if they materialize. This may include barriers that could inhibit the proposed fire service participation in the study or the adoption of successful results by the fire service when the project is completed.

• *Partners (20%):* Applicants should recognize that participation of the fire service as a partner in the research, from development to dissemination, is regarded as an essential part of all projects. Applicants should describe the fire service partners and contractors that will support the project to accomplish the objectives of the study. The specific roles and contributions of the partners should be described. Partnerships may be formed with local and regional fire departments, and also with national fire-related organizations. Letters of support and letters of commitment to actively participate in the project should be included in the appendix of the application. Generally, participants of a diverse population, including both career and volunteer firefighters, are expected to facilitate acceptance of results nationally. In cases where this is not practical, due to the nature of the study or other limitations, these circumstances should clearly be explained.

Science Panel Evaluation Criteria:

• *Project goals, objectives, and specific aims (15%):* Applicants should address how the purpose, goals, objectives, and aims of the proposal will lead to results that will improve firefighter safety, health, or wellness. For multi-year projects, greater detail should be given for the first year.

• *Literature Review (10%):* Applicants should provide a literature review that is relevant to the project's goals, objectives, and specific aims. The citations should be placed in the text of the narrative statement, with references listed at the end of the Narrative Statement (and not in the Appendix) of the application. The review should be in sufficient depth to make it clear that the proposed project is necessary, adds to an existing body of knowledge, is different from current and previous studies, and offers a unique contribution.

• *Project Methods (20%):* Applicants should provide a description of how the project will be carried out, including demonstration of the overall scientific and technical rigor and merit of the project. This includes the operations to accomplish the purpose, goals and objectives, and the specific aims of the project. Plans to recruit and retain human participants for research, where applicable, should be described. Where human participants are involved in the project, the applicant should describe plans for submission to the Institutional Review Board (for further guidance and requirements, see page 23 of the FY 2017 FP&S NOFO.

• *Project Measurements (20%):* Applicants should provide evidence of the technical rigor and merit of the project, such as data pertaining to validity, reliability, and sensitivity (where established) of the facilities, equipment, instruments, standards, and procedures that will be used to carry out the research. The applicant should discuss the data to be collected to evaluate the performance methods, technologies, and products proposed to enhance firefighter safety, health, or wellness. The applicant should demonstrate that the measurement methods and equipment selected for use are appropriate and sufficient to successfully deliver the proposed project objectives.

• *Project Analysis (20%):* The applicant should indicate the planned approach for analysis of the data obtained from measurements, questionnaires, or computations. The applicant should specify within the plan what will be analyzed, the statistical methods that will be used, the sequence of steps, and interactions as appropriate. It should be clear that the Principal Investigator and research team have the expertise to perform the planned analysis and defend the results in a peer review process.

• *Dissemination and Implementation (15%):* Applicants should indicate dissemination plans for scientific audiences (such as plans for submissions to specific peer review publications) and for firefighter audiences (such as websites, magazines, and conferences). Also, assuming positive results, the applicant should indicate future steps that would support dissemination and implementation throughout the fire service, where applicable. These steps are likely to be beyond the current study, so those features of the research activity that will facilitate future dissemination and implementation should be discussed. All applicants should specify how the results of the project, if successful, might be disseminated and implemented in the fire service to improve firefighter safety, health, or wellness. It is expected that successful R&D Activity Projects may give rise to future programs including FP&S Activity Projects.

• *Cost vs. Benefit (additional consideration):* Cost vs. benefit in this evaluation element refers to the costs of the grant for the research and

development project as it relates to the benefits that are projected for firefighters who would have improved safety, health, or wellness. Applicants should demonstrate a high benefit for the cost incurred, and effective utilization of Federal funds for research activities.

• *Financial Need (additional consideration):* In the Applicant Information section of the application, applicants should provide details on the need for Federal financial assistance to carry out the proposed project(s). Applicants may include a description of unsuccessful attempts to acquire financial assistance. Applicants should provide detail about the organization's operating budget, including a high-level breakdown of the budget; describe the department's inability to address financial needs without Federal assistance; and discuss other actions the department has taken to meet their staffing needs (*e.g.,* State assistance programs, other grant programs, etc.).

• *Mentoring (additional consideration for Early Career Investigator Projects only):* An important part of Early Career Investigator projects is the integration of mentoring for the principal investigator by experienced researchers in areas appropriate to the research project, including exposure to the fire service community as well as support for ongoing development of knowledge and skills. Mentoring is regarded as critical to the research skills development of early career principal investigators. As part of the application Appendix, the applicant should identify the mentor(s) who have agreed to support the applicant and the expected benefit of their interactions with the researcher. A biographical sketch and letter of support from the mentor(s) are encouraged and should be included in the Appendix materials.

Other Selection Information

Awards will be made using the results of peer-reviewed applications as the primary basis for decisions, regardless of activity. However, there are some exceptions to strictly using the peer review results. The applicant's prior AFG, SAFER, and FP&S grant management performance will also be taken into consideration when making recommendations for award. All final funding determinations will be made by the FEMA Administrator, or the Administrator's designee.

Fire departments and other eligible applicants that have received funding under the FP&S Grant Program in previous years are eligible to apply for funding in the current year. However, DHS may take into account an applicant's performance on prior grants when making funding decisions on current applications.

Once every application in the competitive range has been through the technical evaluation phase, the applications will be ranked according to the average score awarded by the panel.

The ranking will be summarized in a Technical Report prepared by the AFG Program Office. A Grants Management Specialist will contact the applicant to discuss and/or negotiate the content of the application and *SAM.gov* registration before making final award decisions.

Authority: 15 U.S.C. 2229.

Dated: March 9, 2018.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–05214 Filed 3–14–18; 8:45 am]

BILLING CODE 9111–64–P

DEPARTMENT OF HOMELAND SECURITY

[DHS Docket No. ICEB–2013–0001]

RIN 1653–ZA13

Extension of Employment Authorization for Syrian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Syria Since March 2011

AGENCY: U.S. Immigration and Customs Enforcement (ICE), DHS.

ACTION: Notice.

SUMMARY: This notice informs the public of the extension of an earlier notice, which suspended certain requirements for F–1 nonimmigrant students whose country of citizenship is Syria and who are experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011. This notice extends the effective date of that notice. The extension of the suspension applies to such students whose country of citizenship is Syria and who lawfully obtained F–1 nonimmigrant student status by September 9, 2016.

DATES: This notice is effective March 15, 2018 and will remain in effect until September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Rachel Canty, Director, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536–5600; email: *sevp@ice.dhs.gov,* telephone: (703) 603–3400. This is not a toll-free number. Program information can be found at *http://www.ice.gov/sevis/.*

SUPPLEMENTARY INFORMATION:

What action is the Department of Homeland Security (DHS) taking under this notice?

The Secretary of Homeland Security is exercising her authority under 8 CFR 214.2(f)(9) to extend the suspension of the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Syria, who are lawfully present in the United States in F–1 nonimmigrant student status, obtained F–1 nonimmigrant status by September 9, 2016, and who are experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011. *See* 77 FR 20038 (April 3, 2012); 81 FR 62520 (September 9, 2016). The original notice was effective from April 3, 2012 until October 3, 2013. A subsequent notice provided for an 18-month extension from October 3, 2013, through March 31, 2015. *See* 78 FR 36211 (June 17, 2013). A third notice provided another 18-month extension from March 31, 2015, through September 30, 2016. *See* 80 FR 232 (January 5, 2015). A fourth notice provided another 18-month extension from September 30, 2016, through March 31, 2018, and expanded the applicability of such suspension to Syian F–1 students who lawfully obtained F–1 nonimmigrant student status between April 3, 2012 and September 9, 2016. *See* 81 FR 62520 (September 9, 2016). Effective with this publication, suspension of the employment limitations is extended for 18 months from March 31, 2018 until September 30, 2019.

F–1 nonimmigrant students granted employment authorization through the notice will continue to be deemed to be engaged in a ''full course of study'' for the duration of their employment authorization, provided they satisfy the minimum course load requirement described in 77 FR 20038. *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered under this action?

This notice applies exclusively to F–1 nonimmigrant students whose country of citizenship is Syria and who were lawfully present in the United States in F–1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i), on September 9, 2016, and are—

(1) Enrolled in an institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment of F–1 students,

(2) Currently maintaining F–1 status, and

(3) Experiencing severe economic hardship as a direct result of the ongoing civil unrest in Syria since March 2011.

ICE records show that as of January 23, 2018, there are approximately 620 Syrian F–1 visa holders in active status who would be covered by this notice. This notice applies to elementary school, middle school, high school, undergraduate, and graduate students. This notice, however, applies differently to elementary school, middle school, and high school students (see the discussion published at 77 FR 20040, available at *http://www.gpo.gov/fdsys/pkg/FR-2012-04-03/pdf/2012-7960.pdf,* in the question, ''Does this notice apply to elementary school, middle school, and high school students in F–1 status?'').

F–1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F–1 students remain eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS took action to provide temporary relief to F–1 nonimmigrant students whose country of citizenship is Syria and who experienced severe economic hardship because of the civil unrest in Syria since March 2011. *See* 77 FR 20038 (April 3, 2012). It enabled these F–1 students to obtain employment authorization, work an increased number of hours while school was in session, and reduce their course load, while continuing to maintain their F–1 student status. In June 2013, January 2015, and again in September 2016, DHS acknowledged that the the civil unrest in Syria continued to affect Syria's citizens, with many people still displaced as a result. DHS extended the application of the original April 3, 2012, notice through March 31, 2018, to continue to provide temporary relief to Syrian F–1 students who experienced severe economic hardship as a result of the conflict. Despite DHS's determination that the civil conflict in Syria continued well beyond the October 3, 2013, expiration date of the original notice, temporary relief was not made available to Syrian F–1 students who became lawfully present in the United States in F–1 nonimmigrant status after April 3, 2012. On September 9, 2016, however, DHS published a notice extending the application of the temporary relief in the original April 3, 2012 notice to those Syrian F–1 nonimmigrant students who lawfully obtained F–1 nonimmigrant status between April 3, 2012, and September 9, 2016.

The conflict in Syria continues to affect the physical and economic security of its citizens. There are more than 11.7 million displaced Syrians in the region, both inside Syria and in neighboring countries, plus nearly 1 million Syrians have applied for asylum in Europe. The United Nations High Commissioner for Refugees has reported over 2.8 million civilians displaced in 2017 alone, many for the second or third time. Since the beginning of the conflict, as many as 500,000 Syrians are dead or missing.

As a result of the civil war and conflict, food and water insecurity continues to have a major negative impact on the population of Syria. As of September 2017, the United Nations World Food Program assessed that food production in Syria was at an all-time low and that the situation was showing no sign of improving. Due to an 800 percent increase in the consumer food price index between 2010 and 2016, 90 percent of Syrian households now spend over half of their income on food, compared with 25 percent before the crisis. As of March 2017, 51 percent of Syrians lacked regular access to the public water system, relying instead on unregulated systems not tested for water purity. Schools and hospitals are significantly impacted by the lack of basic levels of sanitation, as well as the destruction of many facilities.

Furthermore, the conflict continues to negatively affect the Syrian economy. In 2017, the World Bank Group issued a report detailing the economic and social consequences of the conflict in Syria, estimating $226 billion in lost GDP since the conflict erupted, a figure equal to about four times the Syrian GDP in 2010. World Bank Grp., The Toll of War: The Economic and Social Consequences of the Conflict in Syria 83 (2017), *https://openknowledge.worldbank.org/bitstream/handle/10986/27541/The%20Toll%20of%20War.pdf.*

Given the conditions in Syria, affected students whose primary means of financial support come from Syria may need to be exempt from the normal student employment requirements to be able to continue their studies in the United States and meet basic living expenses.

The United States is committed to continuing to assist the people of Syria. DHS is therefore extending this employment authorization for F–1 nonimmigrant students whose country of citizenship is Syria, who lawfully obtained F–1 nonimmigrant student status by September 9, 2016, and who are continuing to experience severe economic hardship as a result of the civil unrest since March 2011.

How do I apply for employment authorization under the circumstances of this notice?

F–1 nonimmigrant students whose country of citizenship is Syria who lawfully obtained F–1 nonimmigrant student status by September 9, 2016, and are experiencing severe economic hardship because of the civil unrest may apply for employment authorization under the guidelines described in 77 FR 20038. This notice extends the time period during which such F–1 students may seek employment due to the civil unrest. It does not impose any new or additional policies or procedures beyond those listed in the original notice. All interested F–1 students should follow the instructions listed in the original notice.

Elaine C. Duke,

Deputy Secretary.

[FR Doc. 2018–05206 Filed 3–14–18; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7002–N–04]

60 Day Notice of Proposed Information Collection: Community Development Block Grant (CDBG) Urban County Qualification/New York Towns Qualification/Requalification Processes

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due date:* May 14, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Departmental Paperwork Reduction Act Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4160, Washington, DC 20410; telephone: 202–708–3400 (this is not a toll-free number) or email Ms. Pollard for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Gloria Coates, Senior Community Planning and Development Specialist, Entitlement Communities Division, Office of Block Grant Assistance, 451 7th Street, SW, Room 7282, Washington, DC 20410; telephone (202) 708–1577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval form OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Community Development Block Grant (CDBG) Urban County Qualification/ New York Towns Qualification/ Requalification Processes.

OMB Approval Number: 2506–0170.

Type of Request: Extension.

Form numbers: N/A.

Description of the need for the information and proposed use: The Housing and Community Development Act of 1974, as amended, at sections 102(a)(6) and 102(e) requires that any county seeking qualification as an urban county notify each unit of general local government within the county that such unit may enter into a cooperation agreement to participate in the CDBG program as part of the county. Section 102(d) of the statute specifies that the period of qualification will be three years. Based on these statutory provisions, counties seeking qualification or requalification as urban counties under the CDBG program must provide information to HUD every three years identifying the units of general local governments (UGLGs) within the county participating as a part of the county for purposes of receiving CDBG funds. The population of UGLGs for each eligible urban county is used in HUD's allocation of CDBG funds for all entitlement and State CDBG grantees.

New York towns undertook a similar process every three years. However, after consultation with program counsel, it was determined that a requalification process for New York towns is unnecessary because the units of general local government in New York towns do not have the same statutory notice rights (under Section 102(e) of the Housing and Community Development Act of 1974) as units of general local government participating in an urban county. However, those New York Towns may qualify as metropolitan cities if they are able to secure the participation of all of the villages located within their boundaries. Any New York Town that is located in an urban county may choose to leave that urban county when that county is requalifying to become a metropolitan city. That New York Town will be required to notify the urban county in advance of its decision to defer participation in the urban county's CDBG program and complete the metropolitan city qualification process.

Respondents: (*i.e.* affected public): Urban counties that are eligible as entitlement grantees of the CDBG program.

Estimation Number of Respondents: There are currently 186 qualified urban counties participating in the CDBG program that must requalify every three years.

Frequency of Response: On average, one new county qualifies each year. The burden on new counties is greater than for existing counties that requalify. The Department estimates new grantees use, on average, 105 hours to review instructions, contact communities in the county, prepare and review agreements, obtain legal opinions, have agreements executed at the local and county level, and prepare and transmit copies of required documents to HUD. The Department estimates that counties that are requalifying use, on average, 65 hours to complete these actions. The time savings on requalification is primarily a result of a grantee's ability to use agreements with no specified end date. Use of such ''renewable'' agreements enables the grantee to merely notify affected participating UGLGs in writing that their agreement will automatically be renewed unless the UGLG terminates the agreement in writing, rather than executing a new agreement every three years.

	Hours	Hours
Average of 1 new urban county qualifies per year	1 × 110 =	110
186 grantees requalify on triennial basis; average annual number of respondents = 62	62 × 65 =	*4,030*
Total combined burden hours	.....	4,135

This total number of combined burden hours can be expected to increase annually by 220 hours, given the average of two new urban counties becoming eligible entitlement grantees each year.

	Number of respondents	Number of responses per year	House per response annual	Total hours
Average no. of new urban counties that qualify per year	.....	1	110	110
No. of grantees that requalify on a triennial basis	186	62	65	4,030
Total combined hours	.....	.....	.....	4,135

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 28, 2018.

Lori Michalski,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2018–05301 Filed 3–14–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7002–N–05]

60-Day Notice of Proposed Information Collection: Consolidated Plan, Annual Action Plan & Annual Performance Report

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow 60 days of public comment.

DATES: *Comments due date:* May 14, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hendrix, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Elizabeth Hendrix at *Elizabeth.S.Hendrix@hud.gov* or telephone 202–402–7179. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Consolidated Plan & Annual Performance Report.

OMB Approval Number: 2506–0117.

Type of Request: Extension.

Form Number: N/A.

Description of the need for the information and proposed use: The Departments collection of this information is in compliance with statutory provisions of the Cranston Gonzalez National Affordable Housing Act of 1990 that requires participating jurisdictions to submit a Comprehensive Housing Affordability Strategy (Section 105(b)); the 1974 Housing and Community Development Act, as amended, that requires states and localities to submit a Community Development Plan (Section 104(b)(4) and Section 104(m)); and statutory provisions of these Acts that requires states and localities to submit applications and reports for these formula grant programs. The information is needed to provide HUD with preliminary assessment as to the statutory and regulatory eligibility of proposed grantee projects for informing citizens of intended uses of program funds.

Members of the Affected Public: States and local governments participating in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), the Emergency Solutions Grants Program (ESG), the Housing Opportunities for Persons with AIDS/HIV Program (HOPWA) or the Housing Trust Fund (HTF).

Estimated Number of Respondents: 1,216 localities and 50 states.

Estimated Number of Responses: 1.

Consolidated Plan & Performance Reports: 2,432 localities, 100 states.*

Average Hours per Response: 293 (localities), 741 (states).

Total Estimated Burdens: 393,338.

* Includes combined Consolidated Plan and Annual Action Plan and separate performance report.

Information collection	Number of respondents	Frequency of response	Burden hours per response	Total U.S. burden hours	Hourly cost per response	Total annual cost
Consolidated Plan & Performance Reports:						
Localities	1216 *	1	293	356,288	$34 **	$12,113,792
States	50 *	1	741	37,050	34 **	1,259,700

* Total number of respondents of 1,266 = sum of localities (1,216) and states (50). Total localities of 1,216 includes 1,209 entitlements + 3 non-entitlements (Hawaii, Kauai, Maui) and four Insular Areas (Guam, Mariana Islands, Samoa, Virgin Islands).

** Estimates assume a blended hourly rate that is equivalent to a GS–12, Step 5, Federal Government Employee.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: March 1, 2018.

Lori Michalski,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2018–05302 Filed 3–14–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–08]

30-Day Notice of Proposed Information Collection: Closeout Instruction for Community Development Block Grant (CDBG) Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 16, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 25, 2017 at 82 FR 40590.

A. Overview of Information Collection

Title of Information Collection: Closeout instruction for CDBG Program.

OMB Approval Number: 2506–0193.

Type of Request: Reinstatement of a currently approved collection.

Form Number: HUD 7082-Funding Approval Form.

Description of the need for the information and proposed use: The closeout instructions apply to Community Development Block Grant (CDBG) programs (State CDBG Program, CDBG Disaster Recovery Supplemental Funding, CDBG-Recovery Act (CDBG–R)) and Neighborhood Stabilization Programs (NSP) 1, 2, & 3. Section 570.509 of the CDBG regulations contains the grant closeout criteria for Entitlement jurisdictions when HUD determines, in consultation with the recipients that a grant can be closed. The State CDBG program does not have a regulatory requirement for closeouts but has relied on administrative guidance. This is also true for the NSP, CDBG Disaster Recovery and CDBG–R programs administrated by the state. States will use the Notice as a vehicle to verify that State CDBG funds have been properly spent before a grant may be officially closed. The HUD field office will prepare and send a closeout package that includes a transmittal letter, grant closeout agreement, grantee closeout certification and a closeout checklist to the grantee via email or standard mail. The information in the closeout package will assist the Department in determining whether all requirements of the contract between the Department and the Grantee have been completed.

The HUD 7082 Funding Approval Form—The Grant Agreement between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et seq.*). HUD will make the funding assistance as specified to the grantee upon execution of the Agreement.

Respondents (*i.e.* affected public): This information collection applies to all States, Entitlement jurisdictions, Insular Areas, non-entitlement counties in Hawaii and those non-entitlement counties directly funded by NSP 3 and CDBG–DR.

Estimated Number of Respondents/ Estimated Number of Responses: The estimated combined number of respondents is 3,294 for the grant closeout task and for the HUD 7082 funding approval form. The proposed frequency of the response to the collection of information is annual to initiate the grant closeout reporting and submission of the funding approval agreement.

GRANT CLOSEOUT FORM

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response ($)	Annual cost ($)
States Total	182.00	1.00	182.00	3.00	546.00	30.05	16,407.30
Counties in Hawaii Total	3.00	1.00	3.00	3.00	9.00	30.05	270.45
Entitlement Total	1,490.00	1.00	1,490.00	3.00	4,470.00	30.05	134,323.50
Non-entitlement Total	32.00	1.00	32.00	3.00	96.00	30.05	2,884.80
Non-Profits and Quasi-public Total	20.00	1.00	20.00	3.00	60.00	30.05	1,803.00
Funding Approval Total	1,727.00	1.00	1,727.00	3.00	5,181.00	30.05	155,689.05

FUNDING APPROVAL/AGREEMENT 7082 FORM

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response ($)	Annual cost ($)
State Total	132.00	1.00	132.00	0.25	33.00	30.05	991.65
Counties in Hawaii Total	3.00	1.00	3.00	0.25	0.75	30.05	22.54
Entitlement Total	1,399.00	1.00	1,399.00	0.25	349.75	30.05	10,509.99
Nonentitlement Total	32.00	1.00	32.00	0.25	8.00	30.05	240.40
Nonentitlement Direct Grantees Total	32.00	1.00	32.00	0.25	8.00	30.05	240.40
Funding Approval Total	1,598.00	1.00	1,598.00	0.25	399.50	30.05	12,004.98

FUNDING APPROVAL/AGREEMENT 7082 FORM—Continued

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response ($)	Annual cost ($)
Grant Closeout/Form 7082	3,325.00	1.00	3,325.00	.....	5,581.00	30.05	167,709.05

** GS 12, step 1 (2017 OMB tables).

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: *February 27, 2018.*

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–05303 Filed 3–14–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–ES–2018–N015; FVHC98220410150–XXX–FF04G01000]

Notice of Availability; Florida Trustee Implementation Group Deepwater Horizon Oil Spill Final Phase V.2 Restoration Plan and Supplemental Environmental Assessment; Florida Coastal Access Project

AGENCY: Department of the Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Deepwater Horizon* Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS), and the resulting Consent Decree, the Federal and State natural resource trustee agencies for the Florida Trustee Implementation Group (Florida TIG) have approved the Final Phase V.2 Restoration Plan and Supplemental Environmental Assessment (Final Phase V.2 RP/SEA) and Finding of No Significant Impact (FONSI). The Final Phase V.2 RP/SEA supplements the 2016 Final Phase V Early Restoration Plan and Environmental Assessment (Final Phase V ERP/EA) and selects to fund the second phase of the Florida Coastal Access Project intended to continue the process of restoring natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill.

ADDRESSES: *Obtaining Documents:* You may download the Final Phase V.2 RP/SEA at any of the following sites:

- *http://www.doi.gov/deepwaterhorizon*
- *http://www.gulfspillrestoration.noaa.gov*
- *http://dep.state.fl.us/deepwaterhorizon/default.htm*

Alternatively, you may request a CD of the Final Phase V.2 RP/SEA (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, at *nanciann_regalado@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest offshore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The Trustees conducted the natural resource damage assessment (NRDA) for the *Deepwater Horizon* oil spill under the Oil Pollution Act (33 U.S.C. 2791 *et seq.;* OPA). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The *Deepwater Horizon* Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

Upon completion of the NRDA, the Trustees reached and finalized a

settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the United States District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Florida Restoration Area are now chosen and managed by the Florida TIG. The Florida TIG is composed of the following six Trustees: State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; DOI; NOAA; EPA; and USDA.

A notice of availability of the Draft Phase V.2 Restoration Plan and Supplemental Environmental Assessment was published in the **Federal Register** on November 8, 2017 (82 FR 51858). The public was provided with a period to review and comment on the Draft Restoration Plan, from November 8, 2017, through December 8, 2017, and a public meeting was held on November 16, 2017, in Port St. Joe, Florida. The Florida TIG considered the public comments received, which informed the TIG's analyses and selection of the preferred restoration alternative, the Salinas Park Addition project, in the Final Phase V.2 RP/SEA. A summary of the public comments received, and the Florida TIG's responses to those comments, are addressed in Chapter 6 of the Final Phase V.2 RP/SEA. The FONSI is included as Appendix C of the Final Phase V.2 RP/SEA.

Background

In the 2011 Framework Agreement for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement), BP agreed to provide to the Trustees up to $1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represented a preliminary step toward the restoration of injured natural resources and was intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. In the five phases of the early restoration process, the Trustees selected, and BP agreed to fund, a total of 65 early restoration projects expected to cost a total of approximately $877 million. The Trustees selected these projects after public notice, public meetings, and consideration of public comments.

The April 4, 2016, Consent Decree terminated and replaced the Framework Agreement and provided that the Trustees shall use remaining early restoration funds as specified in the early restoration plans and in accordance with the Consent Decree. The Trustees have determined that decisions concerning any unexpended early restoration funds are to be made by the appropriate TIG, in this case the Florida TIG.

Overview of the Final Phase V.2 RP/SEA

The Final Phase V.2 RP/SEA/FONSI is being released in accordance with OPA, NRDA regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA, the Consent Decree, the Final PDARP/PEIS, the Phase III ERP/PEIS and the Phase V ERP/EA. The purpose of this notice is to inform the public of the availability of the Final Phase V.2 RP/SEA and FONSI.

The Florida TIG has selected to fund the second phase of the Florida Coastal Access Project in the Final Phase V.2 RP/SEA to address lost recreational opportunities in Florida caused by the *Deepwater Horizon* oil spill. In the Final Phase V.2 RP/SEA, the Florida TIG selected to fund one alternative, the Salinas Park Addition, which involves the acquisition and enhancement of a 6.6-acre coastal parcel. The Florida Coastal Access Project was allocated approximately $45.4 million in early restoration funds, and the Salinas Park Addition will cost approximately $3.2 million of the $6.4 million remaining funds not utilized in the first phase of the Florida Coastal Access Project. Details on the second phase of the Florida Coastal Access Project are provided in the Final Phase V.2 RP/SEA. Additional restoration planning for the Florida Restoration Area will continue.

Administrative Record

The documents comprising the Administrative Record for the Final Phase V.2 RP/SEA can be viewed at *http://www.doi.gov/deepwaterhorizon/administrativerecord.*

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Kevin D. Reynolds,

Designated Department of the Interior Natural Resource Trustee Official for the Florida Implementation Group.

[FR Doc. 2018–05137 Filed 3–14–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS01000. L51010000.PQ0000. LVRWF09F1840; N–094470; MO#4500108571; TAS: 14X5017]

Notice of Intent To Prepare an Environmental Impact Statement and a Possible Land Use Plan Amendment for the Proposed Crescent Peak Wind Project, West of Searchlight in Clark County, Nevada; and a Notice of Public Lands Segregation

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of intent.

SUMMARY: As requested by Crescent Peak Renewables, LLC, and in compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM), Las Vegas Field Office will prepare an Environmental Impact Statement (EIS), which may include a Plan Amendment to the 1998 Las Vegas Resource Management Plan (RMP) or subsequent RMP, for a proposed wind energy project located on public lands 10 miles west of Searchlight in Clark County, Nevada. Publication of this Notice initiates the scoping process and opens a 90-day public comment period. The BLM is considering a Plan Amendment to change the Visual Resource Management classification of the project area. Through a separate ongoing process, the 1998 Las Vegas RMP is being revised. If the BLM issues a Record of Decision (ROD) before the RMP revision is completed, and a change to the plan is determined to be necessary, then the ROD would amend the 1998 RMP. If the ROD comes after RMP revision is completed, and a change to the plan is necessary, then the ROD would amend the revised RMP. Publication of this Notice serves to segregate the public lands from appropriation under the public land laws, including location under the Mining Law, but not the Mineral Leasing Act or the Materials Act, subject to valid existing rights. This Notice initiates the public scoping process and the segregation.

DATES: Comments on issues may be submitted in writing until June 13, 2018. The date(s) and location(s) of the scoping meetings will be announced at least 15 days prior in a news release and on the BLM website at: *http://bit.ly/2tkVGC5.*

Comments must be received prior to the close of the scoping period or no later than 15 days after the last public

meeting, whichever is later, to be included in the Draft EIS. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: Submit comments related to the project by any of the following methods:

- *Email: blm_nv_sndo_crescentpeak@blm.gov.*
- *Fax:* (702) 515–5155, attention Gayle Marrs-Smith.
- *Mail:* BLM, Las Vegas Field Office, Attn: Gayle Marrs-Smith, 4701 North Torrey Pines Drive, Las Vegas, NV 89130–2301.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to the mailing list, send requests to: Gayle Marrs-Smith, Field Manager, at telephone (702) 515–5199; or address 4701 North Torrey Pines Drive, Las Vegas, NV 89130–2301; or email *blm_nv_sndo_crescentpeak@blm.gov.* 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: On November 16, 2015, Crescent Peak Renewables, LLC, submitted an application to BLM requesting authorization to construct, operate, maintain, and terminate an up-to-500 megawatt wind energy generation facility—Crescent Peak Renewables (N–94470). It would be located on four sites and constructed in two phases. The project area is 22 miles long (north and south) and 5 miles wide (east and west), covers 32,531 acres of public land and is located 10 miles west of Searchlight, Nevada.

Due to the size and potential impacts of the Crescent Peak wind project, the BLM is preparing an EIS. The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis, including alternatives, and to guide the process for developing the potential Plan Amendment. The BLM has identified the following preliminary issues: biological resources, visual resources, cultural resources, tribal interests, recreation, and cumulative impacts.

The BLM will use the NEPA public commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), as provided for in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the project will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Native American tribes on a government-to-government basis in accordance with applicable laws, regulations, Executive Order 13175, and other policies. Tribal concerns will be given due consideration, including impacts on Indian Trust assets. The Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this project, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

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

Segregation of the Public Lands

In 2013, the BLM published a Final Rule, *Segregation of Lands—Renewable Energy* (78 FR 25204), that amended the regulations found in 43 CFR 2090 and 2800. The provisions of the Final Rule allow the BLM to temporarily segregate public lands within a solar or wind application area from the operation of the public land laws, including the Mining Law, by publication of a **Federal Register** Notice. This temporary segregation does not affect valid existing rights of mining claims located before this segregation notice. The purpose of this temporary segregation is to allow for the orderly administration of the public lands associated with the BLM's consideration of this renewable energy ROW. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature will not impact lands identified in this Notice and may be allowed with the approval of the authorized officer of the BLM. The lands segregated under this Notice are legally described as follows:

Mount Diablo Meridian, Clark County, Nevada

Mount Diablo Meridian, Nevada

T. 27 S., R. 61 E.,
- Sec. 27, E½, E½NW¼, and E½SW¼;
- Sec. 33, SE¼NE¼, E½SE¼, and S½SW¼;
- Sec. 34.

T. 28 S., R. 60 E.,
- Sec. 1, lot 4, S½NW¼, SW¼, and S½SE¼;
- Sec. 12;
- Sec. 13, except Patented Mineral Survey No. 2594.

T. 28 S., R. 61 E.,
- Secs. 3 and 4;
- Sec. 5, lot 1 and SE¼NE¼;
- Sec. 6, S½SE¼;
- Secs. 7, 8, and 9;
- Sec. 10, N½NE¼, N½NW¼, and SE¼SW¼;
- Sec. 13 and 14, except Patented Mineral Survey No. 4490 and 4579;
- Sec. 15, SE¼NE¼, SE¼SW¼, and SE¼;
- Sec. 16, N½NE¼ and N½NW¼;
- Sec. 17;
- Sec. 18, except Patented Mineral Survey No. 2594;
- Sec. 22, except Patented Mineral Survey No. 2945 and 2940;
- Sec. 23, except Patented Mineral Survey No. 2776, 4799, and 4579;
- Sec. 24, except Patented Mineral Survey No. 4579;
- Sec. 25, except Patented Mineral Survey No. 2632;
- Sec. 26, except Patented Mineral Survey No. 2939, 2687, and 4799;
- Sec. 27, except Patented Mineral Survey No. 2939, 2687, and 2945;
- Sec. 33, E½NE¼ and E½SE¼;
- Secs. 34 and 35, except Patented Mineral Survey No. 2687;
- Sec. 36.

T. 28 S., R. 62 E.,
- Secs. 18, 19, and 30;
- Sec. 31, lots 5 thru 12, NE¼, and E½NW¼.

T. 29 S., R. 61 E.,
- Sec. 1, lots 1 thru 4, S½NE¼, and S½NW¼, except Patented Mineral Survey No. 3580;
- Sec. 2, lots 1 thru 4, S½NE¼, and S½NW¼;
- Sec. 3, lots 1 thru 4, S½NE¼, and S½NW¼;
- Secs. 10 thru 15 and secs. 22 thru 26.

T. 29 S., R. 62 E.,
- Sec. 6, lots 3 thru 7, SE¼NW¼, and E½SW¼;
- Sec. 32, SE¼SE¼;
- Sec. 33, NW¼NE¼, NE¼NW¼, S½NE¼, S½NW¼, and S½.

T. 30 S., R. 62 E.,
- Secs. 3 and 4;
- Sec. 5, except Patented Mineral Survey No. 4803;
- Secs. 6, 8, 9, and 10;
- Sec. 15, except Patented Mineral Survey No. 2652;
- Secs. 16, 22 thru 26, and 36.

T. 30 S., R. 63 E.,
- Secs. 30 and 31.

T. 31 S., R. 63 E.,
- Sec. 6.

As provided in the Final Rule, the segregation of lands in this Notice will not exceed two years from the date of publication of this Notice, though it can

be extended for up to two additional years through publication of a new notice in the **Federal Register**. Termination of the segregation occurs on the earliest of the following dates: upon issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a right-of-way; automatically at the end of the segregation; or upon publication of a **Federal Register** Notice of termination of the segregation.

Upon termination of segregation of these lands, all lands subject to this segregation will automatically reopen to appropriation under the public land laws.

(Authority: 43 CFR 2800 and 2090)

Gayle Marrs-Smith,

Las Vegas Field Manager.

[FR Doc. 2018–05273 Filed 3–14–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520; OMB Control Number 1029–0112]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Requirements for Coal Exploration

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection related to requirements for coal exploration.

DATES: Interested persons are invited to submit comments on or before April 16, 2018

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240; or by email to *jtrelease@osmre.gov.* Please reference OMB Control Number 1029–0112 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 20, 2017 (82 FR 55114). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Title: 30 CFR part 772—Requirements for coal exploration.

OMB Control Number: 1029–0112.

Abstract: OSMRE and State regulatory authorities use the information collected under 30 CFR part 772 to keep track of coal exploration activities, evaluate the need for an exploration permit, and ensure that exploration activities comply with the environmental protection and reclamation requirements of 30 CFR parts 772 and 815, and section 512 of SMCRA (30 U.S.C. 1262).

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Persons planning to conduct coal exploration and State regulatory authorities.

Total Estimated Number of Annual Respondents: 320 coal operators and 24 State regulatory authorities.

Total Estimated Number of Annual Responses: 613.

Estimated Completion Time per Response: Varies from .5 hours to 70 hours, depending on type of respondent and activity.

Total Estimated Number of Annual Burden Hours: 1,864 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $288.

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.*).

Dated: March 12, 2018.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–05236 Filed 3–14–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520; OMB Control Number 1029–0040]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Requirements for Permits for Special Categories of Mining

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection relating to requirements for permits for special categories of mining.

DATES: Interested persons are invited to submit comments on or before April 16, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240; or by email to *jtrelease@osmre.gov.* Please reference OMB Control Number 1029–0054 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 20, 2017 (82 FR 55113). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Title: 30 CFR part 785—Requirements for permits for special categories of mining.

OMB Control Number: 1029–0040.

Summary: The information is being collected to meet the requirements of sections 507, 508, 510, 515, 701 and 711 of Public Law 95–87, which require applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

Bureau Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for coal mine permits and State Regulatory Authorities.

Total Estimated Number of Annual Respondents: 51 applicants and 24 State Regulatory Authorities.

Total Estimated Number of Annual Responses: 51 applicants and 51 State Regulatory Authority responses.

Estimated Completion Time per Response: Varies from 10 to 1,000 hours per response for permit applicants, and 7 to 420 hours per State regulatory authority, depending upon activity.

Total Estimated Number of Annual Burden Hours: 6,044 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $0.

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).

Dated: March 12, 2018.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–05237 Filed 3–14–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–016]

Sunshine Act Meetings

TIME AND DATE: March 29, 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. No. 731–TA–891 (Third Review) (Foundry Coke from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by April 26, 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: March 12, 2018.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–05341 Filed 3–13–18; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–893 (Third Review)]

Honey From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on honey from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: February 5, 2018.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202) 708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for

this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On February 5, 2018, the Commission determined that the domestic interested party group response to its notice of institution (82 FR 50683, November 1, 2017) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

FOR FURTHER INFORMATION concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on March 14, 2018, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 19, 2018 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 19, 2018. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 12, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05268 Filed 3–14–18; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner David S. Johanson dissenting.

[3] The Commission has found the responses submitted by the American Honey Producers Association (''AHPA'') and the Sioux Honey Association (''SHA'') to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–487 and 731–TA–1197–1198 (Review)]

Steel Wire Garment Hangers From Taiwan and Vietnam; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping and countervailing duty orders on steel wire garment hangers from Taiwan and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: February 5, 2018.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202–708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On February 5, 2018 the Commission determined that the domestic interested party group response to its notice of institution (82 FR 50686, November 1, 2017) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on April 16, 2018, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[2] and any party

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the response submitted by M&B Metal Products Company, Inc.

Continued

other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before April 19, 2018 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by April 19, 2018. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 12, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05281 Filed 3–14–18; 8:45 am]

BILLING CODE 7020–02–P

(''M&B) to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On March 9, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States, the State of Illinois, and Citizens Against Ruining the Environment* v. *Midwest Generation, LLC,* Civil Action No. 09–cv–05277.

In 2009, the United States, the State, and Citizens Against Ruining the Environment filed this lawsuit under the Clean Air Act, seeking injunctive relief and civil penalties for violations of the Clean Air Act at Midwest Generation's six coal-fired electric generating power plants in Illinois. This Consent Decree resolves the litigation by requiring the Defendant to perform injunctive relief and pay a $1 million civil penalty to be split evenly by the United States and the State of Illinois.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Midwest Generation, LLC,* D.J. Ref. No. 90–5–2–1–09334. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey K. Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–05246 Filed 3–14–18; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 16, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of these information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 5060, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0183.

Title: Golden Parachute and Indemnification Payments, 12 CFR part 750.

Abstract: This rule prohibits, in certain circumstances, a federally insured credit union (FICU) from making golden parachute and indemnification payments to an institution-affiliated party (IAP). Section 750.6 requires requests by a troubled FICU to make a severance or golden parachute payment to an IAP, to be

submitted in writing to NCUA. The information will be used by the NCUA to determine whether an exception to the general prohibition on golden parachute payments should be approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 21.

OMB Number: 3133–0184.

Title: Requirements for Insurance—Interest Rate Risk Policy

Abstract: Section 741.3(b)(5) of NCUA's rules and regulations requires federally-insured credit unions (FICUs) with assets of more than $50 million to develop, as a prerequisites for insurability of its member deposits, a written interest rate risk management policy and a program to effectively implement the policy. The need for FICU to have a written policy to establish responsibilities and procedures for identifying, measuring, monitoring, controlling, and reporting, and establishing risk limits are essential components of safe and sound credit union operations and to ensure the security of the National Credit Union Share Insurance Fund (NCUSIF).

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 735.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on March 12, 2018.

Dated: March 12, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2018–05274 Filed 3–14–18; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings; Notice of a Matter To Be Added to the Agenda for Consideration at an Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: March 9, 2018 (83 FR 10526).

TIME AND DATE: 1:30 p.m., Wednesday, March 14, 2018.

PLACE: Board Room, 7th Floor, Room 7047; 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

Pursuant to the provisions of the ''Government in Sunshine Act'' notice is hereby given that the NCUA Board gave notice on March 9, 2018 (83 FR 10526) of the closed meeting of the NCUA Board scheduled for March 14, 2018. Prior to the meeting, on March 12, 2018, the NCUA Board unanimously determined that agency business required the addition of a second item on the agenda with less than seven days' notice to the public, and that no earlier notice of the addition was possible.

MATTER TO BE ADDED:

2. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–05353 Filed 3–13–18; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: IMLS Collections Assessment for Preservation Program

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 5, 2018.

OMB is particularly interested in comments that help the agency to:

- 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.

ADDRESSES: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Webb, Director of Grant Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the Nation's 120,000 libraries and 35,000 museums and related organizations. The Institute's mission is to inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement. Our grant making, policy development, and research help libraries and museums deliver valuable services that make it possible for communities and individuals to thrive. To learn more, visit *www.imls.gov.*

Current Actions: This notice proposes the clearance of the IMLS Collection Assessment for Preservation Program forms and guidelines. The 60-day Notice for the ''Notice of Proposed Information Collection Requests: 2019–2021 IMLS Collection Assessment for Preservation Program'' was published in the **Federal Register** on November 28, 2017 (82 FR 56275). The agency has taken into consideration the one comment that was received under this notice.

The Collections Assessment for Preservation Program (CAP) is designed to support collections assessments for small and medium-sized museums

throughout the nation. The collections assessment is a study of all of the institution's collections, buildings and building systems, as well as its policies and procedures relating to collections care. Participants who complete the program receive an assessment report with prioritized recommendations to improve collections care.

Agency: Institute of Museum and Library Services.

Title: Collection Assessment for Preservation Program Forms.

OMB Number: 3137–0103.

Frequency: Once per application.

Affected Public: Museum applicants.

Number of Respondents: 775.

Estimated Average Burden per Response: 4 hours.

Estimated Total Annual Burden: 392 hours.

Total Annualized capital/startup costs: n/a.

Total Annual costs: $10,732.

Dated: March 5, 2018.

Kim A. Miller,

Grants Management Specialist, Office of Grant Policy and Management.

[FR Doc. 2018–04717 Filed 3–14–18; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463 as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, University of Colorado (V181338) #1203

DATE AND TIME:

April 11, 2018; 7 p.m.–9 p.m.

April 12, 2018; 7:30 a.m.–8:30 p.m.

April 13, 2018; 8:00 a.m.–3:15 p.m.

PLACE: University of Colorado, Regent Drive, Boulder, CO 80309

TYPE OF MEETING: Part-Open

CONTACT PERSON: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

PURPOSE OF MEETING: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

AGENDA:

Start	End	
Day 1		Wednesday, April 11, 2018
7:00 p.m.	9:00 p.m.	Briefing of Site Visit Team by NSF (Closed).
Day 2		Thursday, April 12, 2018
7:30 a.m.	8:15 a.m.	Continental Breakfast with MRSEC Participants.
8:15 a.m.	8:20 a.m.	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m.	9:10 a.m.	Director's Overview.
9:10 a.m.	9:20 a.m.	Discussion
9:20 a.m.	10:00 a.m.	IRG–1.
10:00 a.m.	10:10 a.m.	Discussion.
10:10 a.m.	10:20 a.m.	Break.
10:20 a.m.	11:00 a.m.	IRG–2.
11:00 a.m.	11:10 a.m.	Discussion.
11:10 a.m.	11:35 a.m.	Seeds.
11:35 a.m.	11:40 a.m.	Discussion.
11:40 a.m.	12:00 p.m.	Executive Session for Site Visit Team and NSF only (Closed).
12:00 p.m.	1:00 p.m.	Lunch—Site Visit Team, NSF and Students/Post Docs.
1:00 p.m.	1:50 p.m.	Education and Outreach, Diversity Plan.
1:50 p.m.	2:00 p.m.	Discussion.
2:00 p.m.	2:25 p.m.	Industrial Outreach and Other Collaborations.
2:25 p.m.	2:30 p.m.	Discussion.
2:30 p.m.	3:30 p.m.	Facilities Overview and Lab Tour.
3:30 p.m.	5:00 p.m.	Poster Session.
5:00 p.m.	6:30 p.m.	Executive Session of Site Visit Team and NSF only: Prepare Questions (Closed).
6:30 p.m.	6:45 p.m.	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m.	8:30 p.m.	Dinner Meeting for Site Visit Team and NSF only.
Day 3		Friday, April 13, 2018
8:00a.m.	9:00 a.m.	Executive Session—Director's Response/Continental Breakfast.
9:00 a.m.	9:30 a.m.	Executive Session of Site Visit Team (Closed).
9:30 a.m.	9:50 a.m.	Executive Session—*Meeting with University Administrators*.
9:50 a.m.	10:30 a.m.	Executive Session of Site Visit Team (Closed).
10:30 a.m.	10:50 a.m.	Discussion with MRSEC Director and Executive Committee (if needed).
10:50 a.m.	3:00 p.m.	Executive Session of Site Visit Team—Report Writing (working lunch).
3:00 p.m.	3:15 p.m.	Debriefing with MRSEC Director and Executive Committee.
3:15 p.m.		End of the Site Visit.

REASON FOR CLOSING: The work being reviewed during the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 12, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05260 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewals

The NSF management officials having responsibility for three advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committees

Advisory Committee for Environmental Research and Education, #9487

Proposal Review Panel for Industrial Innovations and Partnerships, #28164

Proposal Review Panel for Emerging Frontiers and Multidisciplinary Activities #34558

Effective date for renewal is March 2, 2018. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

Dated: March 12, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05261 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Request for Recommendations for Membership on Directorate and Office Advisory Committees

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) requests recommendations for membership on its scientific and technical Federal advisory committees. Recommendations should consist of the name of the submitting individual, the organization or the affiliation providing the member nomination, the name of the recommended individual, the recommended individual's curriculum vita, an expression of the individual's interest in serving, and the following recommended individual's contact information: Employment address, telephone number, fax number, and email address. Self-recommendations are accepted. If you would like to make a membership recommendation for any of the NSF scientific and technical Federal advisory committees, please send your recommendation to the appropriate committee contact person listed in the chart below.

ADDRESSES: The mailing address for the National Science Foundation is 2415 Eisenhower Avenue, Alexandria, VA 22314.

Web links to individual committee information may be found on the NSF website: NSF Advisory Committees.

SUPPLEMENTARY INFORMATION: Each Directorate and Office has an external advisory committee that typically meets twice a year to review and provide advice on program management; discuss current issues; and review and provide advice on the impact of policies, programs, and activities in the disciplines and fields encompassed by the Directorate or Office. In addition to Directorate and Office advisory committees, NSF has several committees that provide advice and recommendations on specific topics including: Astronomy and astrophysics; environmental research and education; equal opportunities in science and engineering; cyberinfrastructure; international science and engineering; and business and operations.

A primary consideration when formulating committee membership is recognized knowledge, expertise, or demonstrated ability.[1] Other factors that may be considered are balance among diverse institutions, regions, and groups underrepresented in science, technology, engineering, and mathematics. Committee members serve for varying term lengths, depending on the nature of the individual committee. Although we welcome the recommendations we receive, we regret that NSF will not be able to acknowledge or respond positively to each person who contacts NSF or has been recommended. NSF intends to publish a similar notice to this on an annual basis. NSF will keep recommendations active for 12 months from the date of receipt.

The chart below is a listing of the committees seeking recommendations for membership. Recommendations should be sent to the contact person identified below. The chart contains web addresses where additional information about individual committees is available.

Advisory committee	Contact person
Advisory Committee for Biological Sciences, *https://www.nsf.gov/bio/advisory.jsp*.	Brent Miller, Directorate for Biological Sciences; phone: (703) 292–8400; email: *bmiller@nsf.gov;* fax: (703) 292–2988.
Advisory Committee for Computer and Information Science and Engineering, *https://www.nsf.gov/cise/advisory.jsp*.	Brenda Williams, Directorate for Computer and Information Science and Engineering; phone: (703) 292–4554; email: *bwilliam@nsf.gov*; fax: (703) 292–9074.
Advisory Committee for Cyberinfrastructure, *https://www.nsf.gov/cise/aci/advisory.jsp*.	Brittany Quade, Division of Advanced Cyberinfrastructure; phone: (703) 292–4675; email: *bquade@nsf.gov*; fax: (703) 292–9060.
Advisory Committee for Education and Human Resources, *https://www.nsf.gov/ehr/advisory.jsp*.	Keaven Stevenson, Directorate for Education and Human Resources; phone: (703) 292–8600; email: *kstevens@nsf.gov*; fax: (703) 292–9179.
Advisory Committee for Engineering, *https://www.nsf.gov/eng/advisory.jsp*.	Cecile Gonzalez, Directorate for Engineering; phone: (703) 292–8300; email: *cjgonzal@nsf.gov*; fax: (703) 292–9467.
Advisory Committee for Geosciences, *https://www.nsf.gov/geo/advisory.jsp*.	Melissa Lane, Directorate for Geosciences: phone: (703) 292–8500; email: *mlane@nsf.gov*; fax: (703) 292–9042.
Advisory Committee for International Science and Engineering, *https://www.nsf.gov/od/oise/advisory.jsp*.	Roxanne Nikolaus, Office of International Science and Engineering, phone: (703) 292–7578; email: *rnikolau@nsf.gov*; fax: (703) 292–9067.

[1] Federally registered lobbyists are not eligible for appointment to these Federal advisory committees.

Advisory committee	Contact person
Advisory Committee for Mathematical and Physical Sciences, *https://www.nsf.gov/mps/advisory.jsp*.	Christopher Coox, Directorate for Mathematical and Physical Sciences; phone: (703) 292–5137; email: *ccoox@nsf.gov*; fax: (703) 292–9151.
Advisory Committee for Social, Behavioral & Economic Sciences, *https://www.nsf.gov/sbe/advisory.jsp*.	Deborah Olster, Directorate for Social, Behavioral & Economic Sciences; phone: (703) 292–8700; email: *dholster@nsf.gov*; fax: (703) 292–9083.
Advisory Committee for Polar Programs, *https://www.nsf.gov/geo/opp/advisory.jsp*.	Andrew Backe, Office of Polar Programs; phone: (703) 292–2454; email: *abacke@nsf.gov*; fax: (703) 292–9081.
Committee on Equal Opportunities in Science and Engineering, *https://www.nsf.gov/od/oia/activities/ceose/*.	Bernice Anderson, Office of Integrative Activities; phone: (703) 292–8040; email: *banderso@nsf.gov*; fax: (703) 292–9040.
Advisory Committee for Business and Operations, *https://www.nsf.gov/oirm/bocomm/*.	Jeffrey Rich, Office of Information and Resource Management; phone: (703) 292–8100; email: *jrich@nsf.gov*; fax: (703) 292–9369.
Advisory Committee for Environmental Research and Education, *https://www.nsf.gov/ere/ereweb/advisory.jsp*.	Leah Nichols, Office of Integrative Activities; phone: (703) 292–8040; email: *lenichol@nsf.gov*; fax: (703) 292–9040.
Astronomy and Astrophysics Advisory Committee, *https://www.nsf.gov/mps/ast/aaac.jsp*.	Elizabeth Pentecost, Division of Astronomical Sciences; phone: (703) 292–4907; email: *epenteco@nsf.gov*; fax: (703) 292–9452.

Dated: March 12, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05262 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463 as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, University of Nebraska (V181336) #1203

DATE AND TIME:
April 8, 2018; 7:00 p.m.–9:00 p.m.
April 9, 2018; 7:30 a.m.–8:30 p.m.
April 10, 2018: 8:00 a.m.–3:15 p.m.

PLACE: University of Nebraska, 3835 Holdrege Street, Lincoln, NE 68583

TYPE OF MEETING: Part-Open

CONTACT PERSON: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

PURPOSE OF MEETING: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

AGENDA:

Start	End	
Day 1		Sunday, April 8, 2018
7:00 p.m.	9:00 p.m.	Briefing of Site Visit Team by NSF (Closed).
Day 2		Monday, April 9, 2018
7:30 a.m.	8:15 a.m.	Continental Breakfast with MRSEC Participants.
8:15 a.m.	8:20 a.m.	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m.	9:10 a.m.	Director's Overview.
9:10 a.m.	9:20 a.m.	Discussion.
9:20 a.m.	10:00 a.m.	IRG–1.
10:00 a.m.	10:10 a.m.	Discussion.
10:10 a.m.	10:20 a.m.	Break
10:20 a.m.	11:00 a.m.	IRG–2.
11:00 a.m.	11:10 a.m.	Discussion.
11:10 a.m.	11:35 a.m.	Seeds.
11:35 a.m.	11:40 a.m.	Discussion.
11:40 a.m.	12:00 p.m.	Executive Session for Site Visit Team and NSF only (Closed).
12:00 p.m.	1:00 p.m.	Lunch—Site Visit Team, NSF and Students/Post Docs.
1:00 p.m.	1:50 p.m.	Education and Outreach, Diversity Plan.
1:50 p.m.	2:00 p.m.	Discussion.
2:00 p.m.	2:25 p.m.	Industrial Outreach and Other Collaborations.
2:25 p.m.	2:30 p.m.	Discussion.
2:30 p.m.	3:30 p.m.	Facilities Overview and Lab Tour.
3:30 p.m.	5:00 p.m.	Poster Session.
5:00 p.m.	6:30 p.m.	Executive Session of Site Visit Team and NSF only: Prepare Questions (Closed).
6:30 p.m.	6:45 p.m.	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m.	8:30 p.m.	Dinner Meeting for Site Visit Team and NSF only.
Day 2		Tuesday, April 10 2018
8:00a.m.	9:00 a.m.	Executive Session—Director's Response/Continental Breakfast.
9:00 a.m.	9:30 a.m.	Executive Session of Site Visit Team (Closed).
9:30 a.m.	9:50 a.m.	Executive Session—*Meeting with University Administrators*.
9:50 a.m.	10:30a.m.	Executive Session of Site Visit Team (Closed).

Start	End	
10:30a.m.	10:50a.m.	Discussion with MRSEC Director and Executive Committee (if needed).
10:50a.m.	3:00 p.m.	Executive Session of Site Visit Team—Report Writing (working lunch).
3:00 p.m.	3:15 p.m.	Debriefing with MRSEC Director and Executive Committee.
3:15 p.m.		End of the Site Visit.

REASON FOR CLOSING: The work being reviewed during the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 12, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05259 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE ''Taming Water in Ethiopia: An Interdisciplinary Approach to Improve Human Security in a Water-Dependent Emerging Region'' Site Visit (#10749).

Date and Time:

April 2, 2018; 8:00 a.m.–9:30 p.m.
April 3, 2018; 8:00 a.m.–1:30 p.m.

Place: University of Connecticut—Storrs, Department of Civil and Environmental Engineering, Castleman Building, 161 Glenbrook Road, Storrs, CT 06269.

Type of Meeting: Part Open.

Contact Person: Charles Estabrook, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone 703–292–7222.

Purpose of Meeting: NSF site visit to conduct a review during year 2 of the five-year award period. To conduct an in depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda: See attached.

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with the review of proposals.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 12, 2018.

Crystal Robinson,

Committee Management Officer.

PIRE Site Visit Agenda—Anagnostou UCONN

Day 1 Monday, April 2, 2018

8:00 a.m.–10 a.m. Introductions (OPEN) PIRE Rationale and Goals Administration, Management, and Budget Plans Review of Responses to Issues by Past Reviewers
10:00 a.m.–10:20 a.m. NSF Executive Session/Break (CLOSED)
10:20 a.m.–Noon Research Facilities and Physical Infrastructure
Noon–12:30 p.m. NSF Executive Session (CLOSED)
12:30 p.m.–1:30 p.m. Lunch—Discussion with Students (OPEN)
1:30 p.m.–3:00 p.m. Integrating Research and Education Developing Human Resources Integrating Diversity
3:00 p.m.–3:30 p.m. NSF Executive Session/Break (CLOSED)
3:30 p.m.–4:15 p.m. Partnerships
4:15 p.m.–5:15 p.m. Wrap up
5:15 p.m.–6:15 p.m. Executive Session/Break-Develop issues for clarification (CLOSED)
6:15 p.m.–6:30 p.m. Critical Feedback Provided to PI
6:30 p.m.–9:30 p.m. NSF Executive Session/Working Dinner (CLOSED) Committee organizes on its own

Day 2 Tuesday, April 3, 2018

8:00 a.m.–9:00 a.m. Institutional Support (Administrators and PI/Co-PIs) (CLOSED)
9:00 a.m.–10:00 a.m. Summary/Proposing Team Response to Critical Feedback (CLOSED)
10:00 a.m.–1:00 p.m. Site Review Team Prepares Site Visit Report (CLOSED) (Working Lunch Provided)
1:00 p.m.–1:30 p.m. Presentation of Site Visit Report to Principal Investigator (CLOSED)

[FR Doc. 2018–05275 Filed 3–14–18; 8:45 am]

BILLING CODE 7555–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 423 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–128, CP2018–178.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–05222 Filed 3–14–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 424 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–130, CP2018–180.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–05224 Filed 3–14–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service ® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 9, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 62 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–129, CP2018–179.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–05223 Filed 3–14–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82853; File No. SR–ICC–2018–001]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the ICC Rules, ICC Risk Management Model Description Document, ICC Risk Management Framework, ICC Stress Testing Framework, and ICC Liquidity Risk Management Framework

March 12, 2018.

I. Introduction

On January 16, 2018, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2018–001) to revise: (i) ICC's Clearing Rules to support the clearing of a new transaction type; and (ii) the ICC Risk Management Model Description Document, the ICC Risk Management Framework, the ICC Stress Testing Framework, and the ICC Liquidity Risk Management Framework to incorporate certain modifications to its risk management methodology.[3] The proposed rule change was published for comment in the **Federal Register** on January 26, 2018.[4] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC proposed revisions to its Rules, Risk Management Model Description Document, Risk Management Framework, Stress Testing Framework, and Liquidity Risk Management Framework in order to provide for the clearing of a new transaction type, the Standard European Senior Non-Preferred Financial Corporate, and to provide for revised risk management practices.

A. Changes to ICC Rules

ICC proposed amending Rule 26H–102, which sets forth the List of Eligible Standard European Financial Corporate (''STEFC'') Reference Entities, to include the Standard European Senior Non-Preferred Financial Corporate transaction type as an Eligible STEFC Reference Entity to be cleared by ICC.[5]

ICC also proposed amending Rule 26H–102 to state that for a STEFC Reference Entity where the transaction type is the Standard European Senior Non-Preferred Financial Corporate, the STEFC Contracts Reference Obligation shall be determined in accordance with the Additional Provisions for Senior Non-Preferred Reference Obligations as published by the International Swaps and Derivatives Association. In addition, ICC proposed to incorporate certain conforming changes to Rule 26H–303 and Rule 26H–315 to add references to the new transaction type.[6]

B. Changes to ICC Risk Management Methodology

As currently constructed, ICC's risk management methodology takes into consideration the potential losses associated with idiosyncratic credit events, which ICC refers to as ''Loss-Given Default'' or ''LGD.'' ICC deems each Single Name (''SN'') reference entity a Risk Factor, and each combination of definition, doc-clause, tier, and currency for a given SN Risk Factor as a SN Risk Sub-Factor. ICC currently measures losses associated with credit events through a stress-based approach incorporating three recovery rate scenarios: A minimum recovery rate, an expected recovery rate, and maximum recovery rate. ICC combines exposures for Outright and index-derived Risk Sub-Factors at each recovery rate scenario.[7]

ICC currently uses the results from the recovery rate scenarios as an input into the Profit/Loss-Given-Default (''P/LGD'') calculations at both the Risk Sub-Factor and Risk Factor levels. For each Risk Sub-Factor, ICC calculates the P/LGD as the worst credit event outcome, and for each Risk Factor, ICC calculates the P/LGD as the sum of the worst credit outcomes per Risk Sub-Factor. These final P/LGD results are used as part of the determination of risk requirements.[8]

ICC proposed changes to its LGD framework at the Risk Factor level with respect to the LGD calculation. Specifically, ICC proposed a change to its approach by incorporating more consistency in the calculation of the P/LGD by using the same recovery rate scenarios applied to the different Risk Sub-Factors which are part of the considered Risk Factor. For each Risk

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used in this order, but not defined herein, have the same meaning as in the ICC Clearing Rules.

[4] Securities Exchange Act Release No. 34–82542 (January 19, 2018), 83 FR 3821 (January 26, 2018) (SR–ICC–2018–001) (''Notice'').

[5] Notice, 82 FR at 3821.

[6] *Id.*

[7] *Id.*

[8] *Id.*

Factor, ICC would continue to calculate an ''extreme outcome'' as the sum of the worst Risk Sub-Factor P/LGDs across all scenarios and would also, for each Risk Factor, calculate an ''expected outcome'' as the worst sum of all the Risk Sub-Factors P/LGDs across all of the same scenarios. Under the proposed changes, ICC would then combine the results of the ''extreme outcome'' calculation and the ''expected outcome'' calculation to compute the total LGD for each Risk Factor.[9] ICC proposed to apply a weight of 25% to the extreme outcome component in order to implement certain requirements of relevant regulatory technical standards arising under the European Market Infrastructure Regulation.[10]

ICC also proposed to expand its LGD analysis to incorporate a new ''Risk Factor Group'' level. Under the proposed changes, a set of related Risk Factors would form a Risk Factor Group based on either (1) having a common majority parental sovereign ownership (*e.g.* quasi-sovereigns and sovereigns), or (2) being a majority owned subsidiary of a common parent entity according to the Bloomberg Related Securities Analysis. ICC noted that a Risk Factor Group could consist of only one Risk Factor.[11]

Under the proposed revisions, ICC would calculate the total quantity LGD on a Risk Factor Group level, and account for the exposure due to credit events associated with the reference entities within a given Risk Factor Group. Where a Risk Factor Group contains only one Risk Factor, ICC would compute the LGD as the risk exposure due to a credit event for a given underlying reference entity. Moreover, under the proposed approach, ICC would sum the P/LGDs for each Risk Factor in a given Risk Factor Group, with limited offsets in the event the Risk Factors exhibit positive P/LGD. Using the results of the above calculation, ICC would obtain the Risk Factor Group level LGD. The proposed approach would also include a calculation which allows for the Risk Factor Group level LGD to be attributed to each Risk Factor within the considered Risk Factor Group.[12]

In addition to these changes, ICC also proposed changes to various components of its Risk Management Model Description Document. Specifically, the ''Loss Given Default Risk Analysis'' section of its Risk Management Model Description Document would be changed to incorporate the Risk Factor and Risk Factor Group LGD calculation changes described above. ICC also proposed certain conforming changes to other sections of the Risk Management Description Document to incorporate these methodology changes and reflect the Risk Factor Group analysis.[13]

ICC also proposed further changes with respect to the 'Idiosyncratic Jump-to-Default Requirements' section of the Risk Management Model Description document. As currently constructed, the portfolio jump-to-default approach collateralizes the worst uncollateralized LGD (''ULGD'') exposure among all Risk Factors. Under the proposed changes, the portfolio Jump-to-Default (''JTD'') approach will collateralize, through the portfolio JTD initial margin requirement that accounts for the Risk Factor Group-specific LGD collateralization, the worst ULGD exposure among all Risk Factor Groups. The ULGD exposure for a given Risk Factor Group would be calculated as a sum of the associated Risk Factor ULGDs.[14]

ICC also proposed certain minor edits to the ''Portfolio Level Wrong-Way Risk and Contagion Risk Analysis'' section to update language and calculation descriptions to accommodate the introduction of the Risk Factor Group to the ''Idiosyncratic Jump-to-Default Requirements'' section.[15]

In addition, ICC proposed changes to the ''Guaranty Fund Methodology'' section. ICC's current Guaranty Fund Methodology includes, among other things, the assumption that up to three credit events, different from the ones associated with Clearing Participants, occur during the considered risk horizon. ICC proposed expanding this approach to the Risk Factor Group level by assuming that credit events associated with up to three Risk Factor Groups, different from the ones associated with the Clearing Participants and the Risk Factors that are in the Risk Factor Groups as the Clearing Participants, occur during the considered risk horizon.[16]

Other proposed changes to the Risk Management Model Description Document included clarifications to the calculation for the Specific Wrong Way Risk component of the Guaranty Fund. Currently, for a given Clearing Participant, the Specific Wrong Way Risk component of the Guaranty Fund is based on self-referencing positions arising from one or more Risk Factors. ICC proposed clarifying this approach to be based on the Risk Factor Group level instead.[17]

ICC proposed certain conforming changes to its Risk Management Framework, Liquidity Risk Management Framework, and Stress Testing Framework, to reflect the LGD enhancements described above. With respect to the Risk Management Framework, ICC proposed revisions to the ''Jump-to-Default Requirements'' section to note that the worst LGD associated with a Risk Factor Group is selected to establish the portfolio idiosyncratic JTD requirement. ICC also proposed revisions to the ''Guaranty Fund'' section of the Risk Management Framework to reflect the Risk Factor Group LGD enhancements related to ICC's Guaranty Fund calculation.[18]

Regarding its Stress Testing Framework, ICC proposed changes to its stress testing methodology to incorporate reference entity group level changes (also referred to by ICC as the Risk Factor Group level). Currently, ICC utilizes scenarios based on hypothetically constructed (forward looking) extreme but plausible market scenarios augmented with adverse credit events affecting up to two additional reference entities per Clearing Participant affiliate group. ICC proposed expanding its adverse credit event analysis to include up to two additional reference entity groups, and also proposed that the selected Risk Factor Group for stress testing purposes must contain one or more reference entities displaying a 500 bps or greater 1-year end-of-day spread level in order to be subjected to credit events. ICC also proposed changes to its reverse stress testing, general wrong way risk, and contagion stress testing analyses, to be at the Risk Factor Group level, and proposed removing Risk Factor level references under its Recovery Rate Sensitivity analysis to be consistent with the proposed changes related to Risk Factor Groups.[19]

Finally, with respect to ICC's Liquidity Risk Management Framework, ICC proposed changes to base the liquidity stress testing methodology on the reference entity group level (also referred to as the Risk Factor Group

[9] *Id.* at 3821–22.

[10] *See* Commission Delegated Regulation (EU) No 153/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties. As a third-country central counterparty recognized by the European Securities and Markets Authority, ICC is subject to the requirements of the European Market Infrastructure Regulation and associated regulatory technical standards.

[11] Notice, 82 FR at 3822.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

level). Currently, ICC utilizes scenarios based on hypothetically constructed (forward looking) extreme but plausible market scenarios augmented with adverse credit events affecting up to two additional reference entities per Clearing Participant affiliate group. ICC proposed expanding its adverse credit event analysis to include up to two additional reference entity groups. Similar to the Stress Testing Framework, ICC also proposed that the selected Risk Factor Group for liquidity stress testing purposes must contain one or more reference entities displaying a 500 bps or greater 1-year end-of-day spread level in order to be subjected to credit events. ICC also proposed adding additional language to the Liquidity Risk Management Framework detailing the rationale behind the selection of the 500 bps threshold to be consistent with its Stress Testing Framework.[20]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act 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 Act and the rules and regulations thereunder applicable to such organization.[21] For the reasons given below, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Act, and Rules 17Ad-22(b)(2) and (b)(3).

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.[22] The proposed rule change will provide for the clearance and settlement of the Standard European Senior Non-Preferred Financial Corporate, a new type of transaction that is similar to contracts already cleared by ICC.

Separately, as described above, the proposed rule change would also provide for certain revisions to ICC's risk management methodology with respect to ICC's LGD methodology. These changes entail (i) incorporating a more consistent approach with respect to ICC's recovery rate scenarios through the application of the same recovery rate scenarios to risk factors that form part of the same Risk Factor Group, (ii) combining the results of the ''expected'' and ''extreme'' P/LGD outcomes in order to calculate the total LGD for each Risk Factor, (iii) expanding ICC's LGD analysis to a new Risk Factor Group level, (iv) revising the calculation of the Uncollateralized Loss Given Default to incorporate the Risk Factor Group level LGD approach, and (v) modifying ICC's Guaranty Fund Methodology to expand the credit event analysis to include the Risk Factor Group approach.

Based on a review of the Notice, the Commission believes that the Standard European Senior Non-Preferred Financial Corporate transaction type is substantially similar to other contracts cleared by ICC. As such, the Commission believes that ICC's existing clearing arrangements, and related financial safeguards (including as further modified by the proposed rule change), protections and risk management procedures will apply to this new product on a substantially similar basis to the other contracts currently cleared by ICC.

Moreover, the Commission believes that the proposed changes to ICC's risk management framework described above will enhance the manner by which ICC considers and manages the risks particular to the range of contracts it clears, including the new Standard European Senior Non-Preferred Financial Corporate contract, because such changes will enable ICC's ability to more accurately consider the particular risks of each type of security-based swap (''SBS'') product it clears. Therefore, the Commission finds that the proposed rule change is intended to promote the prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest, and is therefore consistent with Section 17A(b)(3)(F) of the Act.[23]

B. Consistency With Rule 17Ad–22(b)(2)

The Commission further finds that the proposed rule change is consistent with Rule 17Ad–22(b)(2). Rule 17Ad–22(b)(2) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit the registered clearing agency's credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[24] As described above, the proposed changes would (i) amend the manner in which ICC calculates its Risk Factor-level LGD, (ii) expand the LGD analysis to the Risk Factor Group level, and (iii) amend the approach to calculating the Uncollateralized LGD to incorporate the Risk Factor Group level approach. Specifically, ICC would calculate, for each Risk Factor, an extreme outcome as the sum of the worst Risk Sub-factor P/LGDs across all scenarios, and an expected outcome as the worst sum of all Risk Sub-factor P/LGDs using the same scenarios, and then add the two components to determine the total LGD for each Risk Factor.

The LGD analysis would also be modified to group individual Risk Factors into Risk Factor Groups, and would result in the total LGD being the sum of the P/LGDs for each Risk Factor within the Risk Factor Group. The Commission believes that by making these changes, ICC will augment its ability to more accurately consider the risks associated with the SBS products it clears, including the Standard European Senior Non-Preferred Financial Corporate transaction type.

As a result, the Commission believes that the proposed rule changes will enable ICC to more accurately determine and collect the amount of resources necessary to limit its credit exposures under normal market conditions, including credit exposures resulting from clearing the new transaction type, through the use of risk-based models. Therefore the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(b)(2).[25]

C. Consistency With Rule 17Ad–22(b)(3)

The Commission further finds that the proposed rule change is consistent with Rule 17Ad–22(b)(3). Rule 17Ad–22(b)(3) requires, in relevant part, a registered clearing agency that performs central counterparty services for SBS to establish, implement, maintain and enforce written policies and procedures that are reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it

[20] *Id.*

[21] 15 U.S.C. 78s(b)(2)(C).

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] *Id.*

[24] 17 CFR 240.17Ad–22(b)(2).

[25] *Id.*

has the largest exposures in extreme but plausible market conditions.[26] As described above, the proposed rule change would amend certain assumptions in ICC's Guaranty Fund Methodology, and the calculation of the Specific Wrong Way Risk component, by incorporating the new Risk Factor Group level analysis. Specifically, ICC would expand its current approach to assume that credit events used in the guaranty fund analysis occur at the Risk Factor Group level, and would also base the specific wrong-way risk component of its guaranty fund methodology on the Risk Factor Group approach.

As with the changes to the LGD approach, the Commission believes that the proposed changes to ICC's Guaranty Fund Methodology will permit ICC to consider the particular risks associated with the products it clears, including the Standard European Senior Non-Preferred Financial Corporate transaction type that will be cleared as a result of the proposed changes to ICC's Rules described above. As a result, the Commission believes that the proposed changes will enable ICC's to more accurately measure the risks of associated with the products it clears and thereby improve ICC's ability to collect and maintain the level of financial resources necessary to address the risk of default by its participants. Therefore, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(b)(3).[27]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act,[28] and Rules 17Ad–22(b)(2) and (3) thereunder.[29]

It is therefore ordered pursuant to Section 19(b)(2) of the Act [30] that the proposed rule change (SR–ICC–2018–001) be, and hereby is, approved.[31]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05295 Filed 3–14–18; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 240.17Ad–22(b)(3).

[27] *Id.*

[28] 15 U.S.C. 78q–1.

[29] 17 CFR 240.17Ad–22(b)(2) and (3).

[30] 15 U.S.C. 78s(b)(2).

[31] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82852; File No. SR–NYSEAMER–2018–09]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 915

March 9, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 6, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 915 (Criteria for Underlying Securities). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 915 to modify the criteria for listing options on an underlying security as defined in Section 18(b)(1)(A) of the Securities Act of 1933 (each a ''covered security''; collectively, ''covered securities''). In particular, the Exchange proposes to modify Rule 915, Commentary .01(4)(a), which currently requires that to list an option, the underlying covered security has to have a market price of at least $3.00 per share for the previous five consecutive business days preceding the date on which the Exchange submits a certificate to the Options Clearing Corporation (''OCC'') for listing and trading. The proposal would shorten the current ''look back'' period of five consecutive business days to three consecutive business days.[4] The Exchange does not intend to amend any other criteria in Rule 915 and the accompanying Commentary to list an option on the Exchange. This proposed rule change is substantively identical to a recently-approved rule change by Nasdaq PHLX LLC (''Phlx''),[5] and would align Exchange listing rules with those of other options markets.

The Exchange acknowledges that the Options Listing Procedures Plan (''OLPP'') [6] requires that the listing certificate be provided to OCC no earlier than 12:01 a.m. and no later than 11:00 a.m. (Chicago time) on the trading day prior to the day on which trading is to begin.[7] The proposed amendment would still comport with that requirement. For example, if an initial public offering (''IPO'') occurs at 11 a.m. on Monday, the earliest date the Exchange could submit its listing certificate to OCC would be on Thursday by 12:01 a.m. (Chicago time), with the market price determined by the closing price over the three-day period

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* proposed Rule 915, Commentary .01(4)(a) (providing that the market price per share of an covered security is ''at least $3.00 for the previous three consecutive business days preceding the date on which the Exchange submits a certificate to [the OCC] for listing and trading, as measured by the closing price reported in the primary market in which the underlying security is traded'').

[5] *See* Securities Exchange Act Release No. 82474 (January 9, 2018), 83 FR 2240 (January 16, 2018) (SR–Phlx–2017–75) (Order approving amendment to Rule 1009 to modify the criteria for listing an option on an underlying covered security).

[6] The OLPP (a/k/a the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11a(2)(3)(B) of the Securities Exchange Act of 1934) is a national market system plan that, among other things, sets forth procedures governing the listing of new options series. *See* Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001) (Order approving OLPP). The sponsors of OLPP include the Exchange; OCC; BATS Exchange, Inc.; BOX Options Exchange LLC; C2 Options Exchange, Inc.; Chicago Board Options Exchange, Inc.; EDGX Exchange, Inc.; Miami International Securities Exchange, LLC; MIAX PEARL, LLC; Phlx; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; and NYSE Arca, Inc.

[7] *See* OLPP at page 3.

from Monday through Wednesday. The option on the IPO would then be eligible for trading on the Exchange on Friday. The proposed amendment would essentially enable options trading within four business days of an IPO becoming available instead of six business days (five consecutive days, plus the day the listing certificate is submitted to OCC).

At the time the options industry adopted the ''look back'' period of five consecutive business days, it was determined that the five-day period was sufficient to protect against attempts to manipulate the market price of the underlying security and would provide a reliable test for stability.[8] Surveillance technologies and procedures concerning manipulation have evolved since then to provide adequate prevention or detection of rule or securities law violations within the proposed time frame, and the Exchange represents that its existing trading surveillances are adequate to monitor the trading in the underlying security and subsequent trading of options on the Exchange.[9]

Furthermore, the Exchange notes that the regulatory program operated by and overseen by NYSE Regulation includes cross-market surveillances designed to identify manipulative and other improper trading that may occur on the Exchange and other markets. In particular, the Financial Industry Regulatory Authority (''FINRA''), pursuant to a regulatory services agreement and other arrangements, operates a range of cross-market equity and options surveillance patterns on behalf of the Exchange to identify a variety of potentially manipulative trading activities. These cross-market patterns incorporate relevant data from the Exchange, its affiliates (including the New York Stock Exchange), and markets not affiliated with the Exchange.

In addition, NYSE Regulation operates an array of surveillances to identify potentially manipulative trading of options on the Exchange and its affiliated markets. That surveillance coverage is initiated once options begin trading on the Exchange or an options exchange affiliated with the Exchange. Accordingly, the Exchange believes that the cross-market surveillance performed by FINRA on behalf of the Exchange and NYSE Regulation's own monitoring for violative activity on the Exchange and its affiliated markets comprise a comprehensive surveillance program that is adequate to monitor for manipulation of options and their underlying equity securities that could occur during the proposed three-day look back period.

Furthermore, the Exchange notes that the proposed listing criteria would still require that the underlying security be listed on NYSE, the American Stock Exchange (now known as NYSE American), or the Nasdaq Global Market (collectively, the ''Named Markets''), as provided for in the definition of ''covered security'' from Section 18(b)(1)(A) of the 1933 Act.[10] Accordingly, the Exchange believes that the proposed rule change would still ensure that the underlying security meets the high listing standards of a Named Market, and would also ensure that the underlying is covered by the regulatory protections (including market surveillance, investigation and enforcement) offered by these exchanges for trading in covered securities conducted on their facilities.

The Exchange also believes that the proposed look back period can be implemented in connection with the other initial listing criteria for underlying covered securities. In particular, the Exchange recognizes that it may be difficult to verify the number of shareholders in the days immediately following an IPO due to the fact that stock trades generally clear within two business days (T+2) of their trade date and therefore the shareholder count would generally not be known until T+2.[11] The Exchange notes that the current T+2 settlement cycle was recently reduced from T+3 on September 5, 2017 in connection with the Commission's amendments to Exchange Rule 15c6–1(a) to adopt the shortened settlement cycle,[12] and the look back period of three consecutive business days proposed herein reflects this shortened T+2 settlement period. As proposed, stock trades would clear within T+2 of their trade date (*i.e.,* within three business days) and therefore the number of shareholders could be verified within three business days, thereby enabling options trading within four business days of an IPO (three consecutive business days, plus the day the listing certificate is submitted to OCC).

Furthermore, the Exchange notes that it can verify the shareholder count with various brokerage firms that have a large retail customer clientele. Such firms can confirm the number of individual customers who have a position in the new issue. The earliest that these firms can provide confirmation is usually the day after the first day of trading (T+1) on an unsettled basis, while others can confirm on the third day of trading (T+2). The Exchange has confirmed with some of these brokerage firms who provide shareholder numbers to the Exchange that they are able to provide these numbers within T+2 after an IPO. For the foregoing reasons, the Exchange believes that basing the proposed three business day look back period on the T+2 settlement cycle would allow for sufficient verification of the number of shareholders.

The proposed rule change would apply to all covered securities that meet the relevant criteria in Rule 915. Pursuant to Rule 915(b), the Exchange's Board of Directors (the ''Board'') establishes guidelines to be considered in evaluating the potential underlying securities for Exchange options transactions.[13] However, the fact that a particular security may meet the standards established by the Board does not necessarily mean that it will be selected as an underlying security.[14] As part of the established criteria, the issuer must be in compliance with any applicable requirements of the Act.[15] The Exchange believes that these measures, together with its existing surveillance procedures, provide adequate safeguards in the review of any

[8] *See* Securities Exchange Act Release Nos. 47190 (January 15, 2003), 68 FR 3072 (January 22, 2003) (SR–CBOE–2002–62); 47352 (February 11, 2003), 68 FR 8319 (February 20, 2003) (SR–PCX–2003–06); 47483 (March 11, 2003), 68 FR 13352 (March 19, 2003) (SR–ISE–2003–04); 47613 (April 1, 2003), 68 FR 17120 (April 8, 2003) (SR–Amex–2003–19); and 47794 (May 5, 2003), 68 FR 25076 (May 9, 2003) (SR–Phlx–2003–27).

[9] Such surveillance procedures generally focus on detecting securities trading subject to opening price manipulation, closing price manipulation, layering, spoofing or other unlawful activity impacting an underlying security, the option, or both. As it relates to IPOs, the Exchange has price movement alerts, unusual market activity and order book alerts active for all trading symbols. These real-time patterns are active for the new security as soon as the IPO begins trading. The NYSE Regulation group, which provides such real-time surveillance on the Exchange and its affiliated markets, monitors trading activity in IPOs to see whether the new issue moves substantially above or below the public offering price in the first day or several days of trading.

[10] *See* 15 U.S.C. 77r(b)(1)(A).

[11] The number of shareholders of record can be verified from large clearing agencies such as The Depository Trust and Clearing Corporation (''DTCC'') upon the settlement date (*i.e.,* T+2).

[12] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (release adopting amendment to securities transaction settlement cycle) (File No. S7- 22–16). *See also* Exchange Act Release No. 78962 (Sep. 28, 2016), 81 FR 69240 (Oct. 5, 2016) (release proposing amendment to securities transaction settlement cycle) (File No. S7- 22–16).

[13] *See* Rule 915(b). The Board established specific criteria to consider by the Exchange in evaluating potential underlying securities for Exchange option transactions in its Commentary .01 to Rule 915.

[14] *Id.*

[15] *See* Rule 915, Commentary .01(5).

covered security that may meet the proposed criteria for consideration of the option within the timeframe contained in this proposal.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] 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.

The Exchange believes that the proposed changes to its listing standards for covered securities would allow the Exchange to more quickly list options on a qualifying covered security that has met the $3.00 eligibility price without sacrificing investor protection. As discussed above, the Exchange believes that its existing trading surveillances provide a sufficient measure of protection against potential price manipulation within the proposed three consecutive business day timeframe. Furthermore, the established guidelines to be considered by the Exchange in evaluating the potential underlying securities for Exchange option transactions,[18] together with existing trading surveillances, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the proposed timeframe.

In addition, the Exchange believes that basing the proposed timeframe on the T+2 settlement cycle adequately addresses the potential difficulties in confirming the number of shareholders of the underlying covered security. Having some of the largest brokerage firms that provide these shareholder counts to the Exchange confirm that they are able to provide these numbers within T+2 further demonstrates that the 2,000 shareholder requirement can be sufficiently verified within the proposed timeframe. For the foregoing reasons, the Exchange believes that the proposed amendments will remove and perfect the mechanism of a free and open market and a national market system by providing an avenue for investors to swiftly hedge their investment in the stock in a shorter amount of time than what is currently in place.[19]

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 rule change reduces the number of days to list options on an underlying security, and is intended to bring new options listings to the marketplace quicker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[23] 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 proposed rule change may become effective and operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it would allow the Exchange to implement the modified rule, which aligns with the rules of other options exchanges,[24] without delay. 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 as operative upon filing.[25]

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–NYSEAMER–2018–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2018–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See supra* notes 13–15.

[19] This proposed rule change does not alter any obligations of issuers or other investors of an IPO that may be subject to a lock-up or other restrictions on trading related securities.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] *See supra* note 5.

[25] 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).

available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2018–09, and should be submitted on or before April 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05210 Filed 3–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82851; File No. SR–NYSEArca–2018–16]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 5.3–O

March 9, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 6, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5.3–O (Criteria for Underlying Securities). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 5.3–O to modify the criteria for listing options on an underlying security as defined in Section 18(b)(1)(A) of the Securities Act of 1933 (each a ''covered security''; collectively, ''covered securities''). In particular, the Exchange proposes to modify Rule 5.3–(a)(4)(A), which currently requires that to list an option, the underlying covered security has to have a market price of at least $3.00 per share for the previous five consecutive business days preceding the date on which the Exchange submits a certificate to the Options Clearing Corporation (''OCC'') for listing and trading. The proposal would shorten the current ''look back'' period of five consecutive business days to three consecutive business days.[4] The Exchange does not intend to amend any other criteria in Rule 5.3–O. This proposed rule change is substantively identical to a recently-approved rule change by Nasdaq PHLX LLC (''Phlx''),[5] and would align Exchange listing rules with those of other options markets.

The Exchange acknowledges that the Options Listing Procedures Plan (''OLPP'')[6] requires that the listing certificate be provided to OCC no earlier than 12:01 a.m. and no later than 11:00 a.m. (Chicago time) on the trading day prior to the day on which trading is to begin.[7] The proposed amendment would still comport with that requirement. For example, if an initial public offering (''IPO'') occurs at 11 a.m. on Monday, the earliest date the Exchange could submit its listing certificate to OCC would be on Thursday by 12:01 a.m. (Chicago time), with the market price determined by the closing price over the three-day period from Monday through Wednesday. The option on the IPO would then be eligible for trading on the Exchange on Friday. The proposed amendment would essentially enable options trading within four business days of an IPO becoming available instead of six business days (five consecutive days, plus the day the listing certificate is submitted to OCC).

At the time the options industry adopted the ''look back'' period of five consecutive business days, it was determined that the five-day period was sufficient to protect against attempts to manipulate the market price of the underlying security and would provide a reliable test for stability.[8] Surveillance technologies and procedures concerning manipulation have evolved since then to provide adequate prevention or detection of rule or securities law violations within the proposed time frame, and the Exchange represents that its existing trading surveillances are adequate to monitor the trading in the underlying security and subsequent trading of options on the Exchange.[9]

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* proposed Rule 5.3–O(a)(4)(A) (providing that the market price per share of an covered security is ''at least $3.00 for the previous three consecutive business days preceding the date on which the Exchange submits a certificate to [the OCC] for listing and trading, as measured by the closing price reported in the primary market in which the underlying security is traded'').

[5] *See* Securities Exchange Act Release No. 82474 (January 9, 2018), 83 FR 2240 (January 16, 2018) (SR–Phlx–2017–75) (Order approving amendment to Rule 1009 to modify the criteria for listing an option on an underlying covered security).

[6] The OLPP (a/k/a the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11a(2)(3)(B) of the Securities Exchange Act of 1934) is a national market system plan that, among other things, sets forth procedures governing the listing of new options series. *See* Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001) (Order approving OLPP). The sponsors of OLPP include the Exchange; OCC; BATS Exchange, Inc.; BOX Options Exchange LLC; C2 Options Exchange, Inc.; Chicago Board Options Exchange, Inc.; EDGX Exchange, Inc.; Miami International Securities Exchange, LLC; MIAX PEARL, LLC; Phlx; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; and NYSE American LLC.

[7] *See* OLPP at page 3.

[8] *See* Securities Exchange Act Release Nos. 47190 (January 15, 2003), 68 FR 3072 (January 22, 2003) (SR–CBOE–2002–62); 47352 (February 11, 2003), 68 FR 8319 (February 20, 2003) (SR–PCX–2003–06); 47483 (March 11, 2003), 68 FR 13352 (March 19, 2003) (SR–ISE–2003–04); 47613 (April 1, 2003), 68 FR 17120 (April 8, 2003) (SR–Amex–2003–19); and 47794 (May 5, 2003), 68 FR 25076 (May 9, 2003) (SR–Phlx–2003–27).

[9] Such surveillance procedures generally focus on detecting securities trading subject to opening price

Furthermore, the Exchange notes that the regulatory program operated by and overseen by NYSE Regulation includes cross-market surveillances designed to identify manipulative and other improper trading that may occur on the Exchange and other markets. In particular, the Financial Industry Regulatory Authority (''FINRA''), pursuant to a regulatory services agreement and other arrangements, operates a range of cross-market equity and options surveillance patterns on behalf of the Exchange to identify a variety of potentially manipulative trading activities. These cross-market patterns incorporate relevant data from the Exchange, its affiliates (including the New York Stock Exchange), and markets not affiliated with the Exchange.

In addition, NYSE Regulation operates an array of surveillances to identify potentially manipulative trading of options on the Exchange and its affiliated markets. That surveillance coverage is initiated once options begin trading on the Exchange or an options exchange affiliated with the Exchange. Accordingly, the Exchange believes that the cross-market surveillance performed by FINRA on behalf of the Exchange and NYSE Regulation's own monitoring for violative activity on the Exchange and its affiliated markets comprise a comprehensive surveillance program that is adequate to monitor for manipulation of options and their underlying equity securities that could occur during the proposed three-day look back period.

Furthermore, the Exchange notes that the proposed listing criteria would still require that the underlying security be listed on NYSE, the American Stock Exchange (now known as NYSE American), or the Nasdaq Global Market (collectively, the ''Named Markets''), as provided for in the definition of ''covered security'' from Section 18(b)(1)(A) of the 1933 Act.[10] Accordingly, the Exchange believes that the proposed rule change would still ensure that the underlying security meets the high listing standards of a Named Market, and would also ensure that the underlying is covered by the regulatory protections (including market surveillance, investigation and enforcement) offered by these exchanges for trading in covered securities conducted on their facilities.

The Exchange also believes that the proposed look back period can be implemented in connection with the other initial listing criteria for underlying covered securities. In particular, the Exchange recognizes that it may be difficult to verify the number of shareholders in the days immediately following an IPO due to the fact that stock trades generally clear within two business days (T+2) of their trade date and therefore the shareholder count would generally not be known until T+2.[11] The Exchange notes that the current T+2 settlement cycle was recently reduced from T+3 on September 5, 2017 in connection with the Commission's amendments to Exchange Rule 15c6–1(a) to adopt the shortened settlement cycle,[12] and the look back period of three consecutive business days proposed herein reflects this shortened T+2 settlement period. As proposed, stock trades would clear within T+2 of their trade date (*i.e.,* within three business days) and therefore the number of shareholders could be verified within three business days, thereby enabling options trading within four business days of an IPO (three consecutive business days, plus the day the listing certificate is submitted to OCC).

Furthermore, the Exchange notes that it can verify the shareholder count with various brokerage firms that have a large retail customer clientele. Such firms can confirm the number of individual customers who have a position in the new issue. The earliest that these firms can provide confirmation is usually the day after the first day of trading (T+1) on an unsettled basis, while others can confirm on the third day of trading (T+2). The Exchange has confirmed with some of these brokerage firms who provide shareholder numbers to the Exchange that they are able to provide these numbers within T+2 after an IPO. For the foregoing reasons, the Exchange believes that basing the proposed three business day look back period on the T+2 settlement cycle would allow for sufficient verification of the number of shareholders.

The proposed rule change would apply to all covered securities that meet the relevant criteria in Rule 5.3–O. Pursuant to Rule 5.3–O(a), the Exchange establishes guidelines to be considered in evaluating the potential underlying securities for Exchange options transactions.[13] However, the fact that a particular security may meet the standards established by the Exchange does not necessarily mean that it will be selected as an underlying security.[14] As part of the established criteria, the issuer must be in compliance with any applicable requirements of the Act.[15] The Exchange believes that these measures, together with its existing surveillance procedures, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the timeframe contained in this proposal.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] 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.

The Exchange believes that the proposed changes to its listing standards for covered securities would allow the Exchange to more quickly list options on a qualifying covered security that has met the $3.00 eligibility price without sacrificing investor protection. As discussed above, the Exchange believes that its existing trading surveillances provide a sufficient measure of protection against potential price manipulation within the proposed three consecutive business day timeframe. Furthermore, the established guidelines to be considered by the Exchange in evaluating the potential underlying securities for Exchange option transactions,[18] together with existing trading surveillances, provide adequate safeguards in the review of any covered security that may meet the proposed

manipulation, closing price manipulation, layering, spoofing or other unlawful activity impacting an underlying security, the option, or both. As it relates to IPOs, the Exchange has price movement alerts, unusual market activity and order book alerts active for all trading symbols. These real-time patterns are active for the new security as soon as the IPO begins trading. The NYSE Regulation group, which provides such real-time surveillance on the Exchange and its affiliated markets, monitors trading activity in IPOs to see whether the new issue moves substantially above or below the public offering price in the first day or several days of trading.

[10] *See* 15 U.S.C. 77r(b)(1)(A).

[11] The number of shareholders of record can be verified from large clearing agencies such as The Depository Trust and Clearing Corporation (''DTCC'') upon the settlement date (*i.e.,* T+2).

[12] *See* Securities Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017) (release adopting amendment to securities transaction settlement cycle) (File No. S7–22–16). *See also* Exchange Act Release No. 78962 (Sep. 28, 2016), 81 FR 69240 (Oct. 5, 2016) (release proposing amendment to securities transaction settlement cycle) (File No. S7–22–16).

[13] *See* Rule 5.3–O(a)(1)–(6).

[14] *Id.*

[15] *See* Rule 5.3–O(a)(5).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See supra* notes 13–15.

criteria for consideration of the option within the proposed timeframe.

In addition, the Exchange believes that basing the proposed timeframe on the T+2 settlement cycle adequately addresses the potential difficulties in confirming the number of shareholders of the underlying covered security. Having some of the largest brokerage firms that provide these shareholder counts to the Exchange confirm that they are able to provide these numbers within T+2 further demonstrates that the 2,000 shareholder requirement can be sufficiently verified within the proposed timeframe. For the foregoing reasons, the Exchange believes that the proposed amendments will remove and perfect the mechanism of a free and open market and a national market system by providing an avenue for investors to swiftly hedge their investment in the stock in a shorter amount of time than what is currently in place.[19]

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 rule change reduces the number of days to list options on an underlying security, and is intended to bring new options listings to the marketplace quicker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[23] 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 proposed rule change may become effective and operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it would allow the Exchange to implement the modified rule, which aligns with the rules of other options exchanges,[24] without delay. 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 as operative upon filing.[25]

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–NYSEArca–2018–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–16, and should be submitted on or before April 5, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05209 Filed 3–14–18; 8:45 am]

BILLING CODE 8011–01–P

[19] This proposed rule change does not alter any obligations of issuers or other investors of an IPO that may be subject to a lock-up or other restrictions on trading related securities.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] *See supra* note 5.

[25] 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).

[26] 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:

Exchange Act Rules 13n–1–13n–12; Form SDR, SEC File No. 270–629, OMB Control No. 3235–0719

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 Rules 13n–1 through 13n–12 (17 CFR 240.13n–1 through 240.13n–12) and Form SDR (''Rules''), under the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(3) *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Under the Rules, security-based swap data repositories (''SDRs'') are required to register with the Commission by filing a completed Form SDR (the filing of a completed Form SDR also constitutes an application for registration as a securities information processor (''SIP'')). SDRs are also required to abide by certain minimum standards set out in the Rules, including a requirement to update Form SDR, abide by certain duties and core principles, maintain data in accordance with the rules, keep systems in accordance with the Rules, keep records, provide reports to the Commission, maintain the privacy of security-based swaps (''SBSs'') data, make certain disclosures, and designate a Chief Compliance Officer. In addition, there are a number of collections of information contained in the Rules. The information collected pursuant to the Rules is necessary to carry out the mandates of the Dodd-Frank Act and help ensure an orderly and transparent market for SBSs.

The Commission staff estimates that it will take an SDR approximately 481 hours to complete the initial Form SDR and any amendments thereto. This burden is composed of a one-time reporting burden that reflects the applicant's staff time (*i.e.* internal labor costs) to prepare and submit the Form to the Commission and includes the burden of responding to additional provisions incorporated from Form SIP and finally includes responding to the revised disclosure of business affiliations burden. Assuming a maximum of ten SDRs, the aggregate one-time estimated dollar cost to complete the initial Form SDR and any amendments thereto will be $793,840 ((Compliance Attorney at $334 per hour for 180 hours) + (Compliance Clerk at $64 per hour for 301 hours) × (10 registrants)) and the aggregate ongoing cost per year will be $55,440 to comply with the rule.

The Commission staff estimates that the average initial paperwork cost of filing a Form SDR to withdraw from registration will be 12 hours per SDR with an estimated dollar cost of $4,008 to comply with the rule. The Commission estimates that an SDR will assign these responsibilities to a Compliance Attorney, calculated as follows: (Compliance Attorney at $334 per hour for 12 hours) × (1 SDR withdrawing) = $4,008.

In addition, the Commission staff estimates that the average initial paperwork cost for each non–resident SDR to comply with Rule 13n–1(f) will be 1 hour and $900 per SDR. Assuming a maximum of three non–resident SDRs, the aggregate one-time estimated dollar cost to comply with the rule will be $3,840, calculated as follows: ($900 for outside legal services + (Attorney at $380 per for 1 hour)) × (3 non–resident registrants). Finally, the Commission believes that the costs of filing Form SDR in a tagged data format beyond the costs of collecting the required information will be minimal.

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 to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted 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: March 9, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05212 Filed 3–14–18; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15446 and #15447; AMERICAN SAMOA Disaster Number AS–00007]

Presidential Declaration of a Major Disaster for the Territory of American Samoa

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Territory of American Samoa (FEMA–4357–DR), dated 03/02/2018.

Incident: Tropical Storm Gita.

Incident Period: 02/07/2018 through 02/12/2018.

DATES: Issued on 03/02/2018.

Physical Loan Application Deadline Date: 05/01/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 12/03/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/02/2018, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Territory of American Samoa

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.625
Homeowners without Credit Available Elsewhere	1.813
Businesses with Credit Available Elsewhere	7.160
Businesses without Credit Available Elsewhere	3.580
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.580

	Percent
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 154468 and for economic injury is 154470.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–05241 Filed 3–14–18; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36165]

Toledo, Peoria & Western Railway Corp.—Trackage Rights Renewal Exemption—Tazewell & Peoria Railroad, Inc.

The Tazewell & Peoria Railroad, Inc. (TZPR), has agreed to renew overhead trackage rights to Toledo, Peoria & Western Railway Corp. (TPW). The trackage rights extend between TPW milepost 109.4 at East Peoria, Ill., and TPW milepost 113.9 at Peoria, Ill. (the Line), a distance of approximately 4.7 miles, including overhead trackage rights to handle intermodal traffic from the intermediate point of the connection between TZPR and BNSF Railway Company (BNSF) near Darst Street to TPW milepost 109.4 in East Peoria.

TPW states that the purpose of the transaction is to renew trackage rights originally granted to TPW by Peoria & Pekin Union Railway Company (PPU) in 1995. *Toledo, Peoria & W. Ry.—Trackage Rights Exemption—Peoria & Pekin Union Ry.,* FD 32654 (ICC served Feb. 6, 1995). In 2001, the trackage rights were amended to include an intermediate connection with BNSF for handling intermodal traffic. *Toledo, Peoria & W. Ry.—Trackage Rights Exemption—Peoria & Pekin Union Ry.,* FD 34009 (STB served Feb. 23, 2001). In 2004, the Board authorized TZPR to lease the Line, and other lines, from PPU. *Tazewell & Peoria RR—Lease & Operation Exemption—Peoria & Pekin Union Ry.,* FD 34544 (STB served Sept. 28, 2004). TPW states that on August 1, 2006, TZPR and TPW entered into an amended and restated trackage rights agreement (2006 Restated Agreement) that did not change the scope of the trackage rights, but did, among other things, extend the term of the trackage rights to December 31, 2016.[1]

The earliest this transaction may be consummated is March 29, 2018, the effective date of the exemption (30 days after the verified notice of exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by March 22, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. 36165, must be filed with the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Erik M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our website at ''*WWW.STB.GOV.*''

Decided: March 12, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–05289 Filed 3–14–18; 8:45 am]

BILLING CODE 4915–01–P

[1] TWP did not seek or receive Board authorization for the transaction encompassed in the 2006 Restated Agreement. This notice of exemption is published nevertheless because the same class exemption applies to trackage rights acquisitions and renewals. *See* 49 CFR 1180.2(d)(7).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Northeast Philadelphia Airport (PNE), Philadelphia, Pennsylvania; Correction

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice; correction.

SUMMARY: The FAA published a document in the **Federal Register** of February 27, 2018, concerning requests for comments on its intent to rule on request to release airport property at the Northeast Philadelphia Airport, Philadelphia, PA. The document contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: Ms. Cayla D. Morgan, (425) 227–2653.

Correction

In the **Federal Register** of February 27, 2018, in FR Doc. 2018–03954, on page 8566, in the second column, correct the **DATES** caption to read:

DATES: Comments must be received on or before April 16, 2018.

Issued in Camp Hill, PA, on February 27, 2018.

Lori K. Pagnanelli,

Manager, Harrisburg Airports District Office.

[FR Doc. 2018–04581 Filed 3–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Qualified Lessee Construction Allowances for Short-Term Leases

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 public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to qualified lessee construction allowances for short-term leases.

DATES: Written comments should be received on or before May 14, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Lessee Construction Allowances for Short-Term Leases.

OMB Number: 1545–1661.

Regulation Project Number: TD 8901.

Abstract: This document contains final regulations concerning an exclusion from gross income for qualified lessee construction allowances provided by a lessor to a lessee for the purpose of constructing long-lived property to be used by the lessee pursuant to a short-term lease. The final regulations affect a lessor and a lessee paying and receiving, respectively, qualified lessee construction allowances that are depreciated by a lessor as nonresidential real property and excluded from the lessee's gross income. The final regulations provide guidance on the exclusion, the information required to be furnished by the lessor and the lessee, and the time and manner for providing that information to the IRS.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 10,000.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 6, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–05305 Filed 3–14–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Rules Relating to Registration

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 public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the rules relating to registration under section 4101.

DATES: Written comments should be received on or before May 14, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Taxable Fuel; registration.

OMB Number: 1545–0725.

Form Number: 928.

Abstract: Under IRC section 4101(b) Secretary may require, as a condition of registration under 4101(a), that the applicant give a bond in an amount that the Secretary determines is appropriate. Applicant's that do not meet all the applicable registration tests for Form 637 registration must secure a federal bond, from an acceptable surety or reinsurer listed in Circular 570, prior to receiving a Form 637 registration under section 4101. Form 928 is used for this purpose.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 2.56 hours.

Estimated Total Annual Burden Hours: 1,280.

The following paragraph applies to all 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 if 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.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 8, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–05304 Filed 3–14–18; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 83 Thursday,

No. 51 March 15, 2018

Part II

Environmental Protection Agency

40 CFR Part 257

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One); Proposed Rule; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2017–0286; FRL–9973–31–OLEM]

RIN 2050–AG88

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One); Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On April 17, 2015, the Environmental Protection Agency (EPA or the Agency) promulgated national minimum criteria for existing and new coal combustion residuals (CCR) landfills and existing and new CCR surface impoundments. The Agency is proposing a rule that will address four provisions of the final rule that were remanded back to the Agency on June 14, 2016 by the U.S. Court of Appeals for the D.C. Circuit. The Agency is also proposing six provisions that establish alternative performance standards for owners and operators of CCR units located in states that have approved CCR permit programs (participating states) or are otherwise subject to oversight through a permit program administered by EPA. Finally, the Agency is proposing an additional revision based on comments received since the date of the final CCR rule.

DATES: *Comments.* Written comments must be received on or before April 30, 2018. Comments postmarked after the close of the comment period will be stamped ''late'' and may or may not be considered by the Agency.

Public Hearing. EPA will hold a hearing on this proposed rule on April 24, 2018 in the Washington, DC metropolitan area. Additional information about the hearing will be posted in the docket for this proposal and on EPA's CCR website (*https://www.epa.gov/coalash*).

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2017–0286, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Instructions. Direct your comments on the proposed rule to Docket ID No. EPA–HQ–OLEM–2017–0286. The EPA's policy is that all comments received will be included in the public docket and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. The EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2017–0286. The EPA has previously established a docket for the April 17, 2015, CCR final rule under Docket ID No. EPA–HQ–RCRA–2009–0640. All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For information concerning this proposed rule, contact Mary Jackson, Office of Resource Conservation and Recovery, Environmental Protection Agency, 5304P, Washington, DC 20460; telephone number: (703) 308–8453; email address: *jackson.mary@epa.gov.* For more information on this rulemaking please visit *https://www.epa.gov/coalash.*

SUPPLEMENTARY INFORMATION:

Submitting CBI. Do not submit information that you consider to be CBI electronically through *http://www.regulations.gov* or email. Send or deliver information identified as CBI to only the following address: ORCR Document Control Officer, Mail Code 5305–P, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; Attn: Docket ID No. EPA–HQ–OLEM–2017–0286.

Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or DC–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. If you submit a CD–ROM or disk that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Public Hearing. This notice also announces that EPA will be holding a

public hearing on this proposed rule. A public hearing provides interested parties the opportunity to present data, views, or arguments concerning the proposed rule. EPA may ask clarifying questions during the oral presentations, but will not respond formally to any comments or the presentations made. Additional information about the hearing will be posted in the docket for this proposal and on EPA's CCR website (*https://www.epa.gov/coalash*).

I. General Information

A. Executive Summary

1. Purpose of the Regulatory Action

The EPA is proposing to amend the regulations for the disposal of coal combustion residuals (CCR) in landfills and surface impoundments in order to: (1) Address provisions of the final rule that were remanded back to the Agency on June 14, 2016; (2) to provide States with approved CCR permit programs (or EPA where it is the permitting authority) under the Water Infrastructure Improvements for the Nation (WIIN) Act the ability to set certain alternative performance standards; and (3) address one additional issue raised by commenters that has arisen since the April 2015 publication of the final rule, namely the use of CCR during certain closure situations.

2. Summary of the Major Provisions of the Regulatory Action

EPA is proposing two categories of revisions plus one additional revision to the regulations at 40 CFR 257 subpart D. The first category is associated with a judicial remand in connection with the settlement agreement entered on April 18, 2016 that resolved four claims brought by two sets of plaintiffs against the final CCR rule. See *USWAG et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). The second category is a set of revisions that are proposed in response to the WIIN Act. The last revision in the proposal deals with an issue that has been raised by commenters since the publication date of the final CCR rule. In the 2015 CCR final rule, EPA organized the regulations for the recordkeeping requirements, notification requirements and publicly accessible internet site requirements into 40 CFR 257.105, 257.106, and 257.107, respectively.[1] There are recordkeeping, notification and internet posting requirements associated with the revisions that are in this proposal. Those requirements have not all been added to the regulatory language. Those requirements will be added to §§ 257.105–257.107 when the final rule is developed.

a. Proposals Associated With Judicial Remand

The Agency is proposing four changes from the CCR final rule that was promulgated on April 17, 2015 associated with the judicial remand. The proposed revisions would: (1) Clarify the type and magnitude of non-groundwater releases that would require a facility to comply with some or all of the corrective action procedures set forth in 40 CFR 257.96–257.98 in meeting their obligation to clean up the release; (2) add boron to the list of constituents in Appendix IV of part 257 that trigger corrective action and potentially the requirement to retrofit or close the CCR unit; (3) determine the requirement for proper height of woody and grassy vegetation for slope protection; and (4) modify the alternative closure provisions.

b. Proposals Associated With the WIIN Act

The Agency is proposing six alternative performance standards that would apply in participating states (*i.e.*, those which have an EPA-approved CCR permit program under the WIIN Act) or in those instances where EPA is the permitting authority. Those alternative performance standards would allow a state with an approved permit program or EPA to: (1) Use alternative risk-based groundwater protection standards for constituents where no Maximum Contaminant Level exists; (2) modify the corrective action remedy in certain cases; (3) suspend groundwater monitoring requirements if a no migration demonstration can be made; (4) establish an alternate period of time to demonstrate compliance with the corrective action remedy; (5) modify the post-closure care period; and (6) allow Directors of states to issue technical certifications in lieu of the current requirement to have professional engineers issue certifications. These alternative standards are discussed in more detail later in this proposal.

Under the WIIN Act, EPA is the permitting authority for CCR units located in Indian County. EPA would also serve as the permitting authority for CCR units located in nonparticipating states subject to a Congressional appropriation to carry out that function. At this time, Congress has not provided appropriations to EPA to serve as the permitting authority in nonparticipating states. EPA is therefore proposing that in those cases where it is the permitting authority, it will have the same ability as a Director of a State with an approved CCR program to apply the alternative performance standards. In addition, EPA seeks comment on whether and how these alternative performance standards could be implemented by the facilities directly (even in States without a permit program), given that the WIIN Act provided authority for EPA oversight and enforcement.

c. Proposal To Allow CCR To Be Used During Certain Closure Situations

EPA is proposing to revise the current regulations to allow the use of CCR in the construction of final cover systems for CCR units closing pursuant to § 257.101 that are closing with waste-in-place. EPA is also proposing specific criteria that the facility would need to meet in order to allow for the use of CCR in the final cover system.

With this action EPA is not reconsidering, proposing to reopen, or otherwise soliciting comment on any other provisions of the final CCR rule beyond those specifically identified as such in this proposal. EPA will not respond to comments submitted on any issues other than those specifically identified in this proposal and they will not be considered part of the rulemaking record.

3. What are the incremental costs and benefits of this action?

This action is expected to result in net cost savings amounting to between $32 million and $100 million per year when discounting at 7 percent and annualized over 100 years. It is expected to result in net cost savings of between $25 million and $76 million per year when discounting at 3 percent and annualized over 100 years. Further information on the economic effects of this action can be found in Unit V of this preamble.

B. Does this action apply to me?

This rule applies to all CCR generated by electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) code 221112 and may affect the following entities: Electric utility facilities and independent power producers that fall under the NAICS code 221112. This discussion is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This discussion lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should

[1] Unless otherwise specified, all references to part 257 in this preamble are to title 40 of the Code of Federal Regulations (CFR).

carefully examine the applicability criteria found in § 257.50 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. CCR Rule

On April 17, 2015, EPA finalized national regulations to regulate the disposal of CCR as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA) titled, ''Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities,'' (80 FR 21302) (CCR rule). The CCR rule established national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions of CCR units that are codified in Subpart D of Part 257 of Title 40 of the Code of Federal Regulations. The criteria consist of location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, and record keeping, notification and internet posting requirements. The rule also required any existing unlined CCR surface impoundment that is contaminating groundwater above a regulated constituent's groundwater protection standard to stop receiving CCR and either retrofit or close, except in limited circumstances.

The rule was challenged by several different parties, including a coalition of regulated entities and a coalition of environmental organizations. See, *USWAG et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). Four of the claims, a subset of the provisions challenged by the industry and environmental Petitioners, were settled. The rest were briefed and are currently pending before the U.S. Court of Appeals for the D.C. Circuit, awaiting resolution.

As part of that settlement, on April 18, 2016 EPA requested the court to remand the four claims back to the Agency. On June 14, 2016 the U.S. Court of Appeals for the D.C. Circuit granted EPA's motion.

One claim, which was settled by the vacatur of the provision allowing inactive surface impoundments to close early and thereby avoid groundwater monitoring, cleanup, and post-closure care requirements, was the subject of a recent rulemaking. See, 81 FR 51802 (August 5, 2016).

The remaining claims that were remanded back to the Agency are the subject of this proposed rule. As part of the settlement, EPA committed to issue a proposed rule or rules to: (1) Establish requirements for the use of vegetation as slope protection on CCR surface impoundments; (2) Clarify the type and magnitude of non-groundwater releases for which a facility must comply with some or all of the rule's corrective action procedures; and (3) Add Boron to the list of contaminants in Appendix IV, whose detection trigger more extensive monitoring and cleanup requirements. Each of these are discussed further in Unit III of the preamble. As specified in the settlement, EPA presently intends to take final action on these proposals by June 2019. The issue of alternative closure requirements (due to lack of capacity for non-CCR wastestreams) was also remanded, but was not part of the settlement agreement. That issue is also discussed in Unit III of this preamble.

In addition, on September 13, 2017, EPA granted petitions from the Utility Solid Waste Activities Group (USWAG) and from AES Puerto Rico LLP requesting the Agency initiate rulemaking to reconsider provisions of the 2015 final rule.[2] EPA determined that it was appropriate and in the public interest to reconsider provisions of the final rule addressed in the petitions, in light of the issues raised in the petitions as well as the new authorities in the WIIN Act.

This determination raised some questions as to how the remaining issues in the CCR litigation should be handled. In response to various motions filed with U.S. Court of Appeals for the D.C. Circuit, the court ordered EPA to submit a status report indicating which provisions of the final CCR rule were being or were likely to be reconsidered by the Agency and a timeline for this reconsideration. EPA filed that status report on November 15, 2017 indicating that the following provisions were or were likely to be reconsidered. These included issues that were before the court as well as those that were not:

Provision of the CCR rule	Description
Provisions under Reconsideration Subject to Challenge in Litigation	
§ 257.50(c), § 257.100	EPA Regulation of Inactive Surface Impoundments.
§ 257.53—definition of beneficial use	The Criteria for Determining Whether Activities Constitute Beneficial Use or Disposal.
§ 257.95(h)(2)	Use of Risk-Based Alternative Standards for Remediating Constituents Without an MCL.
§ 257.53—definition of CCR pile	The criteria for determining Whether a Pile will be Regulated as a Landfill or as Beneficial Use.
§ 257.96–98	Regulatory Procedures Used to Remediate Certain Non-Groundwater Releases.
§§ 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), 257.74(d)(1)(iv).	Requirements for Slope Protection on Surface Impoundments, Including Use of Vegetation.
§ 257.103(a) and (b)	Whether to Allow Continued Use of Surface Impoundments Subject to Mandated Closure if No Capacity for Non-CCR Wastestreams.
§ 257.50(e)	Regulation of Inactive Surface Impoundments, Including Legacy Ponds.
§ 257.100	Exemption for Certain Remediation and Post-Closure Requirements for Inactive Surface Impoundments that Close by April 17, 2018.
	Note: EPA completed reconsideration of the issues associated with this claim. See 81 FR 51802 (August 5, 2016).
Appendix IV to Part 257; §§ 257.93(b), 257.94(b), 257.95(b), 257.95(d)(1).	Addition of Boron to the List of Constituents that Trigger Corrective Action.

[2] A copy of both rulemaking petitions are included in the docket to this proposed rule.

Provision of the CCR rule	Description
Provisions under Reconsideration Not Before the Court	
§ 257.97	Whether to Allow Modification of the Corrective Action Remedy.
§ 257.90	Whether to Suspend Groundwater Monitoring Requirements Where ''No Migration'' Demonstration is Made.
§ 257.98(c)	Whether to Allow Alternate Period of Time to Determine Remediation is Complete.
§ 257.104	Whether to Allow Modification of the Post-Closure Care Period.
§ 257.101, 257.102	Whether to Allow CCR to be Used to Close Surface Impoundments Subject to Mandated Closure.
§ 257.53	Clarify Placement of CCR in Clay Mines.

EPA further stated that it anticipates it will complete its reconsideration of all provisions identified in two phases. EPA indicated that in the first phase EPA would continue its process with respect to those provisions which were remanded back to EPA in June of 2016. These provisions are: The requirements for use of vegetation as slope protection; the provisions to clarify the type and magnitude of non-groundwater releases that would require a facility to comply with some or all of the corrective action procedures set out in §§ 257.96–257.98 in meeting its obligation to clean up the release; and provisions to add Boron to the list of contaminants in Appendix IV of the final rule that trigger corrective action. As noted elsewhere, the settlement agreement associated with the remand contemplates final action on these by June 14, 2019. EPA also indicated that as part of Phase One it would review the additional provisions to determine whether proposals to revise or amend some of these could be developed quickly enough so that they could be included in this first phase, and meet the schedule set out in the settlement agreement (*i.e.*, final action by June 2019). A number of these are associated with the WIIN Act which is discussed in detail in Unit II.B of this preamble.

EPA also indicated in its status report that it factored in two separate 90-day interagency review periods and assumed a 90-day public comment period as the minimum amount of time needed to provide comment based on the complexity of the issues involved. However, in developing this proposal, EPA now believes that a 90-day public comment period would be unnecessary. Instead, based on its assessment of the contents of the proposal, EPA will seek public comment for a period of 45 days. This proposal addresses four issues that were subject to legal challenge and included in the 2016 judicial remand. The legal authorities and policy options associated with these provisions have been addressed in comments to the 2015 CCR rule, as well as the litigation briefs filed by the United States and the industry and environmental petitioners. The remaining proposals included in this proposed rule largely reflect policy options that were discussed in the preamble to the 2015 final CCR rule and are based in large measure on the established record supporting the longstanding regulations for Municipal Solid Waste Landfills codified at 40 CFR part 258. By focusing this proposal on specific regulatory proposals that are largely rooted in existing requirements for how other nonhazardous waste is already regulated under Part 258, EPA has sought to minimize potential confusion and unnecessary burden on the public by basing many of these proposed changes to the 2015 CCR rule on well-understood legal theories and an existing scientific record.

EPA stated that it plans to complete review of all remaining matters identified on the chart and not covered in the Phase One proposal and determine whether to propose revisions to the provisions. EPA currently expects that if further revisions are determined to be warranted it will sign a Phase Two proposed rule no later than September 2018 and complete its reconsideration and take final action no later than December 2019.

Thus, this proposal includes those provisions where EPA has completed its review and has sufficient information to propose revisions. EPA continues to evaluate the other matters and will make a determination as to whether revisions are appropriate and if so anticipates signing a proposal by September of this year.

B. Water Infrastructure Improvements for the Nation Act

As noted in this preamble, the CCR rule was finalized in April 2015. As discussed in detail in the preamble to the final rule in the **Federal Register** (80 FR 21310–21311, April 17, 2015), these regulations were established under the authority of sections 1006(b), 1008(a), 2002(a), 3001, 4004, and 4005(a) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984(HSWA), 42 U.S.C. 6900(B), 6907(A), 6912(A), 6944, and 6945(a). ''Subtitle D of RCRA establishes a framework for federal, state, and local government cooperation in controlling the management of nonhazardous solid waste.'' (80 FR 21310, April 17, 2015). EPA's role is to create national minimum criteria; however, states are not required to adopt or implement them; thus under subtitle D, these self-implementing criteria operate even in the absence of a regulatory entity to oversee them. ''As a consequence of this statutory structure—the requirement to establish national criteria and the absence of any requirement for direct regulatory oversight—to establish the criteria EPA must demonstrate, through factual evidence available in the rulemaking record, that the final rule will achieve the statutory standard (''no reasonable probability of adverse effects on health or the environment'') at all sites subject to the standards based exclusively on the final rule provisions. This means that the standards must account for and be protective of all sites, including those that are highly vulnerable.'' (80 FR 21311, April 17, 2015).

Given the existing statutory authorities, the final rule provided very limited site-specific flexibilities and did not provide for a State program which could adopt and be authorized to implement the federal criteria.

In December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act was enacted, establishing new statutory provisions applicable to CCR units, including: (a) Authorizing States to implement the CCR rule through an EPA-approved permit program; and (b) authorizing EPA to enforce the rule and in certain situations to serve as the permitting authority.[3]

[3] Public Law 114–322.

The legislation amended RCRA section 4005, creating a new subsection (d) that establishes a Federal permitting program similar to other environmental statutes. States may submit a program to EPA for approval and permits issued pursuant to the approved state permit program operate in lieu of the Federal requirements. 42 U.S.C. 6945(d)(1)(A). To be approved, a State program must require each CCR unit to achieve compliance with the part 257 regulations (or successor regulations) or alternative State criteria that EPA has determined are ''at least as protective as'' the part 257 regulations (or successor regulations). State permitting programs may be approved in whole or in part. 42 U.S.C. 6945(d)(1)(B). States with approved CCR permitting programs are considered ''participating states''.

In states without an approved program, EPA is to issue permits, subject to the availability of appropriations specifically provided to carry out this requirement. 42 U.S.C. 6945(d)(2)(B). In addition, EPA must issue permits for CCR units in Indian Country. The legislation also authorized EPA to use its RCRA subtitle C information gathering and enforcement authorities to enforce the CCR rule or permit provisions, both in nonparticipating and participating States subject to certain conditions. 42 U.S.C. 6945(d)(4).

The statute expressly provides that facilities are to continue to comply with the CCR rule until a permit (issued either by an approved state or by EPA) is in effect for that unit. 42 U.S.C. 6945(d)(3), (6).

C. What is the agency's authority for taking this action?

These regulations are established under the authority of sections 1008(a), 2002(a), 4004, and 4005(a) and (d) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, 42 U.S.C. 6907(a), 6912(a), 6944, and 6945(a) and (d). While the 2015 final CCR rule, and today's proposed revisions, implement EPA's authority under RCRA, as amended by HSWA and the WIIN Act, EPA does not intend for these proposed revisions to impose any other separate requirements under any other statute or regulation, including under the Clean Water Act and its implementing regulations.

III. What amendments associated with the judicial remand is EPA proposing?

A. Addition of Boron to Appendix IV of Part 257

The final CCR rule establishes a comprehensive system of groundwater monitoring and corrective action so that facilities detect and address groundwater releases. (80 FR 21396, April 17, 2015). The final rule requires facilities to employ a two-stage groundwater monitoring program. The first stage is ''detection monitoring'' for the constituents listed in Appendix III of the rule. Appendix III constituents are intended to provide an early detection as to whether contaminants are migrating from the disposal unit into groundwater.

If during detection monitoring, the facility determines there to be a statistically significant exceedance of any constituent over the established background level, the facility must begin the second stage of the monitoring program, ''assessment monitoring,'' by sampling for an expanded set of constituents, which are listed in Appendix IV of the rule. Appendix IV constituents are those that EPA has determined present risks of concern to human health or the environment. These are generally determined by risk assessment and/or damage cases, and are based on the characteristics of the wastes in the unit.

If an owner or operator determines, based on assessment monitoring, that concentrations of one or more of the constituents listed in Appendix IV have been detected at statistically significant levels above the site's established groundwater protection standards, that facility must initiate corrective action as described in the final rule. This determination (*i.e.*, that constituent concentrations are at statistically significant levels above the site's established groundwater protection standard) also triggers the requirement that an existing unlined CCR surface impoundment retrofit or close. Thus, the primary difference between listing on Appendix III and IV is that detection of a constituent on Appendix III initiates requirements for more extensive monitoring, while detection of a constituent on Appendix IV compels a facility to initiate remedial actions to clean up the contamination and, in some cases, to close the unit.

In the proposed CCR rulemaking (June 21, 2010), EPA included boron in both the detection monitoring (Appendix III) and the assessment monitoring (Appendix IV) lists, 75 FR 35253. The parameters that EPA proposed that facilities use as early indicators of groundwater contamination (Appendix III) were boron, chloride, conductivity, fluoride, pH, sulfate, sulfide, and total dissolved solids (TDS). EPA selected these constituents because they are present in CCR and would move rapidly through the subsurface and thus provide an early detection as to whether contaminants were migrating from the disposal unit. EPA also proposed a list of constituents for inclusion on Appendix IV. The list included all of the constituents found in CCR or leachate based on the data EPA had at the time: Aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, chloride, chromium, copper, fluoride, iron, lead, manganese, mercury, molybdenum, selenium, sulfate, sulfide, thallium, and TDS. EPA then specifically asked for comment on this list and received a number of comments on these specific constituents.

In developing the final rule EPA generally relied on the same considerations it had relied on in the proposed rule. However, in response to comments, the final rule removed boron from Appendix IV, 80 FR 21500, April 17, 2015. The primary reason was that a Maximum Contaminant Level (MCL) had not yet been established under the Safe Drinking Water Act for boron. EPA generally preferred to include on Appendix IV only constituents that had established MCLs, as MCLs provide clear risk-based clean up levels in the event that corrective action is required. EPA also reasoned that because boron would remain on Appendix III it was unnecessary to include it on Appendix IV as facilities would be required to continue monitoring its concentration. Out of all the coal ash constituents modeled by EPA, boron has the fastest travel time, meaning that boron is likely to reach potential receptors before other constituents. Therefore, boron is expected to be one of the earliest constituents detected if releases to groundwater are occurring; consequently, EPA reasoned that retaining boron on Appendix III was more appropriate as it would function as a ''signal'' constituent that would ensure that assessment monitoring was quickly triggered in response to any release.

After the final rule was published, this decision was challenged as one claim in the multiparty litigation on the final rule. *See USWAG* v. *EPA,* No. 15–1219 (D.C. Cir.). In response to the litigation, EPA reexamined its decision to remove boron and concluded at that time that removing boron from Appendix IV had been inconsistent with other actions taken in the final rule. Specifically, fluoride had been included

on both Appendix III and Appendix IV. Removing boron from Appendix IV because of a lack of a MCL was also inconsistent with the approach to other constituents: Lead, molybdenum, cobalt and lithium were included on Appendix IV, and they lack MCLs. EPA also concluded, as discussed in greater detail below, that the facts independently warranted reconsidering the exclusion of boron from Appendix IV. In light of these conclusions, EPA settled this claim, agreeing to reconsider its decision through a new rule making. The settlement of this claim was presented to the Court without challenge, and on June 14, 2016, the Court severed this claim from the rest of the litigation over the final rule.

Accordingly, EPA is proposing to add boron to Appendix IV of part 257. This proposal is based on a number of considerations. First, the risk assessment (RA) conducted to support the final CCR rule shows that boron is one of nine constituents determined to present unacceptable risks under the range of scenarios modeled.[4] Of these constituents, boron is the only one associated with risks to both human and ecological receptors. Specifically, the 2014 risk assessment shows that boron can pose developmental risk to humans when released to groundwater and can result in stunted growth, phytotoxicity, or death to aquatic biota and plants when released to surfacewater bodies. EPA is proposing to rely on the existing 2014 risk assessment to support this part of this proposal, and EPA seeks public comment on whether this reliance is appropriate. The risks identified therein support including boron on Appendix IV along with arsenic, cadmium, cobalt, fluoride, lithium, mercury, molybdenum and thallium.

Second, when reviewing damage cases collected for the CCR rulemaking, EPA identified one or more ''contaminants of concern'' (COCs) for each damage case. Boron is a COC in more damage cases (approximately 50 percent of the total) than any Appendix IV constituent with the exception of arsenic. The damage cases reflect a range of waste types disposed in both surface impoundments and landfills. These damage cases corroborate the findings of the RA and also capture other risk scenarios that were not modeled in the RA, such as units that intersect with the groundwater table.

Third, as noted, out of all the coal ash constituents modeled by EPA, boron has one of the shortest travel times, meaning that boron is likely to reach potential receptors before other constituents. As such, including it on Appendix IV would ensure corrective action occurs soon after a potential release, prior to the appearance of slower-moving constituents hydrologically downstream from the source of contamination. Early detection and remediation would better protect human health and the environment by allowing for a response to contamination more quickly and preventing further and more extensive contamination, thereby limiting the exposures to human and ecological receptors. And although this consideration is not relevant under RCRA section 4004(a), early action will also have the benefit of reducing the costs to the facility of remediation, as the cost is necessarily greater to remediate more numerous contaminants and more extensive contamination.

Finally, inclusion of boron on Appendix IV would also be consistent with EPA's previous decisions for other constituents. EPA added cobalt, molybdenum, and lithium to Appendix IV even though these constituents do not currently have MCLs because they were found to be risk drivers in the 2014 risk assessment (80 FR 21404, April 17, 2015).

EPA included lithium on Appendix IV even though it does not have an MCL because it was detected in ''several'' damage cases (80 FR 21404, April 17, 2015). Lead was also detected in at least nine damage cases; and, as noted above, boron is a COC in approximately 51 percent of the total damage cases. By contrast, EPA removed aluminum, copper, iron, manganese and sulfide from Appendix IV because ''they lack maximum contaminant levels (MCLs)'' and were not shown to be constituents of concern based on either the risk assessment conducted for the rule or the damage cases (80 FR 21404, April 17, 2015).

In light of all of the information presented above, EPA is proposing to add boron to Appendix IV of part 257 and seeks comment on the appropriateness of including boron on Appendix IV in the absence of an MCL for the constituent.

B. Performance Standards To Increase and Maintain Slope Stability

As part of the Assessment Program[5] EPA determined that slope protection is an essential element in preventing slope erosion and subsequent deterioration of CCR unit slopes, and that the protective cover of slopes was a significant factor in determining the overall condition rating of all units.

So, in the final CCR rule EPA promulgated specific requirements for all CCR surface impoundments (except incised units) to install and maintain adequate slope protection. Specifically, the final rule required facilities to document that ''the CCR unit has been designed, constructed, operated, and maintained with . . . [adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown.'' §§ 257.73(d)(1)(ii); and 257.74(d)(1)(ii).

In developing the specific technical requirements for the final rule, EPA relied on existing dam safety technical literature, which universally recommends that vegetative cover not be permitted to root too deeply beneath the surface of the slope. Deep roots can potentially introduce internal embankment issues such as pathways for water intrusion and piping, precipitating erosion internally, or uprooting which is the disruption of the embankment due to the sudden uplifting of the root system. Based on these data, the final rule also required a vegetative cover height limitation to prevent the establishment of rooted vegetation, such as a tree, a bush, or a shrubbery, on the CCR surface impoundment slope, 80 FR 21476, April 17, 2015, and to prevent the obscuring of the slope during routine and emergency inspection. Based on the available information, EPA concluded that a vegetative cover height limitation of six inches above the face of the embankment was adequate to achieve these dual goals of preventing woody vegetation, while allowing inspectors adequate observation of the slope.

After the final rule was published, this provision was challenged on the grounds that EPA had failed to provide adequate notice of this requirement in the proposal. See, *USWAG et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). In response, EPA reexamined its decision, and agreed to reconsider this provision. This claim was settled, and the court vacated the requirement that vegetation on all slopes ''not . . . exceed a height of 6 inches above the slope of the dike'' within §§ 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv). EPA is not proposing to reopen any other

[4] USEPA, ''Human and Ecological Risk Assessment of Coal Combustion Residuals'', December 2014; docket identification number EPA–HQ–RCRA–2009–0640–11993.

[5] In March 2009, the Agency's CCR Assessment Program (herein referred to as the Assessment Program) was initiated to evaluate the structural stability and safety of coal ash impoundments throughout the country. By September 2014, 559 impoundments had been assessed at over 230 coal-fired power plants. 80 FR 21313, April 17, 2015.

provisions of §§ 257.73 and 257.74, and will not respond to any comments received on those provisions. Because, as described below, slope protection is an essential element in preventing destabilization of a CCR surface impoundment, EPA is proposing to expand on the existing general performance standard with more specific slope protection requirements for existing and new surface impoundments. EPA is also proposing to establish distinct definitions and height limitations for grassy vegetation and woody vegetation to replace the vacated requirement. Finally, EPA is also proposing definitions for engineered slope protection measures, pertinent surrounding areas, slope protection, and vegetative height.

1. Performance Standards

Slope protection is an essential element in preventing destabilization of a CCR surface impoundment. Surficial and internal erosion, wave action, and rapid drawdown are some phenomena that can destabilize a surface impoundment. Surficial erosion is the removal of surface material, typically resulting from regular, intermittent physical phenomena such as surface run-off and wind action. Internal erosion, due to seepage and piping, is the removal of material beneath the surface of an embankment through the infiltration and transmission of water into and through the embankment. Wave action can cause erosion of embankment material typically caused by wave run-up in wind or storm events. Rapid drawdown is the rapid lowering of the water level of a reservoir which may precipitate slope failure due to residual high pore-water pressure in the embankment with a lack of counteracting pressure from the reservoir. In each of these phenomena, slope protection provides mitigating effects to counteract the phenomena through cohesion of the surface of the embankment. Furthermore, slope protection is necessary to ensure that dike or embankment erosion does not occur, both from the surface of the upstream or downstream slope, crest, or adjacent areas or from internal areas of the unit. Erosion of the embankment can precipitate more significant structural or operational deficiencies, such as beaching upstream from wave action, sloughing or sliding of the crest, discharge of solids to adjacent surface waters, and increased internal erosion. Finally, slope protection is necessary to maintain the stability of the CCR surface impoundment slope under rapid drawdown events [6] and low pool conditions of water bodies that may abut the CCR surface impoundment and are outside the reasonable control of the owner or operator, *e.g.,* a natural river which the slopes of the CCR surface impoundment intercept and abut. Accordingly, EPA is proposing to establish a number of new performance standards to ensure the stability of CCR surface impoundments.

First, EPA is proposing to modify the current regulation to require the owner or operator to ensure that both the slopes and the pertinent surrounding areas of any CCR surface impoundment (both existing and new) are designed, constructed, operated, and maintained with one or more of the forms of slope protection specified in the regulation. EPA has defined slope protection for this proposal as measures installed on the upstream or downstream slope of the CCR unit that protect the slope against wave action, erosion or adverse effects of rapid drawdown. Slope protection includes but is not limited to grassy vegetation, rock riprap, concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines. EPA's proposed definition was developed from the available technical literature for dam safety, geotechnical engineering, and hydrology and hydraulics. The definition of slope protection includes examples of common modes of slope protection utilized in embankment dams, levees, dikes, and other engineering structures which interface with water or other impounded fluids.

EPA is proposing to define pertinent surrounding areas because adequate slope protection in surrounding areas is critical to the overall stability of the CCR surface impoundment. EPA has defined pertinent surrounding areas for this proposal as all areas immediately surrounding the CCR surface impoundment that have the potential to affect the structural stability and condition of the CCR surface impoundment, including but not limited to the toe of the downstream slope, the crest of the embankment, abutments, and unlined spillways. EPA intends this term to include all areas in the vicinity of the CCR unit that may influence the condition of the CCR unit. This would include all areas that good engineering practice dictates should be protected against adverse effects of erosion. See *e.g.,* Federal Emergency Management Agency's ''FEMA 534: Technical Manual for Dam Owners, Impacts of Plants on Earthen Dams'' (September 2005), a copy of which is available in the docket to this rulemaking.

However, the slope protection requirement would exclude certain areas on, adjacent, or near the CCR unit for which it is infeasible, impractical, or unsafe to maintain vegetation. These areas include specific design features of the unit that may occupy portions of the surface of the CCR unit. Such design features may include lined spillways, decant structures, access ways such as roads, paths, or stairs, or sluice pipes. Therefore, an owner or operator does not need slope protection to be designed, constructed, operated, and maintained in these areas. Furthermore, by the nature of these engineered structures, the integrity of the slope or pertinent surrounding area is typically maintained through the construction of the structure or the potential adverse effects to the integrity of the slope or pertinent surrounding area are limited by the nature of the structure. For instance, a properly designed, constructed, and maintained sluice pipe or decant structure may include preventative measures, such as a collar or a boot, which prevents the infiltration of water and potential erosion of the slope at the exit-point of the structure on the slope. An additional example of limited potential adverse effects would be that of a road or path on the crest of the embankment of the impoundment. Due to regular vehicle traffic, it may prove difficult to maintain vegetative cover on the surface of the travel path. Furthermore, due to the location and typical characteristics of the road, *e.g.,* located on the crest of the embankment with ample clearance from the edge of the upstream and downstream slopes, EPA does not anticipate substantial adverse effects due to erosion of the roadway based on its observations during the Assessment Program. Finally, the existing inspection and monitoring requirements of the final rule provide protection against the deterioration of the slopes and pertinent surrounding areas of the CCR surface impoundment in the locations where these structures are found. The integrity of these appurtenant design structures must be ensured by the professional engineer (PE) during regular assessments required in § 257.73 and § 257.74, to confirm that effects from erosion, wave

[6] In this provision, EPA is concerned with the rapid drawdown of adjacent water bodies acting upon the downstream slope of the CCR surface impoundment rather than the rapid drawdown of the impounded reservoir of the CCR surface impoundment acting upon the upstream slope of the CCR surface impoundment. Presumably, the water body of concern acting upon the downstream slope of the impoundment is outside the control of the owner or operator.

action, or other adverse phenomena are not introduced by the structures.

Similar to the original rule, EPA is proposing to require that slope protection consist of either grassy vegetation, engineered slope protection measures, or a combination of such measures. EPA is also proposing to establish specific performance standards that all slope protection measures must meet. First, the proposed rule would require that the owner or operator ensure that the slope protection measures are maintained in such a manner that allows for the adequate observation of and access to the CCR surface impoundment during routine and emergency events. Second, the regulation would require that the cover provide effective protection against surface erosion, wave action, and adverse effects of rapid drawdown.

2. Vegetative Cover

Grassy Vegetation. Adequate slope protection can be achieved in most climates through vegetation, typically a healthy, continuous dense stand of low-growing native grass species, or other similar vegetative cover. The most desirable form of slope protection, based on the technical literature, is a cover of native grass that creates cohesive coverage across the slope; this is due to its feasible maintenance, low cost of installation, and effective performance in maintaining slope integrity. In arid climates or submerged areas of the unit where the upkeep of vegetation is inhibited, alternate engineered slope protection measures, including rip-rap, or rock-armor, are typically used.

EPA is proposing to define grassy vegetation for this proposal as vegetation which develops shallow roots that do not penetrate the slope or pertinent surrounding areas of the CCR unit to a depth that introduces the potential of internal erosion or risk of uprooting and improves on the condition of the slopes and pertinent surrounding areas of the CCR unit. This definition is being proposed to provide a distinction between grassy vegetation—which EPA acknowledges can improve embankment slope stability, provided the vegetation does not inhibit adequate observation of or access to the slope or pertinent surrounding areas of the CCR unit—and woody vegetation, which can create unacceptable adverse risk to the structural stability and operational ability of the CCR unit. EPA has based the definition of grassy vegetation on ''FEMA 534: Technical Manual for Dam Owners, Impacts of Plants on Earthen Dams'' (September 2005) and the U.S. Army Corps of Engineers' ''ETL 1110–2–583: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures'' (April 30, 2014).[7] This proposed definition helps to ensure that any vegetation installed by the owner or operator has a net positive effect on the condition of the unit. A continuous cover of grassy vegetation will prevent erosion of the surface or interior areas of the embankment, protect against the effects of wave action, and mitigate the effects of run-off from the CCR unit. EPA has identified some species of non-woody vegetation that do not provide protection against these adverse effects. These species would be considered weeds, which typically create a patch work of vegetative cover that do not provide a benefit to slope stability and are not intentionally installed by the owner or operator, and therefore do not meet the definition of grassy vegetation.

Weeds for this proposal can be wild vegetation that develops shallow-roots and are non-woody plants that do not create a contiguous cover, inhibit adequate observation of the slope and pertinent surrounding areas of the CCR unit and do not provide an advantageous effect on the condition of the slopes and pertinent surrounding areas of the CCR unit. EPA's description of weeds is based on FEMA guidance titled ''FEMA 534: Technical Manual for Dam Owners, Impacts of Plants on Earthen Dams'' (September 2005). EPA intends for all non-woody, grassy vegetation that do not provide an advantageous effect to the condition of the CCR unit to fall within this definition. Some examples of commonly found species considered to be weeds are: Herbaceous plants, vines, pigweed, ragweed, and thistle.

Woody Vegetation. EPA has defined woody vegetation for this proposal as vegetation that develops woody trunks, root balls, or root systems which can penetrate the slopes or pertinent surrounding areas of the CCR unit to a substantial depth and introduce the potential of internal erosion or risk of uprooting. Woody vegetation is not desirable when located on slopes or pertinent surrounding areas of CCR units; technical guidance consistently identifies the substantial risk of uprooting and internal erosion as a result of root system development from woody vegetation. This can lead to dam failure. Some examples of woody vegetation, as defined by the rule, include: Trees, bushes, and shrubbery.

Height Restrictions. The Assessment Program showed that the ability to adequately observe the surface of the slope and pertinent surrounding areas of the CCR surface impoundment are critical to early detection of deficiencies and overall maintaining of structural and operational integrity of the CCR units so EPA finalized height limitations in the CCR rule. However, EPA is now proposing new height limitations for any grassy and woody vegetative cover. Based on comments submitted from industry after the final rule was published, relating to the feasibility of vegetation management on CCR surface impoundments and the varied nature of technical guidance from federal agencies and organizations with jurisdiction or oversight over dam safety,[8] [9] EPA has subsequently determined that the 6 inch height limitation for grassy vegetation was overly restrictive and presented implementation problems for owners and operators.

In reviewing technical guidance from federal and state agencies and organizations, EPA found that the original 6 inch vegetative height limitation was a more conservative technical standard than is typically recommended in guidance. The U.S. Army Corps of Engineer's EM 1110–2–583 generally recommends that vegetation be limited to 12 inches in a ''vegetation free zone'' on and around embankment dams. In addition, the U.S. Army Corps of Engineer's EM 1110–2–583 recommends a minimum height of 3 inches to ensure the health of the grass species providing erosion protection and EPA agrees with this recommendation. The FEMA 534 technical manual does not prescribe a specific vegetative height limitation, but recommends that vegetation be maintained on the basis of achieving several dam safety goals, *e.g.*, permitting effective inspection and monitoring of the embankment, allowing adequate access, discouraging rodent, varmint, or other animal activity through elimination of habitat. Industry commenters have stated that maintaining a 6 inch or less vegetative cover in many regions of the United States was impractical during seasons of high precipitation, when the growth of grassy vegetation is at its greatest rate and access to the slopes of the

[7] A copy of these documents are available in the docket of this rulemaking.

[8] U.S. Army Corps of Engineers, EM 1110–2–583, ''Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures,'' April 30, 2014.

[9] Federal Emergency Management Agency, ''FEMA 534: Technical Manual for Dam Owners, Impacts of Plants on Earthen Dams,'' September 2005.

embankment is limited due to precipitation. They have also stated that when the slopes of the embankments are saturated due to precipitation, mowing may present undue risk of damaging the slopes of the embankment by mowing equipment.

In light of the above, EPA is proposing a vegetative height maximum limitation of 12 inches for grassy and woody vegetation. The 12-inch limit is drawn from the U.S. Army Corps of Engineer's EM 1110–2–583, which as previously noted, generally recommends that grassy vegetation be limited to 12 inches.

EPA is also proposing to define vegetative height as the linear distance measured between the ground surface where the vegetation penetrates the ground surface and the outermost growth point of the vegetation. This definition is being proposed in order to accurately identify the measurable height of vegetation for use in complying with the vegetative height limits of this rule. EPA intends this definition to reflect the maximum exposed length of the vegetative member along the main stalk of the member.

Woody Vegetation Maintenance. Finally, EPA is proposing to require that the vegetative cover be maintained so that all woody vegetation is removed and that any removal of woody vegetation with a diameter greater than ½ inch be directed by a qualified person, who must ensure that removal is conducted in a manner that does not introduce adverse risk to the stability and safety of the CCR unit or personnel undertaking the removal. EPA is proposing the specific numeric value of ½ inch for the maximum diameter of woody vegetation based on ease of reference and because the diameter represents the threshold for what EPA considers substantial woody vegetation. EPA seeks public comment as to whether a specific numeric value of greater than ½ inch for the maximum diameter of woody vegetation would be more appropriate.

Vegetative maintenance, particularly removal of a large tree or a shrubbery, must be undertaken with care so as not to allow for the uprooting of the root system and disturbance of substantial portions of the slope or surrounding pertinent areas of the CCR unit.[10] The removal and maintenance of such vegetation needs to be undertaken under the supervision of personnel familiar with the design and operation of the unit and in consideration of the complexities of removal of a tree or a shrubbery. Furthermore, the removal of vegetation must be conducted in a manner to ensure compliance with relevant environmental statutes, *e.g.*, National Environmental Policy Act, Endangered Species Act. EPA also seeks comment on requiring a specific timeframe in which woody vegetation must be removed.

Alternatives to Vegetative Cover. To accommodate climates or areas where it is infeasible for the owner or operator to maintain a vegetative cover, EPA is proposing to allow alternative forms of slope protection, *i.e.,* engineered cover or combination cover. EPA has proposed these alternative engineered slope protection measures to allow flexibility for owners or operators in maintaining an adequate slope protection cover system in locations where maintenance of vegetation may prove infeasible or where they do not wish to use grassy vegetation. These engineered slope protection measures, *i.e.,* engineered cover or combination cover, are available and effective in certain circumstances, and include but are not limited to rock or concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines.

C. Clarify the Type and Magnitude of Non-Groundwater Releases That Would Require a Facility To Comply With Some or All of the Corrective Action Procedures in §§ 257.96–257.98

The CCR final rule establishes a number of requirements related to the detection and remediation of releases from a CCR unit. First, the groundwater monitoring and corrective action regulations in § 257.90 state that in the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The regulation specifies detailed procedures that must be followed in such cases, requiring that the owner or operator of the CCR unit comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.

Section 257.96(a) also establishes two different standards for triggering corrective action, one for groundwater releases and one for non-groundwater releases. The requirement that a facility commence corrective action ''immediately upon detection of a release from a CCR unit'' applies only to non-groundwater releases. By contrast, the regulation requires corrective action for groundwater releases only upon a determination that contaminants are present in concentrations exceeding the groundwater protection standards in § 257.95(h).

In a separate section, the regulations also require that if a deficiency or release is identified during an inspection of a surface impoundment or landfill, the owner or operator must remedy the deficiency or release as soon as feasible, and prepare documentation detailing the corrective measures taken. See, §§ 257.73(d)(2), 257.74(d)(2), 257.83(b)(5), and 257.84(b)(5). However, these provisions do not require the facility to follow a particular process in cleaning up such releases.

After the final rule was published, the requirement that a facility must remediate any non-groundwater release using the same procedures applicable to the corrective action of groundwater releases in §§ 257.96–257.98 was challenged on the ground that EPA had failed to provide adequate notice of this requirement in the proposal. See, *USWAG et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). In response, EPA reexamined the provision and determined that some revision might be warranted to tailor the procedural requirements to the size or magnitude of the release. Specifically, EPA agreed that, in principle, for some non-groundwater releases, it may not be necessary for facilities to follow all of the corrective action procedures in §§ 257.96–257.98 in cleaning up or remedying the releases. Rather, for certain releases, such as releases that are small in scale, it might be preferable for the facility to focus primarily on the rapid remediation of these releases, consistent with §§ 257.90(d), 257.73(d)(2), and 257.83(b)(5), without requiring adherence to all of the corrective action procedures in §§ 257.96–257.98. Accordingly, EPA settled this claim by agreeing to reconsider the procedures a facility must use to clean up non-groundwater releases in a subsequent rulemaking. The settlement of this claim was presented to the Court without challenge, and on June 14, 2016, the Court severed this claim from the rest of the litigation over the final rule.

This portion of the proposed rule addresses whether the entire set of procedural requirements for corrective actions from the final CCR rule should apply to all non-groundwater releases. EPA is proposing to establish a subset of the corrective action procedures currently found in §§ 257.96–257.98 that would apply to non-groundwater releases that can be completely

[10] U.S. Department of Interior, Bureau of Reclamation, ''Water Operation and Maintenance, Bulletin No. 150'' which includes Guidelines for Removal of Trees and Vegetative Growth from Earth Dams, Dikes, and Conveyance Features, December 1989.

remediated within 180 days from the time of detection. Under these modified procedures, EPA would compress the reporting requirements into two steps: The initial notification of a release and the documentation that the release has been remediated. These revised procedures would be consolidated in a new section at § 257.99.

EPA designed many of the specific procedural requirements for non-groundwater releases in sections §§ 257.96–257.98 based on several notable ''catastrophic'' releases from CCR surface impoundments in recent history, such as the release of CCR materials from CCR surface impoundments from the Tennessee Valley Authority's (TVA) Kingston Fossil Plant in Harriman, TN, and the Duke Energy Dan River Steam Station in Eden, NC. However, EPA recognizes that all non-groundwater releases are not of a ''catastrophic'' nature, and may in some instances, be quite minor. Consequently, EPA is proposing to establish revised provisions to facilitate the most expeditious response to a release from a CCR unit from the owner or operator, and thereby to mitigate degradation.

EPA is proposing a 180-day time limit to complete remediation of the non-groundwater release. This time frame effectively serves to limit these provisions to releases that are expected to have limited potential for harm to human health and the environment. In this regard, EPA considers that the size and magnitude of the release, *i.e.,* the volume of harmful constituents released, is directly related to the time required to remedy the release.

EPA has identified a number of types of releases that may occur at CCR surface impoundments, and from those, identified the subset that EPA believes could be completely remediated under the existing performance standards within 180 days. Releases that can be cleaned up within 180 days are necessarily of a minimal volume. EPA expects that these reduced procedures are most likely to apply to incidental releases (including fugitive dust) that occur from seepage through the embankment, minor ponding of seepage at the toe of the embankment of the CCR unit, seepage at the abutments of the CCR unit, seepage from slopes, or ponding at the toe of the unit, rather than releases that of a ''catastrophic'' nature, as catastrophic releases are normally of a magnitude that remediation cannot be completed within 180 days. EPA seeks comment on whether 180 days is the appropriate timeframe in which an owner/operator would be expected to complete remediation of a non-groundwater release under this proposed provision, or whether a shorter deadline, *e.g.,* 120 days, or a longer deadline, *e.g.,* 240 days, would be more appropriate for remediating non-groundwater releases that are expected to have minimal impact to human health and the environment. EPA anticipates that these releases will typically be detected by qualified personnel or qualified professional engineers during weekly or annual inspections or during periodic assessments, as specified in the design and operating criteria of the CCR rule. These types of releases can indicate concerns regarding the structural stability of the unit and that further assessment for structural stability issues is warranted, but they do not typically constitute a substantial release of constituents to the environment in and of themselves.

On this basis, EPA has preliminarily concluded that this subset of small releases may not warrant all of the corrective action procedures specified in §§ 257.96–257.98. In these cases, it is preferable that the owner/operator focus on the rapid remediation of the release. However, EPA requests comment on whether 180-days is the appropriate time frame that best balances EPA's objective to ensure that small releases are remediated expeditiously, with the public's interest in understanding the practices occurring at the site that have the potential to affect their exposures and their groundwater.

Consistent with the proposed overall 180-day deadline for completing the cleanup, EPA is proposing to remove certain deadlines and to waive or compress certain reporting requirements found in the existing regulation, either because under the current regulation the requirement would fall due after the 180-day deadline, or because EPA considers that the benefit from the additional reporting requirement may be outweighed by the more expeditious clean-up of the site. Specifically, § 257.96 requires a facility to complete a written assessment of corrective measures within 90 days of detecting a release, place that assessment in the operating record, hold a public meeting to discuss the results of the corrective action assessment at least 30 days before selecting a remedy, and post the corrective action assessments to the publicly accessible facility website. Section 257.97 further requires a semiannual report describing the progress in selecting and designing a remedy, as well as a report upon selection of a remedy, describing the selected remedy and how it meets the standards in the regulation. Upon completion of the cleanup, section 257.98 requires the facility to prepare a report stating that the remedy has been completed, along with a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the regulation. This potentially multi-year structure was designed primarily to address releases that are large scale or that will otherwise require a substantial amount of time to remediate. It is less clear that this full process is truly necessary for smaller scale releases that could easily be completely cleaned up within a short period of time.

In lieu of the existing procedures EPA is proposing that within 15 days of discovering a non-groundwater release, the owner or operator must prepare a notification of discovery of a non-groundwater release, and place it in the facility's operating record as required by § 257.105. EPA is proposing this requirement to provide transparency, consistent with EPA's overall approach to corrective action under the existing regulations. Additionally, EPA is proposing that within 30 days of completing the corrective action of a non-groundwater release, the owner or operator must prepare a report documenting the completion of the corrective action. This report must include: (1) The facility's assessment of corrective measures to prevent further releases, to remediate any releases and to restore the affected area to original conditions; (2) the selected remedy, with an explanation of how it meets the standards specified in § 257.97; and (3) the certification by a professional engineer that the remedy has been completed in accordance with the regulation. Consistent with the existing regulation, the proposal also specifies that the remedy has been completed when the certification has been placed in the facility's operating record. The proposed rule would also require that the owner or operator comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h). In the event the remedy has not been successfully completed within 180 days, the owner or operator must comply with the entire suite of corrective action requirements in §§ 257.96–257.98.

Under these modified procedures, EPA would compress the reporting requirements into two steps: The initial notification of a release and the documentation that the release has been remediated. Note that the same basic analytical steps would continue to apply—*e.g.,* the criteria for assessing the

corrective measures in § 257.96(c) and for evaluating the effectiveness of the remedy in § 257.97(b) remain in place. EPA is proposing that the facility document these analyses and solicit public input after conducting the cleanup, instead of before the cleanup. EPA is also proposing to waive the requirement in § 257.97(a) to prepare a semiannual report describing the progress in selecting and designing the remedy. Given that the remedy must be entirely completed within 180 days of discovering the release, a semiannual progress report is likely to be superfluous.

EPA recognizes that requiring public notification after the fact is different than requiring public consultation before the remedy is completed, and that in some situations the difference can be quite significant. For small or contained releases, EPA generally believes that the balance of interests is best struck in ensuring that these releases are remediated as quickly as possible, because the potential impact on the public is likewise limited. That balance shifts, however, as the potential for public impact increases. EPA therefore requests comment on whether some limited public involvement prior to completion of the clean-up would be appropriate. This could be achieved, for example, by delaying the initial notification and requiring the facility to provide details about the release and the planned remediation. Another alternative would be to require some kind of brief interim report to provide that information.

As noted, under the existing requirements, remediation is considered complete when a professional engineer has certified that the corrective action has met all the requirements of the section and the certification has been placed in the facility's operating record as required by § 257.105. Following the revisions to RCRA in the WIIN Act, EPA is proposing to expand this to allow a permitting authority in a participating state to make this determination.

As also noted previously, EPA is not proposing to modify the requirement to clean up all non-groundwater releases or the substantive performance standards that all remediation actions must meet. EPA is only proposing to revise the procedures the owner/operator must follow for non-groundwater releases that can be cleaned up within 180 days. However, in the interest of clarity, EPA is considering whether to incorporate the existing performance standards into the new subsection § 257.99 or whether it is sufficient to rely on cross-references to sections §§ 257.96–257.98. EPA specifically solicits comment on which approach would be most useful.

The provisions set forth in this rulemaking are intended solely to facilitate and expedite corrective action, without modifying the existing requirements to address all releases that occur or to ensure the protectiveness of the remedy. Therefore, no risk assessment was conducted to support this provision of the rulemaking.

D. Alternative Closure Requirements

The current regulations require that an owner or operator of a unit closing for cause pursuant to § 257.101, cease placing CCR and non-CCR wastestreams in the unit within six months of an event triggering closure. The current regulations provide a limited exception to this requirement in two narrow circumstances. First, an owner or operator may certify that CCR must continue to be managed in a CCR unit due to the absence of alternative disposal capacity. Section 257.103(a). Second, an owner or operator may certify that the facility will cease operations of the coal-fired boilers no later than dates specified in the final rule. Section 257.103(b). Under either of these alternative closure provisions, owners or operators may continue to place CCR, and only CCR, in a unit designated to close for cause for an extended period of time. Furthermore, the facility must continue to comply with all other provisions of the rule including groundwater monitoring and corrective action.

These exemptions were challenged as part of the litigation on the final rule on the ground that the exemption was too narrow. See, *USWAG et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). Specifically, plaintiffs alleged that during the rulemaking, commenters had informed EPA that facilities were using the same units to manage both CCR and non-CCR wastestreams, but the exemption only allowed the facility to continue to use the unit to dispose of CCR alone. The plaintiffs argued that EPA had failed to address their comments, and to provide any explanation for limiting the exemption to exclude the continued disposal of non-CCR wastestreams.

In response, EPA reexamined the record and concluded that it had failed to address these comments, and to explain the basis for its decision to restrict the exemption to the continued disposal of CCR alone. Accordingly, EPA settled this claim by agreeing to consider whether to expand this provision to situations in which a facility needs to continue to manage wastestreams other than CCR in the waste unit. The settlement of this claim was presented to the Court without challenge, and on June 14, 2016, the Court of Appeals for the D.C. Circuit remanded ''all of 40 CFR 257.103 (a) and (b)'' back to EPA to allow the Agency for further consideration.

Industry-Provided Information

On December 12, 2016, USWAG sent EPA a letter outlining the need for § 257.103 to include non-CCR wastestreams.[11] This letter has been placed in the docket of this proposed rule. The letter laid out four key premises for such an expansion of the alternative closure provisions. First, the letter explained that power plant operations produce volumes of non-CCR wastestreams in excess of the volumes of CCR wastestreams. These include boiler blowdown, boiler cleaning wastes, demineralizer regeneration washwater, cooling tower blowdown, air heater washwater, stormwater, and water treatment plant waste. Second, the letter explained that power plants do not have contingency plans in place to cover the inoperability of CCR surface impoundments. One anonymous company represented that the only time ponds are taken out of service for repairs and maintenance is during unit outages. Third, the letter provided examples of the new wastewater treatment systems that facilities would be forced to construct, including: Brine concentrators, surface impoundments, tank systems, filtration systems, chemical treatment facilities, and wastewater treatment systems. These systems were expected to take between 1.75 years and 7 years to construct. Finally, USWAG represented that 64,000 MW of coal, oil, and gas-fired capacity were at risk of shutdowns as a consequence of the current closure requirements.

USWAG followed up this letter with an executive summary of an EEI (Edison Electric Institute) reliability analysis.[12] This analysis evaluated electric reliability during peak summer electricity usage when removing the capacity of all boilers with unlined CCR impoundments receiving non-CCR wastewaters. This analysis assumed that the CCR impoundments had to be shut down, and that no alternative capacity

[11] USWAG (Utility Solid Waste Activities Group). 2016. Letter from Jim Roewer to Barnes Johnson. *Addition of Non-CCR Waste Streams to Alternative Closure Provision of Coal Combustion Residuals Rule.* December 12.

[12] EEI (Edison Electric Institute). 2017. *Potential Electric Reliability Risks Due to Cessation of Power Generation as a Result of the Closure of Unlined Surface Impoundments Under 40 CFR part 257.101 for the Failure to Meet Groundwater Protection Standards.* This document is available in the docket for this proposal.

was available for the non-CCR wastewaters. According to the executive summary, the resulting boiler shut downs would result in substantial impacts in three NERC (North American Electric Reliability Corporation) regions (SERC–E (Southeastern Electric Reliability Council-East), SERC–N (Southeastern Electric Reliability Council-North), and MISO (Midcontinent Independent System Operator)), minor impacts in three NERC regions (ERCOT (Electric Reliability Council of Texas), PJM, and SERC–SE (Southeastern Electric Reliability Council-South East)), and no impacts in remaining NERC regions. The analysis considered substantial impacts to be those where peak demand may not be met without shedding load and/or relying on imports. Minor impacts were those where reserves may fall below FERC standards.

EPA Proposal

EPA is not proposing to modify the alternative closure provisions of § 257.103(a) and will not respond to comments on those provisions. EPA is however, proposing to add a new paragraph (b) to allow facilities to qualify for the alternative closure provisions based on the continued need to manage non-CCR wastestreams in the unit. EPA is also not proposing to modify the alternative closure requirements of § 257.103(b) and will not respond to comments on those provisions (although EPA is proposing to redesignate § 257.103(b) as (c) as stated below). EPA is however, proposing to add a new paragraph (b) in this section to allow facilities to qualify for the alternative closure provisions based on the continued need to manage non-CCR wastestreams in a CCR unit that will cease operation of its coal-fired boilers within timeframes specified in the rule. Thus the facility, if it met the conditions, would be allowed to manage both CCR and non-CCR waste streams in the unit. EPA is also proposing to redesignate existing paragraphs (b) and (c) as paragraphs (c) and (e), respectively, and make conforming changes to this paragraph to reflect the non-CCR waste streams.

As noted previously, currently the alternative closure provisions remain unavailable for non-CCR wastestreams. The current regulation is explicit that the alternative closure provisions only allows for continued disposal of CCR, and therefore facilities must continue to comply with the current rule until an amendment is finalized.

EPA is proposing this exemption because substantial volumes of non-CCR wastestreams are generated at power plants, and may currently be managed in CCR surface impoundments. In the 2015 CCR rule, EPA discussed that the risks to the wider community from the disruption of power over the short-term outweigh the risk associated with the increased groundwater contamination from continued use of these units. 80 FR 21423, April 17, 2015. As it did for CCR in the 2015 CCR rule, this same concern would apply to non-CCR wastestreams if the CCR unit were unavailable for use and the community was left without power for an extended period of time. EPA solicits comment on ways to evaluate whether sustained loss of power to community will occur.

Based on the appendix provided in the December 12, 2016 letter from USWAG, these non-CCR wastestreams can range from insignificant (*e.g.,* 300 gallons per day for Company C's polisher regeneration waste) to massive (*e.g.,* 47.99 million gallons per day for Company C's stormwater). However, volumes alone do not adequately explain the difficulties that facilities may face. Some volumes are discharged to surface waters without treatment, and may be more amenable to alternative capacity or recirculation at the facility. For example, cooling water wastestreams may be recirculated.[13] Such wastestreams may be manageable through simple modifications of plant water flows and/or use of other existing capacity. However, other non-CCR wastestream volumes are treated in the CCR surface impoundments through settling of suspended solids to meet Clean Water Act permits. For example, coal pile runoff may be treated through settling in surface impoundments before being discharged.[14] These non-CCR wastestream volumes may require some level of pond or tank treatment that would not be sufficient in other existing, or easily constructible technology. Finally, some waste streams are primarily solids being sluiced for disposal, and require a long-term, permanent resting place of sufficient cumulative volume. For instance, pyrites at some power plants are combined with bottom ash in sluice conveying systems to ponds for their ultimate disposal. This wastestream may continue to be sluiced, in which case disposal impoundment volumes may still be necessary. However, it may also be managed jointly with bottom ash in wet-to-dry conversions, in which case landfill capacity may be necessary.[15]

As a result of the differences between these various non-CCR wastestreams, capacity may mean different things in different contexts. For other non-CCR wastestreams, capacity may mean the capacity to handle daily volumes of wastewater flowing between areas of the facility. Thus, EPA is proposing to provide a definition of capacity for the new section 257.103(b) which would be a basis for qualifying for the exemption. EPA solicits comment on the proposed use of this definition, as well as whether any additional clarification is warranted.

The differences discussed above also demonstrate why various non-CCR wastestreams may require more simple or more complex alternative capacity. This can impact the amount of time necessary to construct or otherwise locate that capacity. In the December 12 USWAG letter, timeframes to construct alternative capacity varied from 1.75 to 7 years. To achieve closure in the fastest practicable timeframe, owners and operators of facilities should transition each non-CCR wastestream to alternative capacity as such capacity becomes available. Thus, EPA is considering adding a condition requiring the facility to demonstrate that it lacks alternative capacity for *each* wastestream that continues to be managed under the alternative closure provisions and seeks comment on the proposed regulatory text. Under this proposed condition, any waste stream for which that finding cannot be made may not be managed in the unit. This condition would apply not only to the original determination, but to any subsequent determinations. Under the existing terms of the current regulation, the ability to continue to use the unit lasts only as long as no alternative capacity is available. Once the alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible. Section 257.103(a)(2)(ii). In addition, the current regulation requires the facility to annually document the continued lack of alternative capacity and the progress towards the development of alternative capacity. Section 257.103(a)(2)(iii). EPA is proposing to clarify that these

[13] ASHRAE (American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Inc.). 2012. *Water/Electricity Trade-Offs in Evaporative Cooling, Part 2: Power Plant Water Use.* Available online at *https://www.ashrae.org/File%20Library/docLib/Journal%20Documents/2012January/065-068_Emerging.pdf.*

[14] TVA (Tennessee Valley Authority) and U.S. EPA (Environmental Protection Agency). 1979. *Characterization of Coal Pile Drainage: Interagency Energy/Environment R&D Program Report.* EPA–600–7–79–051. February.

[15] McDonough, Kevin L. 2014. *Coal Ash Management: Understanding Your Options. Power Engineering.* February 14. Available online at: *http://www.power-eng.com/articles/print/volume-118/issue-2/abma-special-section/coal-ash-management-understanding-your-options.html.*

conditions apply to each individual waste stream that will continue to be managed in the unit and seeks comment on this approach.

In developing this provision, EPA relied on information from commenters to determine that this five-year period was feasible. The December 12, 2016 USWAG letter provides construction timeframes for a further 10 alternative disposal methods. All but one of these methods takes less than five years to construct. It appears these timeframes are therefore generally consistent with the timeframes on in the existing regulation; however, EPA solicits comment on alternative technologies and associated construction timeframes that have the potential to impact this period.

As noted previously, USWAG submitted an executive summary of an EEI reliability analysis. EPA understands that this analysis indicates that in some instances there may be an impact on electric reliability caused by surface impoundment closure. Consequently, EPA is proposing to limit the new alternative closure requirements to facilities that have the potential to impact electric reliability. Specifically, EPA is proposing to limit the expanded exemption to facilities in one of the three FERC regions that the EEI analysis concludes are likely to suffer substantial reliability impacts.

EPA notes that the EEI executive summary cautioned:

> ''Those reviewing the EEI findings should recognize that our findings were not part of any detailed planning study and provide a very high level review of possible worst case impacts on a regional level.''

Although EPA was able to review only the executive summary of this analysis, and therefore cannot draw definitive conclusions, EPA agrees that these impacts appear to be worst-case for several reasons that were clear from the executive summary alone. First, the EEI analysis assumes that all unlined CCR impoundments leak above the groundwater protection standards and the CCR units would have to be closed for cause. Second, the analysis assumes that non-CCR wastestreams were being managed in all of those CCR impoundments. Third, the analysis assumes that alternative capacity for those non-CCR wastestreams could not be found or constructed within the six-month period for closure to commence. Finally, the analysis assumes that the lack of capacity would cause the associated coal boilers to cease operation. EPA considered each of these assumptions to be worst-case as explained below.

First, the assumption that *all* unlined surface impoundments leak above the groundwater protection standard is contrary to EPA's 2014 risk assessment. This conclusion is further bolstered by the final risk assessment which showed that even input porewater concentrations from some surface impoundments were below the groundwater protection levels. Thus, the assumption that all surface impoundments leak above groundwater protection standards is worst-case rather than a best estimate.

Similarly, not all unlined CCR units manage non-CCR wastestreams. Rather than use either the non-CBI (confidential business information) data available from the 2010 Office of Water (OW) questionnaire or some other industry-provided data set, EEI has assumed that all unlined CCR units also manage non-CCR wastestreams. A quick scan of the information available in the non-CBI OW questionnaire reveals dozens of CCR surface impoundments that do not receive non-CCR wastewaters.[16]

Third, the assumption that no facility could construct alternative capacity within the time frames in the current regulation is contrary to other information presented in the USWAG letter. This letter documents several alternative disposal methods that take only two or three years to construct. It thus appears to generally be feasible for facilities with knowledge of leaking units to begin and complete the construction of these ponds, tanks, and other capacity in the time that the rule lays forth for closure to commence. If the facilities that believe that their units are leaking, or likely leaking, had already begun this construction when they first learned of the regulatory requirements, many would be nearing completion as of this rulemaking.

When taken as a whole, these worst-case assumptions result in an analysis may overestimate the effects to the electricity grid. In EPA's final rule Regulatory Impact Analysis (RIA),[17] EPA modeled electricity impacts using the Integrated Planning Model (IPM). This model exercise showed minimal retirements or effects on total capacity over the timeframe modeled. However, while the EEI analysis may be an overestimate of impacts on reliability, other entities have found that the combination of several environmental regulations may nevertheless contribute to regional reliability issues. For instance, in 2012 the GAO (Government Accountability Office) found that 18 percent of coal-fired capacity in the Midwest could retire.[18] Although the GAO concluded that EPA regulations were not expected to pose widespread concerns, it did find that these regulations could contribute to challenges in some regions. Similarly, NERC reviewed the potential reliability effects of combined EPA regulations on the power sector in 2010 and 2011.[19] [20] In those long-term reliability analyses, NERC made several recommendations. NERC recommended that EPA defer compliance targets and grant extensions where there is a demonstrated reliability need. NERC also recommended that industry make investments to retrofit or replace capacity that might be affected by (at the time) forthcoming EPA regulations.

While the NERC and GAO reports both took account of numerous EPA regulations that have since been stayed, EPA nevertheless acknowledges that the impacts of environmental regulations can potentially affect reliability when deadlines are not flexible. As a result, EPA is considering restricting the alternative closure provisions to facilities in the NERC regions and sub-regions showing the potential for substantial impacts in the EEI report. The three regions are MISO, SERC–E, and SERC–N. For facilities that are located in, or regularly provide the majority of generated electricity to, those regions, the facilities may qualify for the alternative closure provisions due to non-CCR wastestreams provided the other requirements are met.[21] EPA notes that to demonstrate that a facility regularly provides the majority of its generated electricity to one of these regions, it is not necessary that the facility provide such quantities with a high frequency. For instance, if a facility outside of one of these regions only provided a majority of its generation to that region during peak times in summer months, the fact that this is

[16] Available online at: *https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-questionnaire.*

[17] See docket item EPA–HQ–RCRA–2009–0640–12034, available at *https://www.regulations.gov.*

[18] GAO (Government Accountability Office). 2012. *EPA Regulations and Electricity: Better Monitoring by Agencies Could Strengthen Efforts to Address Potential Challenges.* GAO–12–635. July.

[19] NERC (North American Electric Reliability Corporation). 2010. *Special Reliability Scenario Assessment: Potential Resource Adequacy Impacts of U.S. Environmental Regulations.* October 5.

[20] NERC (North American Electric Reliability Corporation). 2011. *Potential Impacts of Future Environmental Regulations.* November.

[21] EPA estimates that the percentage of facilities located in the three NERC Assessment Areas showing the potential for substantial impacts is approximately 40 to 48 percent. This is based on the number of facilities with publically accessible websites.

done regularly, year after year, would be sufficient.

EPA solicits comment on the proposal to limit the exclusion under proposed new paragraphs (b) and (d) of § 257.103 for non-CCR wastestreams to the three specific NERC regions and sub-regions that have a demonstrated reliability need. Without the EEI analysis, EPA can only conservatively assume, as industry does, that the three regions and sub-regions showing substantial impacts in the EEI analysis have such a demonstrated need. EPA also solicits comment on the appropriateness of allowing facilities outside a NERC region to qualify if they provide electricity to that region, as well as other reasonable standards for determining which facilities qualify.

IV. What amendments associated with the WIIN Act is EPA proposing?

During the rulemaking for the current regulations for CCR in 40 CFR part 257, EPA received numerous comments requesting that EPA adopt alternative performance standards that would allow state regulators (or facilities) to ''tailor'' the requirements to particular site conditions. Many requested EPA adopt particular performance standards found in EPA's municipal solid waste landfill (MSWLF) regulations in 40 CFR part 258. As discussed in the preamble to the final 1991 rule establishing the part 258 requirements, EPA incorporated the concept of ''differential protection of groundwater'' as a basis for allowing regulatory flexibility depending on the quality of the groundwater source.[22] Although the CCR rule was largely modeled on the MSWLF regulations, as explained in both the proposed and final rules, under the statutory provisions relevant to the CCR rule, EPA lacked the authority to establish a program analogous to part 258, which relies on approved states to implement the federal criteria through a permitting program. In the absence of a mandated state oversight mechanism to ensure that the alternative standards would be technically appropriate, EPA concluded it could not adopt many of the ''more flexible'' performance standards in part 258 that commenters requested.

As fully explained in the preamble to the April 2015 CCR rule, the statutory structure established by Congress requires EPA to establish national minimum criteria that ensure there is ''no reasonable probability of adverse effects on health or the environment.'' States may, but are not required to adopt or implement these criteria; thus the national minimum criteria apply to all facilities even in the absence of a regulatory entity to implement or oversee them. EPA in establishing these national minimum criteria had to show through its rulemaking record that the final rule would achieve the statutory standard of ''no reasonable probability of adverse effects on health or the environment'' at all sites subject to the standards. This means that the standards must be protective of all sites, including the most highly vulnerable sites. The statute provided no mechanism for site specific flexibility as in the MSWLF program in part 258.

However, in 2016 Congress amended RCRA to establish a permit program analogous to that established for MSWLFs. See Unit II.B for additional detail. Under these new provisions, States may now apply to EPA for approval to operate a permit program to implement the CCR rule. As part of that process, a State program may also establish alternative State technical standards, provided EPA has determined they are ''at least as protective as'' the CCR regulations in part 257. 42 U.S.C. 6945(d)(1)(B), 6945(d)(1)(C).

In light of the legislation, EPA returned to the existing 40 CFR part 258 regulations to evaluate the performance standards that rely on a state permitting authority. EPA evaluated whether there was sufficient evidence in the record for those regulations to support incorporating either the part 258 MSWLF provision or an analogue into the part 257 CCR regulations. One complication is the statutory standard for the part 258 regulations is different than the standard for the CCR regulations. The CCR regulations are based on RCRA section 4004(a), which requires the regulations to ensure ''there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility.'' 42 U.S.C. 6944(a). By contrast, EPA was authorized to ''take into account the [facility's] practicable capability'' in developing the part 258 regulations. 42 U.S.C. 6949a(c). As a consequence, the rulemaking record for some part 258 provisions may not fully support a determination that a particular provision meets the RCRA section 4004(a) standard or will be ''at least as protective'' as EPA's CCR regulations.

Based on the results of this evaluation, EPA is proposing to adopt several provisions modeled after the following in part 258: (1) The State Director may establish alternative risk-based groundwater protection standards for constituents for which Maximum Contaminant Levels (MCLs) have not been established (see § 258.55(i) and (j)); (2) The State Director may determine that remediation of a release of an Appendix IV constituent is not necessary under certain conditions (see § 258.57(e) and (f)); (3) The State Director may determine that groundwater monitoring requirements under §§ 257.91–257.95 may be suspended if there is evidence that there is no potential for migration of hazardous constituents to the uppermost aquifer during the active life of the unit and post-closure care (see § 258.50(b)); (4) The State Director may specify an alternative length of time to demonstrate that remedies are complete (see § 258.58(e)(2)); (5) The State Director may modify the length of the post-closure care period (see § 258.61(b)); and (6) The State Director may decide to certify that the regulatory criteria have been met in lieu of the exclusive reliance on a qualified professional engineer. These part 258 provisions in the MSWLF regulations were adopted based solely on a finding that they would protect human health and the environment, which is not appreciably different from the standard under RCRA section 4004(a). See, 75 FR 35193 (June 21, 2010). Thus, in proposing these flexibilities, EPA believes that the statutory standard under RCRA section 4004(a) is met.

In addition, under the WIIN Act, EPA is the permitting authority for CCR units located in Indian County. EPA would also serve as the permitting authority for CCR units located in nonparticipating states subject to a Congressional appropriation to carry out that function. EPA is proposing that where it is the permitting authority, it will have the same authority as the Director in an approved or participating state to apply the alternative performance standards. In order to make this clear, EPA is proposing to revise the definition of State Director in § 257.53 to clarify that the term ''State Director'' includes EPA where EPA is the permitting authority (that is on Tribal lands and in nonparticipating states if EPA were to receive appropriations specifically for the purpose of issuing permits). EPA seeks comment on this approach or on the alternative of adding the words ''or EPA where it is the permitting authority'' to each of the proposed flexibilities.

Further EPA is considering further modifications to these provisions, analogous to the 2010 proposal, and is seeking comment on whether it is appropriate and consistent with the WIIN Act for these alternative performance standards to apply directly to a facility in a nonparticipating State

[22] 56 FR 50978, 50995–96 (Oct. 9, 1991).

on the basis that the units in the nonparticipating states are subject to oversight by EPA through the enforcement authorities provided directly to EPA under the WIIN Act. As discussed below, EPA seeks comment on alternatives for implementing such flexibilities, for example, through appropriate detailed technical analyses, certification(s) by an independent professional engineer (or other appropriate technical expert or experts), reliance on state ground water standards, notifications to EPA, posting on the facility's publically available website, etc.

In addition, EPA is seeking comment on whether it would be appropriate and consistent with EPA's authority for an approved State or EPA in a nonparticipating state, or an owner or operator subject to EPA oversight, to establish alternative, risk-based location restrictions in lieu of the location restrictions found at §§ 257.60–257.64. For example, in the 2010 proposed CCR rule, EPA proposed a location restriction requiring demonstration that a CCR unit be located a minimum of two feet above the upper limit of the natural water table.[23] The final rule changed the requirement to five feet above the uppermost limit of the uppermost aquifer.[24] An owner or operator could also satisfy the location restriction by demonstrating the absence of an intermittent, recurring, or sustained hydraulic connection between the CCR unit and the uppermost aquifer.[25] EPA seeks comment on whether a State, or an owner/operator through a detailed technical analysis or certification(s) by an independent professional engineer (or other appropriate technical expert or experts), could establish alternative location restrictions that would satisfy the standard in RCRA section 4004(a). EPA also seeks comment on whether the October 17, 2018 compliance deadline for the location restrictions at §§ 257.60–257.64 is appropriate in light of the WIIN Act or whether an alternative deadline, either through a permit program established under the WIIN Act or one that applies directly to the facility itself during an interim period, would be more appropriate to facilitate implementation of the WIIN Act and any changes as a result of this rulemaking.

Moreover, for any adopted site specific performance standards (whether approved by the State, EPA, or implemented by the facility itself), EPA is requesting comments on whether the facility or owner operator should be required to post the specific details of the modification of the performance standard to the facility's publically accessible website or require any other recordkeeping options.

Finally, as described in Unit IV.G below, EPA is proposing one modification to the closure section in a certain situation to allow the use of CCR in construction of the cover system.

A. Alternative Risk-Based Groundwater Protection Standards

The current regulations at § 257.95(h) require the CCR unit owner or operator to set the groundwater protection standard (GWPS) at the MCL or background for all constituents from Appendix IV to part 257 that are detected at a statistically significant level above background. The GWPS must be set at the MCL for all Appendix IV constituents for which there is a promulgated level under section 1412 of the Safe Drinking Water Act. If no MCL exists for a detected constituent, then the GWPS must be set at background. In cases where the background level is higher than the promulgated MCL for a constituent, the GWPS must also be set at the background level.

In the 2010 proposal, EPA proposed allowing an owner or operator to establish an alternative GWPS for constituents for which an MCL has not been established provided that the alternative GWPS has been certified by an independent registered professional engineer and placed in the operating record and on the owner's or operator's publicly available website. In finalizing the GWPS requirements, EPA declined to allow a qualified professional engineer to establish alternative GWPS because EPA determined it was ''inappropriate in a self-implemented rule, as it was unlikely that a facility would have the scientific expertise necessary to conduct a risk assessment, and was too susceptible to potential abuse.'' [26]

In this rulemaking EPA is proposing to adopt a provision analogous to 40 CFR 258.55(i), the regulations applicable to MSWLFs. Under the existing part 258 provision, the Director of a state permitting authority in a state with an approved MSWLF permitting program may establish an alternative GWPS for constituents without an MCL, provided that it is an appropriate health-based level established in accordance with the specific criteria in this regulation. The only constituents listed in Appendix IV of the final CCR rule that currently have no MCL (and therefore, the only ones that fall under this proposal) are cobalt, lead, molybdenum and lithium. Boron, which is proposed for addition to Appendix IV, also does not have an MCL. First, these are ''health based levels,'' which means that the only relevant consideration is whether the alternate standard will protect potential receptors (both human and environmental); costs or any similar considerations may not be considered. In addition, 40 CFR 258.55(i) specifies that all of the following criteria must be met: (1) The level is derived in a manner consistent with Agency guidelines for assessing the health risks of environmental pollutants (51 FR 33992, 34006, 34014, 34028, Sept. 24, 1986); (2) The level is based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792) or the equivalent; (3) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level (due to continuous lifetime exposure) within the 1×10^{-4} to 1×10^{-6} range; and (4) For systemic toxicants (*i.e.,* chemicals that cause effects other than cancer), the level represents a concentration to which the human population (including sensitive subgroups) could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this subpart, systemic toxicants include toxic chemicals that cause effects other than cancer or mutation.

The Agency is proposing to allow participating states to set an alternative groundwater protection standard that is largely based on the four criteria specified in this part 258 provision. However, the criteria specified under the proposed revisions to § 257.95(h) would not be identical to those in 40 CFR 258.55(i). Rather EPA is proposing to use modified criteria in the CCR rule that would account for more recent science policies and for the specific characteristics of these wastes. EPA requests comments on the use of the modified criteria for CCR. These proposed modifications are described below.

As in the part 258 MSWLF regulation, EPA is proposing to allow the Director of a state with an EPA-approved CCR permitting program (and EPA where it is the permitting authority) to establish an alternative GWPS ''health-based level'' for constituents without an MCL. Consistent with part 258, this alternative GWPS is to be a health-based standard that will be protective of potential receptors (both human and ecological) and is not based on any non-

[23] 75 FR 35128, 35241 (June 21, 2010).

[24] 80 FR 21302, 21471–72 (April 17, 2015).

[25] Id.

[26] 80 FR at 21405 (April 17, 2015).

risk based factors, such as the cost to achieve that standard. EPA is proposing to adopt these provisions without change. As an alternative, similar to the language in the 2010 proposal for § 257.95(h), EPA is also considering further modifying this provision and is seeking comment as to whether an alternative risk-based GWPS could be established by an independent technical expert or experts (where there is no approved permitting authority, that is in a ''nonparticipating state''). That expert(s) would be required to derive the standard in a manner consistent with Agency guidelines (as described below); however, that alternative standard could be implemented by the facility without the intervention of a permitting authority, for example, through the use of a certified technical expert(s) or by reliance on state groundwater standards or other risk-based approach. EPA seeks comment on this approach and whether such an approach would satisfy the underlying statutory requirement of no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such a facility and whether the new authorities provided to EPA in the WIIN Act for oversight and enforcement make such an approach feasible and adequate to address the concerns EPA identified in the preamble to the 2015 CCR rule that an owner or operator would not be expected to have the requisite experience necessary to conduct a risk assessment and that such an approach would be susceptible to abuse. Depending on the comments received and EPA's analysis thereof, EPA may ultimately adopt such an approach.

The current § 257.95 establishes the requirements for an assessment monitoring program, including a series of 90-day time periods in which an owner or operator has to perform the required analysis and demonstrations. The 90-day time periods are based on similar requirements and time periods in the part 258 requirements. However, EPA seeks comment on whether 90 days is an appropriate time period for the assessment monitoring requirements for CCR in light of the WIIN Act or whether alternative time periods, e.g., 120 days or 150 days, are necessary to perform the required analysis and demonstrations for CCR and whether such alternative time periods would be more appropriate to facilitate implementation of the WIIN Act and any changes as a result of this rulemaking.

EPA is also proposing to adopt the part 258 provision that requires an alternative groundwater protection standard to be derived in a manner consistent with Agency guidelines. However, some of the guidelines cited in part 258 have since been replaced or supplemented. Therefore, EPA is proposing to replace the citations with the updated versions. Specifically, EPA is proposing to cite to the *Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures,*[27] which supplements 51 FR 34014 (September 24, 1986); the *Guidelines for Developmental Toxicity Risk Assessment,*[28] which amends 51 FR 34028 (September 24, 1986); and the *Guidelines for Carcinogen Risk Assessment,*[29] which amends 51 FR 33992 (September 24, 1986). In addition, EPA proposes to add the guidance on deriving a reference dose, *Reference Dose (RfD): Description and Use in Health Risk Assessments.*[30] These are the current guidance documents that are most relevant to the constituents of concern for the wastes at issue. EPA seeks comment on this proposal.

EPA is also proposing to adopt, without modification, the part 258 provision that requires the alternative standard to be based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792) or the equivalent. EPA requests comment on this approach.

EPA is proposing to adopt, with modifications, the part 258 provisions specifying that the alternative standard is set at a level that is associated with an excess lifetime cancer risk within the 1×10^{-4} to 1×10^{-6} range for carcinogens and that is likely to be without appreciable risk of deleterious effects from daily exposures for systemic toxicants. For carcinogens, EPA is also proposing to require that States use a cancer slope factor to establish the alternate GWPS within the relevant risk range. For non-carcinogens, EPA is proposing to require that States use a reference dose to establish the alternative GWPS, with a hazard quotient (HQ) of 1 as the upper bound on risk. This is the same methodology used to establish the technical criteria in the existing CCR regulation. Reliance on his methodology is also reasonable in this regulation as it ensures that this provision (and any alternative GWPS under this provision) will meet the requisite statutory standards. Some examples of groundwater values consistent with these requirements (indeed all of the proposed requirements) are Action Levels promulgated under the Safe Drinking Water Act and the Regional Screening Levels for Chemical Contaminants at Superfund Sites.[31] EPA requests comment on this approach.

In addition, EPA is considering requiring that for systemic toxicants (i.e., for chemicals that cause effects other than of deleterious effects during a lifetime. This is largely the same as the current part 258 requirement; however cancer), the alternate level represents a concentration to which potential receptors (including sensitive subgroups) could be exposed to on a daily basis that is likely to be without appreciable risk, EPA seeks comment on whether it should revise the relevant target from ''human population'' to ''potential receptors.''

Although this proposed rulemaking sets a target risk based on a risk range of 1×10^{-4} to 1×10^{-6} for carcinogens and an HQ = 1 for non-carcinogens, States would not be precluded from setting more stringent standards. The existing regulation in 40 CFR 258.55(j) identifies three other site-specific factors that may indicate the need to establish a risk level for a particular contaminant that is more protective than these levels. These are: (1) The presence of multiple contaminants in the groundwater; (2) exposure threats to sensitive environmental receptors; and (3) other site-specific exposure or potential exposure to groundwater. These factors are equally relevant to CCR facilities, and so EPA is proposing to incorporate them without any modifications. EPA requests comment on this approach.

Because any alternate GWPS will be based on established risk levels, it is reasonable that a state may set a level above background so long that it is equal to or lower than this alternate threshold. Thus, any alternate GWPS that meets the requirements specified in this proposal would still protect potential receptors from the reasonable

[27] USEPA, ''Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures'', EPA/630/R–00/002, August 2000. This document can be accessed at *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533.*

[28] USEPA, ''Guidelines for Developmental Toxicity Risk Assessment'', EPA/600/FR–91/001, December 1991. This document can be accessed at *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=23162.*

[29] USEPA, ''Guidelines for Carcinogen Risk Assessment'', EPA/630/P–03/001F, March 2005. This document can be accessed at *https://www.epa.gov/risk/guidelines-carcinogen-risk-assessment.*

[30] This document can be accessed at *https://www.epa.gov/iris/reference-dose-rfd-description-and-use-health-risk-assessments.*

[31] This document can be accessed at *https://www.epa.gov/risk/regional-screening-levels-rsls.*

maximum exposures identified in the final risk assessment.

B. Modification to Corrective Action Remedy

Once corrective action is triggered, the current regulations at § 257.97 require the CCR unit owner or operator to select a remedy for corrective action. In addition, § 257.98 requires the CCR unit owner or operator to begin implementing that remedy within 90 days of remedy selection.

EPA is proposing to adopt a provision analogous to 40 CFR 258.57(e) for municipal solid waste landfills (MSWLF). This part 258 provision allows the Director of a state permitting authority in participating states to determine that remediation of a release of an Appendix II to part 258 constituent from a MSWLF unit is not necessary if the owner or operator can make certain demonstrations to the satisfaction of the Director. Specifically, § 258.57(e) specifies that the Director may determine that remediation is not necessary if the owner or operator demonstrates to the satisfaction of the Director of a participating State that:

(1) The groundwater is additionally contaminated by substances that have originated from a source other than a MSWLF unit and those substances are present in concentrations such that cleanup of the release from the MSWLF unit would provide no significant reduction in risk to actual or potential receptors; or

(2) The constituent is present in groundwater that:

a. Is not currently or reasonably expected to be a source of drinking water; and

b. Is not hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in a concentration that would exceed the groundwater protection standards; or

(3) Remediation of the release is technically infeasible; or

(4) Remediation would result in unacceptable cross-media impacts.

Part 258 also states that even if the Director of a participating state does determine that remediation of the release is not necessary, this shall not affect the authority of the State to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and significantly reduce threats to human health or the environment. 40 CFR 258.57(f).

EPA is proposing to adopt this same provision into part 257 with one modification. EPA is proposing that a State Director may, on a site-specific basis, decide not to require cleanup of part 257 Appendix IV constituents released to groundwater from a CCR disposal unit where: (1) The groundwater is contaminated by multiple sources and cleanup of the CCR release would provide no significant reduction of risk; or (2) the contaminated groundwater is not a current or potential source of drinking water and is not hydraulically connected with waters to which the part 257 Appendix IV constituents are migrating or likely to migrate in a concentration(s) that would exceed the groundwater protection standards; or (3) remediation is not technically feasible; or (4) remediation would result in cross-media impacts. In part 258, an owner or operator is not required to undertake source control measures unless ordered by a State Director to do so. Although today's proposal includes § 257.97(g), which would make source control measures mandatory in a departure from part 258, EPA is considering making the source control measures for CCR units discretionary, similar to part 258, and seeks comment on this approach. For example, while the Director may determine that total remediation is not required, EPA seeks comment on whether source control measures (*e.g.,* covers and/or flow control measures or closure, if triggered by § 257.101(a)–(c)) to minimize or eliminate further releases could not be waived. In other words, EPA seeks comment on whether a State or EPA as the permitting authority in a nonparticipating state, or a facility directly implementing the requirements of this rule and subject to EPA oversight and public notice, should have discretion not to require or perform source control measures, including closure, in certain situations, *e.g.,* where there is no reasonable probability of adverse effect to human health or the environment. In addition, partial remediation of groundwater to concentrations that are technically feasible and that significantly reduce risks would also be required. EPA also seeks comment on this proposed approach. EPA describes each of these in further detail below. Under part 258, these provisions are discretionary. Depending on the comments EPA receives, EPA may modify the proposed requirements at § 257.97 to more closely reflect the source control measures contained in part 258. If EPA makes any such changes to § 257.97, it may also make conforming changes to § 257.101.

As noted, the Agency is proposing that participating states may waive the clean-up requirements where the groundwater is already contaminated by multiple sources and clean-up of the CCR release would provide no significant reduction of risk. In some cases, CCR units releasing part 257 Appendix IV constituents to the groundwater may be located in areas that already are significantly contaminated by other sources. Where releases from the CCR units are minor compared to the overall area-wide contamination, or where remedial measures aimed at the CCR unit would not significantly reduce risk, EPA believes that remediation of releases from the CCR unit would not be necessary or appropriate. Proposed § 257.97(f) is intended to address such situations.

Section 258.57(e)(1) applies only where sufficient evidence exists that the groundwater is contaminated by a source other than the CCR unit. In such cases, the owner or operator must demonstrate that cleanup of a release from its unit would provide no significant reduction in risk to receptors due to concentrations of constituents from the other source. EPA has previously characterized this provision as requiring facilities to make a robust demonstration that other sources are significant contributors to the contamination; this provision is not intended to provide facilities with a general opportunity to seek a waiver from the existing cleanup requirements under part 257.

The Agency is not proposing to define ''significant reductions'' in risk in this rulemaking, but consistent with the MSWLF rules, believes the decision is best made on a case-by-case basis by the State. The Agency understands and anticipates that states may have difficulties in defining ''significant reduction of risk'' but expects that States will be able to draw from their experience in implementing the analogous requirement in § 258.57(e)(1). Consistent with that provision, participating states should take a protective approach when evaluating requests for such a waiver. As one potential example, EPA considers that where the facility could document that the risks to potential receptors from non-CCR constituents would still exceed acceptable levels of concern (*i.e.,* risks greater than 1×10^{-4} to 1×10^{-6} for carcinogens, or an HQ greater than 1 for non-carcinogens) even if all CCR constituents had been removed, the facility could demonstrate there would be no significant reduction of risk from remediation of the CCR constituents. However, EPA solicits comment on whether there are additional criteria that

would be useful in further defining the proposed regulatory provision under § 257.97(f)(1), *e.g.,* criteria that states have used in implementing the analogous provision in part 258.

Under proposed § 257.97(f)(2), the State may also determine that a hazardous constituent that has been released from a CCR unit to groundwater does not pose a threat to human health and the environment and, therefore, does not require remediation if: (1) The groundwater is not a current or potential source of drinking water and (2) the groundwater is not hydraulically connected with waters that could be a current or potential source of drinking water or are not likely to migrate in a concentration(s) that would exceed the groundwater protection standards established under § 257.95(h). EPA generally interprets this to require a determination that the quality of the water in the aquifer is such that it could not reasonably be expected to be used as drinking water, even if treated to remove the contaminants. The provision does not allow a waiver on the grounds that the cost of treating the water to remove the contaminants is too high. EPA realizes that it is difficult to predict future improvements in treatment technologies, or to determine hydraulic connection. In interpreting whether the aquifer meets these regulatory criteria, States may use the approach outlined in the Agency's Ground-Water Protection Strategy (August 1984) as guidance.[32] As described in this guidance, typically Class III groundwaters will be considered to meet the requirements specified in § 257.97(f)(2). Class III groundwaters are groundwaters not considered potential sources of drinking water. They are groundwaters with high salinity, total dissolved solids levels over 10,000 mg/l, or are otherwise contaminated beyond levels that allow cleanup using methods reasonably employed in public water system treatment. These groundwaters also must not migrate to Class I or II groundwaters or have a discharge to surface water that could cause degradation. The need to remediate Class III groundwaters should be assessed on a case-by-case basis. Under the second criterion, the owner or operator must also demonstrate that the uppermost aquifer is not hydraulically connected with a lower aquifer. The owner or operator may nevertheless seek an exemption if it can be demonstrated that attenuation, advection/dispersion or other natural processes can remove the threat to interconnected aquifers. The owner or operator may also seek the latter exemption if the contaminated zone is not a current or potential drinking water source.

EPA is also proposing under § 257.97(f)(3) and (4) to allow the State to determine that remediation of a release is not required when remediation is not technically feasible or when remediation presents unacceptable cross-media impacts. Such a determination may be made, for example, in some cases where the nature of the hydrogeologic setting would prevent installation and operation of an effective groundwater pump and treat system (or other effective cleanup technology), *e.g.,* where the installation and operation of such a system could potentially increase environmental degradation by introducing the contaminant into groundwater that was not previously affected by the release. Additional examples of factors that may affect the efficacy of groundwater remediation can be found in EPA Guidance for Evaluating the Technical Impracticability of Ground-Water Restoration (OSWER Directive 9234.2–25, September 1993).[33] The Agency is specifically soliciting comment on the types of situations that might warrant a determination that remediation of a release is technically impracticable or presents unacceptable impacts and would not, therefore, be required.

A successful demonstration that remediation is not technically feasible must document specific facts that attribute to this demonstration. Technical infeasibilities may be related to the accessibility of the groundwater to treatment, as well as the treatability of the groundwater using existing treatment technologies. If the owner or operator can demonstrate that unacceptable cross-media impacts are uncontrollable under a given remedial option (e.g., movement in response to groundwater pumping) and that the no action option is a less risky alternative, then the Director of approved participating state may determine that remediation is not necessary.

As noted, EPA is generally relying on the factual record developed for the part 258 regulations to support this rule. However, the record for that rule does not contain information that would demonstrate that removing the existing regulatory requirement that all CCR units impose source control would meet the RCRA section 4004(a) protectiveness standard. These existing CCR requirements were established to address the well-documented risks associated with CCR units, as detailed in the risk assessment and the numerous damage cases in the rulemaking record.[34] The part 258 regulations apply only to landfills, while the CCR regulations apply to both landfills and surface impoundments, the latter being of particular concern. Surface impoundments by their very nature pose a potential for releases to groundwater that is different than landfills (e.g., presence of a hydraulic head) that may impact the importance of source control for these types of units. As discussed above, EPA requests comment on whether the proposal is appropriate, and whether the record for either the existing CCR rule or the part 258 rules includes information, or whether other information exists, to support adoption of the more flexible corrective action provision based on part 258 for CCR units, which could allow an owner or operator to undertake corrective action for unlined surface impoundments in lieu if closure. Depending on comments received, EPA may revise this provision to more closely reflect the existing source control and corrective actions requirements in part 258 that would allow source control, including closure, to be discretionary in certain situations.

C. Modification of Groundwater Monitoring Requirements

The current regulations at § 257.90 require all CCR units, without exception, to comply with the groundwater monitoring and corrective action requirements of §§ 257.90–257.98. The final CCR rule at § 257.91(a)(2) requires the installation of groundwater monitoring wells at the waste boundary of the CCR unit.

EPA is proposing to adopt a provision analogous to 40 CFR 258.50(b), which allows the Director of an approved participating state to suspend the groundwater monitoring requirements under § 258.51 through § 258.55 if the

[32] In addition to federal guidance, EPA is aware that States may currently use different or more sophisticated groundwater classification systems. In the preamble to the October 9, 1991 Final Rule promulgating the MSW landfill standards, on the matter of groundwater classification EPA noted that ''States are expected to use groundwater classification and resource evaluations in making their State decisions.'' 56 FR 50995.

[33] Additional documents related to technical impracticability may be found at *https://www.epa.gov/superfund/superfund-groundwater-groundwater-response-selection#TI_anchor.*

[34] For example, risk estimates for unlined surface impoundments were the highest of all CCR unit types evaluated (80 FR 21319, April 17, 2015) and EPA's documented record of confirmed damage cases was dominated by ''wet disposal'' (e.g., impoundments; 80 FR 21456, April 17, 2015).

owner or operator can demonstrate that there is no potential for migration of hazardous constituents from that MSWLF unit to the uppermost aquifer during the active life of the unit and the post-closure care period. Under part 258, the demonstration must be certified by a qualified groundwater scientist and approved by the Director of a participating state, and must be based upon:

(1) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport, and

(2) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and environment.

The Agency recognizes that certain hydrogeologic settings may preclude the migration of hazardous constituents from CCR disposal units to groundwater resources. Requiring groundwater monitoring in these settings would provide little or no additional protection to human health and the environment. Therefore, EPA is proposing to incorporate a nearly identical provision into the part 257 regulations. This would allow the Director of a participating state to suspend the groundwater monitoring requirements in § 257.91 through § 257.95 for a CCR unit upon demonstration by the owner or operator that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life, closure, or post-closure periods. However, the requirements of § 257.96 through § 257.98 would not be suspended. As discussed below, the provision being proposed for the part 257 regulations would be identical to that in the part 258 regulations with the exception for the requirement to periodically demonstrate that conditions have not changed, that is, there is still no migration of Appendix III or IV constituents from the CCR unit to the uppermost aquifer.

EPA recognizes it may be difficult for many facilities to meet the ''no potential for migration'' standard in the regulations. The suspension of monitoring requirements is intended only for those CCR units that are located in hydrogeologic settings in which hazardous constituents will not migrate to groundwater during the active life of the unit, closure, and post-closure periods. The Agency reminds readers that the ''no migration'' waiver has been a component of both the part 258 and the RCRA subtitle C groundwater monitoring programs for many years, and; based on its experience under these programs, the Agency expects that cases where these criteria are met will be rare.

The part 258 requirements allow the Director of a state program to establish the relevant point of compliance; in an unapproved state, the point of compliance is set by regulation at the waste management unit boundary. EPA does not believe the record for the part 258 requirements would support an alternative means for establishing the relevant point of compliance for CCR groundwater monitoring wells under RCRA section 4004(a). EPA requests comment on whether a State Director or EPA in a nonparticipating state, or an owner/operator subject to EPA oversight and public notice, could establish an alternative point of compliance consistent with the flexibility already allowed under the part 258 rules that would satisfy the standard of no reasonable probability of adverse effect on human health or the environment under section 4004(a).

In this action, EPA is not proposing to provide waivers from groundwater monitoring requirements except where the owner or operator in a participating state can demonstrate no potential for migration of hazardous constituents to the uppermost aquifer during the active life of the unit, closure, or post-closure periods. Consistent with the part 258 regulation, the Agency is proposing to allow this waiver only under the following conditions. EPA seeks comment on the use of each of these conditions. First, the suspension of groundwater monitoring requirements in § 257.91 through § 257.95 is available only for owners and operators of CCR units located in participating states or in those instances where EPA is the permitting authority. The Agency has limited the availability of the waiver because the Agency recognizes the need for the State to review a no-migration demonstration prior to granting a waiver from groundwater monitoring. However, the Agency seeks comment on an approach where a technical expert could make this demonstration (under the criteria described in the following paragraphs) and the facility could implement without the intervention of a permitting authority. In such an approach, the facility would keep records and post its determination on its web site and EPA would use the authorities in the WIIN act to oversee such a determination.

Second, the rule requires demonstrations of no potential for migration to be supported by both predictions that maximize contaminant migration and actual field data collected at the site. Field testing is necessary to establish the site's hydrogeological characteristics and must include an evaluation of unsaturated and saturated zone characteristics to ascertain the flow rate and pathway by which contaminants will migrate to groundwater. Any demonstration must be based on site-specific field measurements and sampling and analyses to determine the physical, chemical, and biological processes affecting the fate and transport of hazardous constituents. Site-specific information must include, at a minimum, the information necessary to evaluate or interpret the effects of the following properties or processes on contaminant fate and transport:

(1) Aquifer Characteristics, including hydraulic conductivity, hydraulic gradient, effective porosity, aquifer thickness, degree of saturation, stratigraphy, degree of fracturing and secondary porosity of soils and bedrock, aquifer heterogeneity, groundwater discharge, and groundwater recharge areas;

(2) Waste Characteristics, including quantity, type, and origin;

(3) Climatic Conditions, including annual precipitation, leachate generation estimates, and effects on leachate quality;

(4) Leachate Characteristics, including leachate composition, solubility, density, the presence of immiscible constituents, Eh, and pH;

(5) Engineered Controls, including liners, cover systems, and aquifer controls (e.g., lowering the water table). These should be evaluated under design and failure conditions to estimate their long-term residual performance.

(6) Attenuation of contaminants in the subsurface, including adsorption/desorption reactions, ion exchange organic content of soil, soil water pH, and consideration of possible reactions causing chemical transformation or chelation.

(7) Microbiological Degradation, which may attenuate target compounds or cause transformations of compounds, potentially forming more toxic chemical species.

Modeling may also be useful for assessing and verifying the potential for migration of hazardous constituents. However, any models used should be based on actual field collected data to adequately predict potential groundwater contamination. When owners or operators prepare a no migration demonstration, they must use transport predictions that are based on the maximum contaminant migration (i.e., worst case scenario) both from the unit and through the subsurface media. Assumptions about variables affecting transport should be biased toward over

estimating transport and the anticipated concentrations. Assumptions and site-specific data that are used in the fate and transport predictions should conform with transport principles and processes, including adherence to mass-balance and chemical equilibria limitations. Within these physicochemical limitations assumptions should be biased toward the objective of assessing the maximum potential impact on human health and the environment.

Third, the proposed rule would require the demonstrations to be certified by a qualified professional engineer and approved by the Director of a participating state to ensure that there is a high degree of confidence that no contamination will reach the uppermost aquifer.

Finally, the proposed rule would require the owner or operator of the CCR unit to make periodic demonstrations every 10 years in order to retain the suspension of groundwater monitoring. The Agency received comments on suspending the groundwater monitoring requirements for MSWLFs in part 258 that suggested EPA require periodic demonstrations every five or ten years. See, 56 FR 51061 (October 9, 1991). The Agency decided against requiring periodic demonstrations for MSWLFs because the demonstration required must be extremely rigorous and because of the additional costs associated with the continual reapplication for the suspension. As mentioned earlier in this proposed rulemaking, the statutory standard for the part 258 regulations is different than the standard for the CCR regulations: The CCR regulations are based on RCRA section 4004(a), which requires that the regulations ensure ''there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility.'' 42 U.S.C. 6944(a). This is a risk-only standard. By contrast, EPA was authorized to ''take into account the [facility's] practicable capability'' in developing the part 258 regulations. 42 U.S.C. 6949a(c). Also, the part 258 regulations apply only to landfills, while the CCR regulations apply to both landfills and surface impoundments, the latter being of particular concern. Surface impoundments by their very nature pose a potential for releases to groundwater that is different than landfills (*e.g.,* presence of a hydraulic head) that may impact the importance of source control for these types of units. The risk assessment for the CCR rule found that, even when key variables are controlled (*e.g.,* liner type, waste type) for the long-term risks from surface impoundments are greater than from landfills. This is because the high and sustained hydraulic head present in these surface impoundments drives leachate into the groundwater table at an accelerated rate. Based on these factors, EPA is proposing to require an owner or operator to conduct a new demonstration once every 10 years to show that the suspension of groundwater monitoring continues to be appropriate. See proposed § 257.90(g). This new demonstration should be submitted to the State Director one year before the existing groundwater monitoring suspension is due to expire. If the suspension expires for any reason, the unit must begin groundwater monitoring according to § 257.90(a) within 90 days.

Further guidance for conducting these evaluations can be found in the OSWER Solid Waste Disposal Facility Criteria Technical Manual for MSWLFs (EPA530–R–93–017, 1993) and the Ground-Water Monitoring Guidance Document for Owners and Operators of Interim Status Facilities (1983).

D. Alternate Period of Time To Demonstrate Compliance With Corrective Action

The current regulations at § 257.98(c)(2) require that facilities demonstrate that compliance with the groundwater protection standards (GWPS) established under § 257.95(h) have been achieved by monitoring results documenting that concentrations of constituents listed in Appendix IV to part 257 have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g). EPA is proposing to modify this by adopting a provision analogous to 40 CFR 258(e)(2). Both the part 258 regulation and the proposed § 257.98(c)(4) counterpart allow the Director of a participating state to specify an alternative length of time during which the owner or operator must demonstrate that concentrations of Appendix II to part 258 constituents (or in the case of the proposed part 257 counterpart, Appendix IV to part 257 constituents) have not exceeded the groundwater protection standard(s). Under the current part 258 regulations, the State must make this determination after taking into consideration: (1) The extent and concentration of the release(s); (2) behavior characteristics of the hazardous constituents in the groundwater; (3) accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and (4) characteristics of the groundwater.

When establishing an alternative compliance period, the proposed regulation would require a State to consider the following site-specific conditions under § 257.98(c)(4): (1) The extent and the concentration of the release; (2) the behavior characteristics (fate and transport) of the part 257 Appendix IV constituents in the groundwater (e.g., mobility, persistence, toxicity); (3) the accuracy of monitoring or modeling techniques, including any seasonal, geotechnical/geophysical, meteorological, or other environmental variabilities that may affect the accuracy; and (4) the characteristics of the groundwater (e.g., flow rate, pH). These are the same factors included in part 258; consideration of these factors will allow the State to set an appropriate time period for demonstrating compliance with the groundwater protection standards rather than relying on an arbitrary time period for all facilities or all situations at the same facility. In large part, EPA is relying on the longstanding experience with these criteria under part 258 for municipal solid waste landfills.

In summary, § 257.98(c)(2) and (4) of this proposal requires that the groundwater protection standard be achieved for a period of three consecutive years at all points within the plume of contamination unless an alternative period of time is established by a participating state. Those states may set an alternative period of compliance after taking site-specific conditions into consideration. In demonstrating compliance with the groundwater protection standard, the owner or operator would be required to use the statistical procedures in § 257.93.

E. Length of Post-Closure Care Period

The current regulations at § 257.104(c)(1) state that the owner or operator of a closed CCR unit must conduct post-closure care for 30 years unless at the end of the 30 years corrective action is on-going, or the CCR unit is operating under assessment monitoring, in which case the owner or operator must continue to conduct post-closure care until the unit has returned to detection monitoring.

EPA is proposing to adopt a provision analogous to 40 CFR 258.61(b), which allows the Director of a participating state to decrease the length of the post-closure care period if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this demonstration is approved by the

Director of approved participating state. It also allows the Director of the participating state to increase the length of the post closure period if the Director determines a lengthened period is necessary to protect human health and the environment.

The Agency is proposing this provision to account for situations where a 30-year post-closure care period may be inappropriate based on site-specific conditions. Overall, providing for variances in the post-closure care period in these states allows the flexibility to accommodate differences in geology, climate, topography, resources, demographics, etc. In all cases, however, these decisions must be reviewed carefully by the State to ensure units are monitored and maintained for as long as is necessary to protect human health and the environment.

In determining whether a revised post-closure care period is warranted, one critical factor is ensuring that the cover will continue to function effectively. EPA recognizes that no final cover, however well-constructed, will last forever. In 1988, EPA stated that ''even the best liner and leachate collection system will ultimately fail due to natural deterioration . . . .'' [35] Although any impermeable barriers used in a final cover system will eventually fail, studies have shown that such natural deterioration can take thousands of years (Needham et al., 2006; Rowe & Islam, 2009).[36] [37] This is consistent with the concept of bathtub (or U shaped) failure rate in reliability analysis (Shehla & Khan, 2016).[38] This failure pattern begins with a wear-in period where failure rates are high due to design and manufacturing problems. The failure rate then decreases to a low, constant rate for a period of time before rising in the third, wear-out phase.

Though this wear-out phase may take thousands of years, the wear-in phase for waste management unit covers is much shorter. In the context of CCR units, the wear-in phase of a closed unit would be due to imperfections in covers, either from a manufacturing defect or faulty installation. Manufacturing defects may include items such as pin holes, whereas faulty installation may be the result of a tear or failure to properly seal joints (Bonaparte et al, 1989).[39]

Settlement resulting from factors, such as the gradual dissolution of more soluble components within the ash mixture, is also a potential issue. Depressions caused by settlement may lead to ponding and should be filled with soil. Excessive settlement may warrant reconstructing or adding to portions of the infiltration layer. Settlement can also damage the cover through tension cracks and tears in the synthetic membrane. For example, topographic surveys of the unit(s) may be used every few years until settlement behavior is established, to determine whether settlement has occurred.

Consequently, EPA is proposing to require that part of determining whether a shorter post-closure care period will protect human health and the environment, a state must ensure that the post-closure care period is long enough to detect such issues. This would require the state to consider not only the type of cover placed on the unit (*e.g.,* compacted soil), but also the placement of the groundwater monitoring wells with respect to the waste management unit. For instance, where a waste management unit is close to the groundwater table and the groundwater monitoring wells are located at the unit boundary, one would generally expect transit time of any contamination to be short, and thus a shorter post-closure monitoring period might be sufficient to catch wear-in defects in the cover system. However, where the unit is located further from the groundwater table, constituents may not have sufficient time to reach the monitoring wells under such a curtailed post-closure period.

In addition, under the current CCR regulations, once detection monitoring yields a statistically significant increase above background levels of any Appendix III constituent, assessment monitoring is triggered, and the unit continues to be subject to the rule's post-closure care requirements so long as the CCR unit is operating under assessment monitoring. Section 257.104(c)(2). EPA is not proposing to amend this requirement, or to allow States to do so as part of this new provision. Thus, the State could not allow a facility to end the post-closure care period, once the detection of contamination above background triggers assessment monitoring. This would hold, even if the State had previously authorized a shorter post-closure care period. EPA is proposing to include language in this provision that clarifies how these two requirements interact.

F. Allowing Directors of Participating States To Issue Certifications in Lieu of Requiring a PE Certification

To ensure that the RCRA subtitle D requirements would achieve the statutory standard of ''no reasonable probability of adverse effects on health and the environment'' in the absence of regulatory oversight, the current CCR regulations require facilities to obtain third party certifications and to provide enhanced state and public notifications of actions taken to comply with the regulatory requirements. Specifically, in the final CCR rule EPA required numerous technical demonstrations made by the owner or operator be certified by a qualified professional engineer (PE) in order to provide verification of the facility's technical judgments and to otherwise ensure that the provisions of the rule were properly applied. While EPA acknowledged that relying upon a third party certification was not the same as relying upon a state or federal regulatory authority and was not expected to provide the same level of independence as a state permit program, the availability of meaningful third party verification provided critical support that the rule would achieve the statutory standard, as it would provide a degree of control over a facility's discretion in implementing the rule. However, the situation has changed with the passage of the WIIN Act, which offers the opportunity for State oversight under an approved permit program. To reflect that, EPA is proposing to revise the regulations to allow the Director of a state with an approved CCR permit program (a participating state) to certify that the regulatory criteria have been met in lieu of the exclusive reliance on a qualified PE. EPA expects that States will generally rely on the expertise of its own engineers to evaluate whether the technical criteria have been met. Alternatively, States might choose to retain the required certification by a qualified PE and use its own expertise to evaluate that certification. Finally, EPA notes that under the existing regulations, a facility may already rely on a certification provided by a qualified PE in a State agency, who reviews the facility actions as part of a purely State-law mandated process. Thus, EPA is confident that the

[35] US EPA, ''Solid Waste Disposal Facility Criteria; Proposed Rule,'' 53 FR 33345 (August 30, 1988).

[36] Needham, A.D., Smith, J.W.N., Gallagher, E.M.G. 2006. *The service life of polyethylene geomembrane barriers. Engineering Geology* 85. 82–90.

[37] Rowe, R.K., Islam, M.Z. 2009. *Impact of landfill liner time-temperature history on the service life of HDPE geomembranes. Waste Management* 29. 2689–2699.

[38] Shehla, R., & Khan, A.A. (2016). Reliability analysis using an exponential power model with bathtub-shaped failure rate function: a Bayes study. *SpringerPlus, 5*(1), 1076. *http://doi.org/10.1186/s40064-016-2722-3.*

[39] Bonaparte, R., J.P. Giroud, and B.A. Gross. 1989. Rates of leakage through landfill liners. *Geosynthetics 1989 Conference.* San Diego, CA.

additional layer of oversight provided by the State under this proposal will be at least as protective than the status quo under the existing regulations.

G. Revision To Allow the Use of CCR During Certain Closure Situations

EPA is proposing to revise the current regulations to allow the use of CCR in the construction of final cover systems for CCR units closing pursuant to § 257.101 that are closing with waste-in-place. EPA is also proposing specific criteria that the final cover system must meet in order to allow for the placement of CCR in the final cover system. EPA is proposing two performance standards: One that applies directly to facilities in any ''non-participating state'' and a second that applies to facilities that operate in states with an approved CCR permit program (''participating'' state). Specifically, EPA is proposing to allow for the continued placement of CCR in units triggered for closure to construct a cover system under the following conditions: (1) Only CCR generated on-site may be used in the construction of the cover system; (2) CCR may be used exclusively for the purposes of grading and contouring of the cover system; (3) CCR must be placed within the vertical plane of the boundary of the unit; and (4) must be at either no steeper than a 5 percent grade or at a steeper grade, as determined by the Director of an approved program based on a stability analysis. These criteria are intended to ensure that the CCR utilized in construction of the final cover system does not exceed the necessary amount for grading and contouring.

The current CCR rules require that certain units must close for cause, as laid forth in § 257.101(a)–(c). As written, the regulation expressly prohibits ''placing CCR'' in any units required to close for-cause pursuant to § 257.101. This includes unlined CCR surface impoundments whose groundwater monitoring shows an exceedance of a groundwater protection standard (§ 257.101(a)(1)); existing CCR units that do not comply with the location criteria (§ 257.101(b)(1)); and CCR surface impoundments that are not designed and operated to achieve minimum safety factors (§ 257.101(b)(2) and (c)(1)). Note that the rule does not distinguish between placement that might be considered beneficial use and placement that might be considered disposal. All further placement of CCR into the unit is prohibited once the provisions of § 257.101 are triggered. By contrast, the regulations do not restrict further placement or use of CCR when the unit is closing under other provisions.

Proposal for Closure With CCR

After publication of the final rule, EPA received numerous requests that EPA clarify whether use of CCR in completing the closure of a unit was permitted under the regulation, either as part of a closure plan or under the theory that such an activity was ''beneficial use.'' After evaluating the issue, EPA is proposing an exemption that would allow further placement of CCR in a CCR unit closing pursuant to § 257.101 for the purposes of construction of the final cover system. EPA is not proposing any other revisions to the existing closure requirements; therefore, owners and operators who choose to place CCR as part of the final cover system as part of closure ''for cause'' will still need to comply with all of the existing closure requirements in §§ 257.101–104.

EPA is proposing this revision because there are environmental and health benefits in allowing use of CCR in this fashion, and as discussed below in more detail, provided the conditions outlined in this rule are met, the existing information demonstrate that the use of CCR in this fashion would not measurably affect the risks from the unit. Allowing the use of on-site CCR in lieu of other material to construct the cover furthers the general goal in § 257.102(d)(1)(v) of closing as quickly as possible. As EPA identified in the final rule, the process for procuring at-specification earthen material in the volumes necessary for the final cover system construction can complicate completion of closure requirements within the required time frames. This was explicitly described as a factor that could support an extension of the closure deadlines under § 257.102(f)(2)(i)(C). Thus, this proposed revision is expected to allow facilities to complete closure more quickly, and accordingly realize reduced risks more quickly.

This proposal is a narrow modification of the § 257.101 prohibition on CCR placement, and contains four requirements to ensure that the use of CCR is to accelerate closure rather than merely allow the facility continue the disposal of CCR in a deficient unit. First, the material placed under this exemption must have been generated on-site and be present at the time of closure. Second, the material may only be used for the grading and contouring of the cover system, not to fill up a partially full unit. Third, the placement of the material must be within the boundary or the vertical plane of the boundary of the waste management unit. Finally, the material may only be used to construct a cover at either no steeper than a 5 percent grade or at a steeper grade, as determined by the Director of an approved program (or EPA where it is the permitting authority). Each of these requirements is discussed further below.

On-site materials. EPA is proposing that all CCR material utilized for construction of the final cover system must have been generated by the facility, *i.e.,* by the coal-fired boilers that generated electricity at the facility and associated air pollution control devices, and that the CCR be located at the facility since the time of generation. CCR sourced exclusively from on-site will allow for timely construction of the final cover system. Moreover, EPA does not intend this proposed rule to allow owners and operators to continue disposal into a waste management unit that is closing for cause pursuant to § 257.101. Limiting the source of material will help to ensure that. Rather, the exemption is meant to allow for the genuine use of available materials for the closure of a waste management unit.

For grading and contouring. EPA is also proposing to limit the exemption to the design and construction of the final cover system. As noted previously, § 257.102(d)(2) requires that dewatering and stabilization be achieved prior to installation of a cover, and § 257.102(d)(3) requires that several protective layers be constructed at the uppermost areas of the final cover system. As a practical matter, these two existing provisions (which EPA is not proposing to modify or take comment on) would effectively limit the placement of CCR to grading and contouring. Nevertheless, to avoid confusion, EPA is proposing to include a specific condition to make this explicit. For the purposes of this rule, EPA considers grading and contouring as activities specifically related to creating elevation differences and travel pathways to encourage free drainage of liquids out of and away from the CCR surface impoundment. Accordingly, EPA is proposing to define grading to mean placement of CCR for the sole purpose of creating differences in elevation to support positive stormwater drainage. EPA is also proposing to define contouring to mean placement of material to provide a continuous downward slope on the surface of a drainage area (*i.e.,* the final cover system), except for erosion control features (*e.g.,* swales, contour banks).

This proposal would not allow placement of CCR for the purposes of waste stabilization or to otherwise fill

the unit to capacity. Placement of CCR for these purposes would involve the placement of substantial volumes of CCR into a leaking or otherwise deficient unit, and EPA lacks information that such further placement would be protective. To achieve this, EPA is proposing different criteria based on the construction of the unit. Many surface impoundments consist of an incised portion, or portion which is excavated below the surrounding grade. Incised units are units that hold an accumulation of CCR entirely below the adjacent natural ground surface, and do not consist of any constructed diked portion. For incised CCR surface impoundments, EPA is proposing that any CCR utilized for the final cover system must be placed above the highest elevation of the surrounding natural ground surface where the CCR unit was constructed.

EPA intends for this requirement to account for the preexisting topography in the area where the incised CCR unit was constructed. The owner or operator would be responsible for determining the preexisting topography of the CCR unit through means of historical documentation or by identifying the highest point of the perimeter of the excavated portion of the unit.

A primary purpose of a final cover system is to encourage free surface drainage in order to limit infiltration from precipitation into the underlying waste. CCR units with incised portions can present an issue with free drainage of liquids because much of the unit is located below the surrounding grade and does not allow for drainage by gravity, *i.e.,* the drainage must occur mechanically, by evapotranspiration, or by infiltration. Placement of CCR below the highest elevation of the surrounding topography would no longer serve the purpose of encouraging drainage, and therefore would not be considered part of constructing the final cover system.

For all other units, including CCR surface impoundments that consist of a diked portion, *e.g.,* diked impoundments, cross-valley impoundments, side-hill impoundments, or some combination thereof, EPA is proposing to require the owner or operator to establish a baseline elevation above which all CCR would need to be placed when constructing the final cover system. EPA is proposing that this baseline elevation be defined as the highest elevation of CCR in the unit, following dewatering and stabilization as required by § 257.102(d)(2).[40] From that point forward, CCR material may only be placed above that elevation for grading and contouring.

These requirements are designed to establish clear and objective geometric boundaries for the permissible placement of CCR. With these two performance standards, EPA is effectively establishing a ''lowest bound'' plane; placement below that elevation would be considered to be disposal, and would still be prohibited. EPA is also proposing to establish an upper bound to ensure that only the amount of CCR necessary for grading and contouring is used. The ''upper bound'' is represented by the maximum final grade of the final cover system of 1:20, *i.e.,* 5 percent (discussed further below). Furthermore, the ''vertical plane'' criteria discussed later in this preamble would also establish ''horizontal bounds'' for placement of CCR material in the cover system. In order to fulfill the ''free drainage'' criteria set forth in § 257.102(d)(1)(ii), the geometry of the waste in the unit must allow for free drainage of all water, sediment, and slurry from any point within the CCR surface impoundment out of the breached portion of the embankment.

Collectively, these criteria are designed to ensure owners and operators place only the amount of CCR necessary to achieve adequate grading and contouring for free drainage.

For example, this proposal would not allow the owner or operator to raise the breached invert elevation and place CCR material above the previously placed ''waste-in-place'' CCR and effectively raise the invert elevation for drainage. EPA intends for the final level of CCR within the CCR unit to essentially be the ultimate height of the surface of the final cover system, with allowance for limited addition of material to ensure effective drainage from the unit. EPA does not intend for this proposal to allow the facility to unnecessarily raise the invert elevation of the breached portion of the embankment, as a means of further disposal of CCR in the interim space between initial invert and adjusted invert elevations.

Within the vertical plane. EPA is proposing that CCR used for construction of the final cover system may not be placed outside the vertical plane. The vertical plane for non-incised units is established as the line which extends from the intersection between the crest of the CCR within the surface impoundment and the berm or dike of the CCR surface impoundment. For incised CCR surface impoundments, the vertical plane is established as the line that extends at the intersection where the cap of the CCR surface impoundment with a slope of no steeper than 5 percent meets the natural topography of the land prior the construction of the CCR unit. Placement beyond this boundary would constitute a lateral expansion as defined in § 257.53.[41] EPA is proposing this requirement in order to prevent the potential release of CCR constituents outside of the waste boundary without the protections EPA deliberately included in the final rule for such lateral expansions.

At no steeper than a 5 percent grade. EPA is proposing that the final cover system using CCR for grading and contouring be constructed with slopes no steeper than 1:20. This ratio of vertical rise to horizontal rise is equal to a 5 percent grade. EPA has identified 5 percent to generally be the maximum necessary grade to promote positive drainage in a vegetated slope runoff, as steeper grades may lead to erosion and deterioration of the final cover system.[42] EPA is proposing a maximum grade for the final cover system to minimize the potential for abuse whereby a facility might unnecessarily grade a cover steeply in order to dispose of additional CCR. EPA intends the grade of the final cover system to allow for free drainage to the invert elevation of the breached portion of the embankment.

However, in rare instances it may be possible that a cover requires a steeper grade. Consequently, EPA is proposing that the Director of a participating state may approve a grade steeper than 5 percent in a permit if such a grade is necessary for the proper function of the cover system. To support a steeper grade, a stability analysis must be performed to evaluate possible erosion potential. A stability analysis looks at the ability of soil to resist sliding on itself on the slope. The analysis, at a minimum, must evaluate: (1) The site geology, (2) characterize soil shear strength, (3) construct a slope stability model, (4) establish groundwater and seepage conditions, if any, (5) select loading conditions, (6) locate critical

[40] As noted, under the existing regulations the owner or operator must first breach and dewater the CCR unit, allowing for free drainage of water, sediment, or slurry out of the CCR surface impoundment via surface runoff, prior to construction of the final cover system. Additionally, if the owner or operator intends to leave waste-in-place, the owner or operator must ''preclude the probability of future impoundment of water, sediment, or slurry,'' per the requirements of § 257.102(d)(1)(ii).

[41] *Lateral expansion* means a horizontal expansion of the waste boundaries of an existing CCR landfill or existing CCR surface impoundment made after October 19, 2015.

[42] USEPA, Solid Waste Disposal Facility Criteria-Technical Manual, EPA Document EPA530–R–93–017.

failure surface, and (7) iterate until minimum factor of safety is achieved.

Finally, EPA recently issued an interpretation that under the current regulations, the prohibition on the placement a unit closing for cause did not preclude the movement of additional wastes (stormwater and associated/accompanying CCR) between the units that operate as part of a multiunit treatment system. The current regulations allow the facility to treat such units as a single unit. See, *e.g.,* § 257.91(d)(1). Based the longstanding interpretation that EPA does not regulate the movement of wastes within a unit, EPA concluded that where the impoundments are being treated as a singular system, the movement of CCR within that system (*i.e.,* from one impoundment to another) would not be considered ''placing CCR'' under the prohibitions of § 257.101. Under this same logic, a facility could conceivably consolidate the CCR from other units in the system into a single unit, even though the unit was deficient. There can be benefits to such a practice; for example, it may facilitate clean closure and allow owners and operators to focus their long term monitoring, care, and cleanup obligations on a single unit rather than many units. And presuming the unit meets all of the performance standards for closure with waste in place, it may be the risks associated with such consolidation are acceptable. However, there are also potentially significant risks associated with the continued placement of large volumes of CCR in a deficient unit. As discussed in the next section, although EPA has preliminarily concluded that the use of CCR in the construction of the cover system will meet the RCRA section 4004(a) standard, there were limitations in the assessment that raise questions about further extrapolation of that assessment to support the placement of large volumes of CCR in these units (*e.g.,* EPA's risk assessment did not model the addition of CCR to partially-filled leaking units). Thus an interpretation that allowed consolidation of CCR into a single unit of a multi-unit system could be seen as inconsistent with the approach outlined in this proposal.

EPA has not determined whether allowing such a practice meets the statutory standard, and is therefore soliciting comment on two potential alternatives. Under one approach EPA would rely on its longstanding interpretation to allow the consolidation of CCR from units operating within a multi-unit system, when the facility treats the system as a single unit for purposes of closure (*i.e.,* all units within the system are closing). Alternatively, EPA would revise the regulations to explicitly clarify that only the use of CCR for purposes of grading and contouring is permitted, even between units within a multi-unit system closing for cause. Note that under either approach, EPA does not intend to revise its interpretation that the movement of stormwater (and associated CCR) between units within a multi-unit system that is closing for cause is permissible. EPA is concerned about the potential risks associated with the continued placement of large volumes of CCR, and similar concerns are not raised by the movement of stormwater and de minimis amounts of CCR between units in the process of clean closing.

Analytic Support of Risk Assessment Results

U.S. EPA (2009) [43] used a response-surface regression method to derive a statistical model for groundwater concentration (as the dependent variable) based on the input parameters from the probabilistic analysis (as independent variables). Concentration, rather than risk, was chosen as the dependent variable for the sensitivity analysis because the additional exposure factors used to calculate human health risk from environmental concentration (*e.g.,* body weight) have well established, peer-reviewed distributions based on EPA policy. The outputs of the sensitivity analysis were goodness-of-fit values used to determine the relative importance of each input parameter. The most sensitive parameters identified are presented in Table 1.

TABLE 1—SENSITIVE PARAMETERS

Pathway:	GW to DW pathway		GW to SW pathway
Constituents:	All constituents	Strongly sorbing	All constituents
Sensitive Parameters	• Infiltration rate • Leachate concentration • Hydraulic gradient • Hydraulic conductivity.	• K_d value • Depth to groundwater • Distance to receptor well	• Infiltration rate. • Leachate concentration. • Water body flow rate.

Note: GW = Groundwater; DW = Drinking Water; SW = Surface Water.

As seen in the table above, the groundwater to drinking water exposure pathway had more input parameters that were highly sensitive (seven) than the groundwater to surface water exposure pathways (three). The most sensitive parameters for the groundwater to drinking water pathways were parameters that impact flux (infiltration rate and leachate concentration) and groundwater flow (hydraulic conductivity and gradient). When modeling strongly sorbing constituents, the K_d values and distance to receptor also become important. The most sensitive parameters for the groundwater to surface water exposure pathways were parameters impacting flux (infiltration rate to groundwater and leachate concentration) and the water body flow rate.

Depth to groundwater was a sensitive parameter for strongly sorbing constituents. However, the sensitivity analysis did not find total waste depth (*i.e.,* total thickness of CCRs disposed in a unit filled to capacity) to be a sensitive parameter for closed landfills and surface impoundments. However, EPA sought to verify this through further analysis of the final risk assessment results (U.S. EPA, 2014).[44]

The risks EPA sought to further evaluate were those from surface impoundments closed for cause with waste in place. In Appendix K of the final risk assessment, EPA modeled dewatered surface impoundments post-closure with waste in place as

[43] U.S. EPA (Environmental Protection Agency). 2009. Sensitivity Analysis for the Coal Combustion Waste Risk Assessment. Draft Technical Report. Prepared by RTI International for U.S. EPA, Office of Solid Waste, Washington, DC.

[44] U.S. EPA. 2014. Human Health and Ecological Risk Assessment of Coal Combustion Residuals. Final. Office of Resource Conservation and Recovery. December. RIN: 2050–AE81.

equivalent to closed landfills. Because the results driving EPA's final rule were those for trivalent arsenic [As(III)] cancer risks, EPA selected As(III) cancer risk results from landfills as the appropriate results on which to conduct this sensitivity analysis.

EPA used the probabilistic model inputs for waste depth to calculate 25th, 50th, and 75th percentile waste depths. These cutoffs were used to filter the model runs into four quartiles. For each quartile EPA calculated a 90th percentile As(III) cancer risk. Below are the As(III) cancer risk results EPA obtained when filtering the landfill risk results for the depth of the waste. As waste depth changed, EPA did not see significant changes in risk for any liner type. This confirms the findings of the sensitivity analysis where depth was not shown to be a sensitive parameter.

TABLE 2—90TH PERCENTILE AS(III) CANCER RISKS ACROSS WASTE DEPTH QUARTILE

	1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
Liner Type:				
Unlined	1.50E–05	1.28E–05	2.66E–05	1.79E–05
Clay Lined	1.28E–05	1.11E–05	1.32E–05	1.93E–05
Composite	1.39E–20	5.34E–29	3.84E–27	<1.00E–30

EPA also notes that the volume of infiltration from precipitation relative to the volume of waste present in a unit is very small. This would lead to a low liquid-to-solid (L/S) ratio for water passing through landfills and dewatered surface impoundments. The low L/S ratio ensures that the leachate is saturated with constituent mass before it exits the bottom of the landfill or surface impoundment. Because the leachate is in equilibrium with the waste, the addition of more mass would not further increase leachate concentrations. Instead, the increased total mass would affect the time necessary for constituent mass to fully deplete from the waste. A majority of the model runs for arsenic already reached a steady state concentration at the well within the modeled timeframe. Therefore, an increase in leaching duration would not substantially alter long-term risks.

The addition of larger volumes of ash for purposes other than expediting closure would result in a greater amount of time without a cap and other appropriate controls in place. This would result in greater opportunity for precipitation to infiltrate into the unit prior to closure. The additional volume of water would increase the hydraulic head within the unit and, ultimately, the rate of infiltration down to the groundwater table. EPA identified infiltration to groundwater as one of the most sensitive variables when modeling risks. Thus, EPA concludes that the addition of ash for purposes other than expediting closure has the potential to increase the transport of constituent mass to groundwater and the associated risks.

Under this proposal, utilities could add ash to construct the cover system for closure of a unit for the purpose of achieving the necessary grade to safely close with waste in place. A review of both the 2009 sensitivity analysis and the final risk assessment found that the comparatively minor addition of CCR mass applied solely for grading purposes would not alter potential risks to receptors. Therefore, EPA finds that the use of ash for grading would remain protective of human health and the environment.

V. The Projected Economic Impacts of This Action

A. Introduction

EPA estimated the costs and benefits of this action in a Regulatory Impact Analysis (RIA) which is available in the docket for this action. The RIA estimates costs and cost savings attributable to the provisions of this action against the baseline costs and cost savings of the 2015 CCR final rule. The RIA estimates that the net annualized impact of these eleven provisions over a 100 year period of analysis will be cost savings of between $32 million and $100 million when discounting at 7 percent and cost savings between $25 million and $76 million when discounting at 3 percent. This action is considered an economically significant action under Executive Order 12866.

B. Affected Universe

The universe of affected entities for this rule consists of the same entities affected by EPA's 2015 CCR final rule. These entities are coal-fired electricity generating plants operated by the electric utility industry. They can be identified by their North American Industry Classification System (NAICS) designation 221112 ''Fossil Fuel Electric Power Generation''. The RIA estimates that there are 414 coal-fired electricity generating plants operating 922 CCR management units (landfills, disposal impoundments, and storage impoundments) that will be affected by this rule.

C. Baseline Costs

The baseline costs for this rule are the costs of compliance with EPA's 2015 CCR final rule, as the provisions of this rule modify the provisions of the 2015 CCR final rule or modify the implementation of the 2015 CCR rule by WIIN Act participating states. The RIA for the 2015 CCR final rule estimated these costs at an annualized $509 million when discounting at 7 percent and an annualized $735 million when discounting at 3 percent.

D. Cost Savings, Other Benefits, and Adjustments to the Baseline

The RIA estimates costs and costs savings for the four proposals associated with the 2015 CCR rule judicial remand as well as the six alternative performance standards that will apply in participating states under the WIIN Act, and the use CCR during certain closure situations. The RIA estimates that the net annualized impact of these eleven provisions over a 100 year period of analysis will be an annualized cost savings of between $32 million and $100 million when discounting at 7 percent, and an annualized cost savings of between $25 million and $76 million when discounting at 3 percent.

The RIA also estimates potential adjustments to the baseline costs of the CCR final rule due to plant closures that occurred after the rule was published but before the effective date of the rule. The RIA accompanying the 2015 CCR final rule assigned compliance costs to these plants, which they are exempt from because they closed before the final rule's effective date. In all, 23 plants closed before the effective date of the final rule that were not accounted for in 2015 final rule RIA. The annualized compliance costs avoided for these plants equals between $22 million and $25 million per year when discounting at 7 percent and between $22 million and $31 million when

discounting at 3 percent. This cost adjustment is detailed in the RIA that accompanies this rulemaking, however it is not factored into the baseline or the benefit estimates for this rule to keep comparisons with the 2015 CCR final rule straight forward.

E. Solicitation of Comments on the Projected Economic Impacts

EPA is soliciting comments on the following aspects of the Regulatory Impact Analysis (RIA), which is available in the docket for this rulemaking. The Agency is soliciting comment primarily on the assumptions and the data sources used in the analysis.

- Do you have information that would refine the RIA assumptions about the number of facilities both in and serving affected NERC regions that would request alternative closure under Additional Provision 1 (the amendment discussed in Unit III.D of this preamble)?
- Do you have information that would refine the RIA assumption that facilities seeking alternative closure requirements under Additional Provision 1 (the amendment discussed in Unit III.D of this preamble) would delay closure by five years (the maximum allowed under the rule)?
- Do you have information that would refine the RIA assumptions about the maximum or minimum number of states that would likely adopt alternative performance standards under the WIIN Act?
- Do you have information that would refine the RIA assumptions about the changes in total corrective action costs for a release due to the Alternative Performance Standard 1 (the amendment discussed in Unit IV.A of this preamble)?
- Do you have information that would refine the RIA assumptions about the total number of CCR units that may avoid corrective action costs due to the Alternative Performance Standard 2 (the amendment discussed in Unit IV.B of this preamble)?
- Do you have information that would refine the RIA assumptions about the number of units that will receive a ''no migration'' waiver under Alternative Performance Standard 3 (the amendment discussed in Unit IV.C of this preamble)?
- Do you have information that would refine the RIA assumption that states adopting Alternative Performance Standard 4 (the amendment discussed in Unit IV.D of this preamble) would on average reduce the post-remedy monitoring from three years to one year?
- Do you have information that would refine the RIA assumption that states adopting Alternative Performance Standard 5 (the amendment discussed in Unit IV.E of this preamble) would on average reduce the period from 30 years to five years?
- Do you have information that would refine the RIA assumptions about the total number of CCR units that would use CCR as allowed under Additional Provision 2 (the amendment discussed in Unit IV.G of this preamble)?
- Do you have information that would refine the RIA assumptions about the average annual number of CCR units closing (RIA page 4–14)?
- Do you have information that would refine the RIA assumptions about the estimated tonnage of CCR that could be used for closure (RIA page 4–14)?
- Do you have information that would refine the RIA description and estimates of impacts related to interactions among CCR Remand Rule provisions (RIA pp. 5–1 through 5–3)?

VI. Statutory and Executive Order (EO) Reviews

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared an analysis of the potential costs and benefits associated with this action. This Regulatory Impact Analysis (RIA), entitled *Regulatory Impact Analysis; EPA's 2017 RCRA Proposed Rule; Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (October 2017),* is summarized in Unit V of this preamble and the RIA is available in the docket for this proposal.

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

This action is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1189.27, OMB control number 2050–0053. This is an amendment to the ICR approved by OMB for the Final Rule: Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities published April 17, 2015 in the **Federal Register** at 80 FR 21302. You can find a copy of the ICR in the docket for this action, and it is briefly summarized here. This rulemaking, specifically the provision clarifying the type and magnitude of non-groundwater releases that would require a facility to comply with some or all of the corrective action procedures set forth in §§ 257.96–257.98, reduces the paperwork burden attributable to provisions of the April 17, 2015 CCR Final Rule.

Respondents/affected entities: Coal-fired electric utility plants that will be affected by the rule.

Respondent's obligation to respond: The recordkeeping, notification, and posting are mandatory as part of the minimum national criteria being promulgated under Sections 1008, 4004, and 4005(a) of RCRA.

Estimated number of respondents: 414.

Frequency of response: The frequency of response varies.

Total estimated burden: EPA estimates the total annual burden to respondents to be *a reduction in burden of* approximately 4,267 hours from the currently approved burden. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The total estimated annual cost of this rule is a *cost savings* of approximately $5,713,027. This cost savings is composed of approximately $519,832 in annualized avoided labor costs and $5,193,195 in avoided capital or operation and maintenance costs.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a

substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action is expected to result in net cost savings amounting to approximately $32 million per year to $100 million per year when discounting at 7 percent and annualized over 100 years. It is expected to result in net cost savings of between $25 million and $76 million when discounting at 3 percent and annualized over 100 years. Savings will accrue to all regulated entities, including small entities. Further information on the economic effects of this action can be found in Unit V of this preamble and in the Regulatory Impact Analysis, which is available in the docket for this action. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. The costs involved in this action are imposed only by participation in a voluntary federal program. UMRA generally excludes from the definition of ''federal intergovernmental mandate'' duties that arise from participation in a voluntary federal program.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. For the ''Final Rule: Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities'' published April 17, 2015 in the **Federal Register** at 80 FR 21302, EPA identified three of the 414 coal-fired electric utility plants (in operation as of 2012) which are located on tribal lands; however, they are not owned by tribal governments. These are: (1) Navajo Generating Station in Coconino County, Arizona, owned by the Arizona Salt River Project; (2) Bonanza Power Plant in Uintah County, Utah, owned by the Deseret Generation and Transmission Cooperative; and (3) Four Corners Power Plant in San Juan County, New Mexico owned by the Arizona Public Service Company. The Navajo Generating Station and the Four Corners Power Plant are on lands belonging to the Navajo Nation, while the Bonanza Power Plant is located on the Uintah and Ouray Reservation of the Ute Indian Tribe. Moreover, since this action is expected to result in net cost savings to affected entities amounting to approximately $32 million per year to $100 million per year when discounting at 7 percent and annualized over 100 years, or in net cost savings of between $25 million per year and $76 million per year when discounting at 3 percent and annualized over 100 years, it will not have substantial direct effects on one or more Indian tribes. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the document titled ''Human and Ecological Risk Assessment of Coal Combustion Residuals'' which is available in the docket for the final rule as docket item EPA–HQ–RCRA–2009–0640–11993.

As ordered by EO 13045 Section 1–101(a), for the ''Final Rule: Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities'' published April 17, 2015 in the **Federal Register** at 80 FR 21302, EPA identified and assessed environmental health risks and safety risks that may disproportionately affect children in the revised risk assessment. The results of the screening assessment found that risks fell below the criteria when wetting and run-on/runoff controls required by the rule are considered. Under the full probabilistic analysis, composite liners required by the rule for new waste management units showed the ability to reduce the 90th percentile child cancer and non-cancer risks for the groundwater to drinking water pathway to well below EPA's criteria. Additionally, the groundwater monitoring and corrective action required by the rule reduced risks from current waste management units. This action does adversely affect these requirements and, in fact it enhances the groundwater monitoring requirements by adding boron to the list of constituents in Appendix IV that trigger corrective action. Thus, EPA believes that this rule will be protective of children's health.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. For the 2015 CCR rule, EPA analyzed the potential impact on electricity prices relative to the ''in excess of one percent'' threshold. Using the Integrated Planning Model (IPM), EPA concluded that the 2015 CCR Rule may increase the weighted average nationwide wholesale price of electricity between 0.18 percent and 0.19 percent in the years 2020 and 2030, respectively. As the proposed rule represents a cost savings rule relative to the 2015 CCR rule, this analysis concludes that any potential impact on wholesale electricity prices will be lower than the potential impact estimated of the 2015 CCR rule; therefore, this proposed rule is not expected to meet the criteria of a ''significant adverse effect'' on the electricity markets as defined by Executive Order 13211.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in EPA's Regulatory Impact Analysis (RIA) for the CCR rule which is available in the docket for the 2015 CCR final rule as docket item EPA–HQ–RCRA–2009–0640–12034.

EPA's risk assessment did not separately evaluate either minority or low income populations. However, to evaluate the demographic characteristics of communities that may be affected by the CCR rule, the RIA compares the demographic characteristics of populations surrounding coal-fired electric utility

plants with broader population data for two geographic areas: (1) One-mile radius from CCR management units (*i.e.,* landfills and impoundments) likely to be affected by groundwater releases from both landfills and impoundments; and (2) watershed catchment areas downstream of surface impoundments that receive surface water run-off and releases from CCR impoundments and are at risk of being contaminated from CCR impoundment discharges (*e.g.*, unintentional overflows, structural failures, and intentional periodic discharges).

For the population as a whole 24.8 percent belong to a minority group and 11.3 percent falls below the Federal Poverty Level. For the population living within one mile of plants with surface impoundments 16.1 percent belong to a minority group and 13.2 percent live below the Federal Poverty Level. These minority and low-income populations are not disproportionately high compared to the general population. The percentage of minority residents of the entire population living within the catchment areas downstream of surface impoundments is disproportionately high relative to the general population, *i.e.*, 28.7 percent, versus 24.8 percent for the national population. Also, the percentage of the population within the catchment areas of surface impoundments that is below the Federal Poverty Level is disproportionately high compared with the general population, *i.e.*, 18.6 percent versus 11.3 percent nationally.

Comparing the population percentages of minority and low income residents within one mile of landfills to those percentages in the general population, EPA found that minority and low-income residents make up a smaller percentage of the populations near landfills than they do in the general population, *i.e.*, minorities comprised 16.6 percent of the population near landfills versus 24.8 percent nationwide and low-income residents comprised 8.6 percent of the population near landfills versus 11.3 percent nationwide. In summary, although populations within the catchment areas of plants with surface impoundments appear to have disproportionately high percentages of minority and low-income residents relative to the nationwide average, populations surrounding plants with landfills do not. Because landfills are less likely than impoundments to experience surface water run-off and releases, catchment areas were not considered for landfills.

The CCR rule is risk-reducing with reductions in risk occurring largely within the surface water catchment zones around, and groundwater beneath, coal-fired electric utility plants. Since the CCR rule is risk-reducing and this action does not add to risks, this action will not result in new disproportionate risks to minority or low-income populations.

List of Subjects in 40 CFR Part 257

Environmental protection, Beneficial use, Coal combustion products, Coal combustion residuals, Coal combustion waste, Disposal, Hazardous waste, Landfill, Surface impoundment.

Dated: March 1, 2018.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is proposed to be amended as follows:

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

■ 1. The authority citation for part 257 is revised to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a)(1), 6944(a), 6945(d); 33 U.S.C. 1345(d) and (e).

■ 2. Section 257.53 is amended by:

■ a. Adding in alphabetical order the definition of ''Contouring'', ''Engineered slope protection measures'', ''Grading'', ''Grassy vegetation'', ''Non-groundwater releases'', ''Participating state'', ''Pertinent surrounding areas'', ''Vegetative height'', and ''Woody vegetation'' in alphabetical order.

■ b. Revising the definition of ''Slope protection'' and ''State director.''

The revisions and additions read as follows:

§ 257.53 Definitions.

* * * * *

Contouring means the placement of material to provide a continuous downward slope on the surface of a drainage area, except for erosion control features (e.g., swales, contour banks).

* * * * *

Engineered slope protection measures means non-vegetative cover systems, which include but are not limited to rock riprap, concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines.

* * * * *

Grading means the placement of CCR only to the extent necessary to create sufficient differences in elevation to support stormwater drainage.

Grassy vegetation means vegetation that meets both of the conditions described in paragraphs (1) and (2) of this definition:

(1) The vegetation develops shallow roots which both do not penetrate the slopes or pertinent surrounding areas of the CCR unit to a substantial depth and do not introduce the potential of internal erosion or risk of uprooting; and

(2) The vegetation creates a continuous dense cover that prevents erosion and deterioration of the surface of the slope or pertinent surrounding areas, thereby preventing deterioration of the surface.

* * * * *

Non-groundwater releases mean releases from the CCR unit other than the releases directly to the groundwater that are detected through the unit's groundwater monitoring system. Examples of non-groundwater releases include seepage through the embankment, minor ponding of seepage at the toe of the embankment of the CCR unit, seepage at the abutments of the CCR unit, seepage from slopes, ponding at the toe of the unit, a release of fugitive dust and releases of a ''catastrophic'' nature such as the release of CCR materials from CCR surface impoundments from the Tennessee Valley Authority's (TVA) Kingston Fossil Plant in Harriman, TN and the Duke Energy Dan River Steam Station in Eden, NC.

* * * * *

Participating state means a state with a state program for control of CCR that has been approved pursuant to Section 4005 of the Resource Conservation and Recovery Act.

Pertinent surrounding areas means all areas of the CCR surface impoundment or immediately surrounding the CCR surface impoundment that have the potential to affect the structural stability and condition of the CCR surface impoundment, including but not limited to the toe of the downstream slope, the crest of the embankment, abutments, and unlined spillways.

* * * * *

Slope protection means measures installed on the slopes or pertinent surrounding areas of the CCR unit that protect the slope against wave action, erosion or adverse effects of rapid drawdown. Slope protection includes grassy vegetation and engineered slope protection measures.

* * * * *

State Director means the chief administrative officer of any State agency operating an approved CCR permit program or the delegated representative of the State Director. If responsibility is divided among two or

more State agencies, State Director means the chief administrative officer of the State agency authorized to perform the particular function or procedure to which reference is made. On Tribal Lands and in non-participating States where Congress has specifically provided appropriations to EPA to administer a CCR permit program, State Director means the EPA Administrator or their designee.

* * * * *

Vegetative height means the linear distance between the ground surface where the vegetation penetrates the ground surface and the outermost growth point of the vegetation.

* * * * *

Woody vegetation means vegetation that develops woody trunks, root balls, or root systems which can penetrate the slopes or pertinent surrounding areas of the CCR unit to a substantial depth and introduce the potential of internal erosion or risk of uprooting.

■ 3. Section 257.73 is amended by:

■ a. Revising paragraphs (a)(4) and (d)(1)(ii); and

■ b. Removing and reserving paragraph (d)(1)(iv).

The revisions read as follows:

§ 257.73 Structural integrity criteria for existing CCR surface impoundments.

(a) * * *

(4) The slopes and pertinent surrounding areas of the CCR unit must be designed, constructed, operated, and maintained with one of the forms of slope protection specified in paragraph (a)(4)(i) of this section that meets all of the performance standards of paragraph (a)(4)(ii) of this section.

(i) Slope protection must consist of one of the following:

(A) A vegetative cover consisting of grassy vegetation;

(B) An engineered cover consisting of a single form or combination of forms of engineered slope protection measures; or

(C) A combination of the forms of cover specified in paragraphs (a)(4)(i)(A) or (a)(4)(i)(B) of this section.

(ii) Any form of cover for slope protection must meet all of the following performance standards:

(A) The cover must be installed and maintained on the slopes and pertinent surrounding areas of the CCR unit;

(B) The cover must provide protection against surface erosion, wave action, and adverse effects of rapid drawdown;

(C) The cover must be maintained to allow for the observation of and access to the slopes and pertinent surrounding areas during routine and emergency events;

(D) Woody vegetation must be removed from the slopes or pertinent surrounding areas. Any removal of woody vegetation with a diameter greater than ½ inch must be directed by a person familiar with the design and operation of the unit and in consideration of the complexities of removal of a tree or a shrubbery, who must ensure the removal does not create a risk of destabilizing the unit or otherwise adversely affect the stability and safety of the CCR unit or personnel undertaking the removal; and

(E) The vegetative height of grassy and woody vegetation must not exceed 12 inches.

* * * * *

(d) * * *

(1) * * *

(ii) Slope protection consistent with the requirements under paragraph (a)(4) of this section.

* * * * *

■ 4. Section 257.74 is amended by:

■ a. Revising paragraphs (a)(4) and (d)(1)(ii); and

■ b. Removing and reserving paragraph (d)(1)(iv).

The revisions read as follows:

§ 257.74 Structural integrity criteria for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment.

(a) * * *

(4) The slopes and pertinent surrounding areas of the CCR unit must be designed, constructed, operated, and maintained with one of the forms of slope protection specified in paragraph (a)(4)(i) of this section that meets all of the performance standards of paragraph (a)(4)(ii) of this section.

(i) Slope protection must consist of one of the following:

(A) A vegetative cover consisting of grassy vegetation;

(B) An engineered cover consisting of a single form or combination of forms of engineered slope protection measures; or

(C) A combination of the forms of cover specified in paragraphs (a)(4)(i)(A) or (a)(4)(i)(B) of this section.

(ii) Any form of cover for slope protection must meet all of the following performance standards:

(A) The cover must be installed and maintained on the slopes and pertinent surrounding areas of the CCR unit;

(B) The cover must provide protection against surface erosion, wave action, and adverse effects of rapid drawdown;

(C) The cover must be maintained to allow for the observation of and access to the slopes and pertinent surrounding areas during routine and emergency events;

(D) Woody vegetation must be removed from the slopes or pertinent surrounding areas. Any removal of woody vegetation with a diameter greater than ½ inch must be directed by a person familiar with the design and operation of the unit and in consideration of the complexities of removal of a tree or a shrubbery, who must ensure the removal does not create a risk of destabilizing the unit or otherwise adversely affect the stability and safety of the CCR unit or personnel undertaking the removal; and

(E) The vegetative height of grassy and woody vegetation must not exceed 12 inches.

* * * * *

(d) * * *

(1) * * *

* * * * *

(ii) Slope protection consistent with the requirements under paragraph (a)(4) of this section.

* * * * *

■ 5. Section 257.83 is amended by revising paragraph (b)(5) to read as follows:

§ 257.83 Inspection requirements for CCR surface impoundments.

* * * * *

(b) * * *

(5) If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release in accordance with applicable requirements in §§ 257.96 through 257.99.

* * * * *

■ 6. Section 257.84 is amended by revising paragraph (b)(5) to read as follows:

§ 257.84 Inspection requirements for CCR surface landfills.

* * * * *

(b) * * *

(5) If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release in accordance with applicable requirements in §§ 257.96 through 257.99.

* * * * *

■ 7. Section 257.90 is amended by revising paragraphs (a) and (d) and adding paragraph (g) to read as follows:

§ 257.90 Applicability.

(a) All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§ 257.90 through 257.99, except as provided in paragraph (g) of this section.

* * * * *

(d) The owner or operator of the CCR unit must comply with all applicable

requirements in §§ 257.96, 257.97, and 257.98, or, if eligible, must comply with the requirements in § 257.99.

* * * * *

(g) *Suspension of groundwater monitoring requirements.* (1) Except as provided by paragraph (g)(2) of this section, the State Director of a participating state may suspend for up to ten years the groundwater monitoring requirements under §§ 257.90 through 257.95 for a CCR unit if the owner or operator provides written documentation that there is no potential for migration of the constituents listed in appendices III and IV to this part from that CCR unit to the uppermost aquifer during the active life of the CCR unit and the post-closure care period. This demonstration must be certified by a qualified professional engineer and approved by the State Director, and must be based upon:

(i) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting contaminant fate and transport; and

(ii) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.

(2) The owner or operator of the CCR unit may secure an additional ten years for the suspension of the groundwater monitoring requirements provided the owner or operator provides written documentation that there continues to be no potential for migration of the constituents listed in appendices III and IV to this part. The documentation must be supported by, at a minimum, the information specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this section and must be certified by a qualified professional engineer and approved by the State Director. The owner or operator must submit the documentation of their re-demonstration for the state's review and approval of their extension one year before their groundwater monitoring suspension is due to expire. If the existing groundwater monitoring extension expires, the owner or operator must begin groundwater monitoring according to paragraph (a) of this section within 90 days. The owner or operator may obtain additional ten-year groundwater monitoring suspensions provided the owner or operator continues to make the written demonstration. The owner or operator must place each completed demonstration, if more than one ten-year suspension period is sought, in the facility's operating record.

■ 8. Section 257.95 is amended by revising paragraph (h)(2) and adding paragraph (j) to read as follows:

§ 257.95 Assessment monitoring program.

* * * * *

(h) * * *

(2) For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91, except as provided by paragraph (j) of this section; or

* * * * *

(j) The State Director of a participating state may establish an alternative groundwater protection standard for constituents listed in appendix IV to this part for which MCLs have not been established.

(1) The alternative groundwater protection standards must be appropriate health-based levels that are protective of potential receptors (both human and ecological) and satisfy all of the following criteria:

(i) The alternative groundwater protection standard is at a level derived in a manner consistent with EPA guidelines for assessing the health risks of environmental pollutants, including ''Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures'', ''Guidelines for Developmental Toxicity Risk Assessment'', and ''Reference Dose, (RfD): Description and Use in Health Risk Assessments'' (incorporated by reference);

(ii) The alternative groundwater protection standard is at a level based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards (40 CFR part 792) or equivalent; and

(iii) For systemic toxicants, the level represents a concentration to which the human population could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime; this must be the level that ensures a Hazard Quotient no greater than 1. For purposes of this subpart, systemic toxicants are toxic chemicals that cause effects other than cancer.

(2) In establishing alternative groundwater protection standards under paragraph (j)(1) of this section, the State Director may consider the following:

(i) Multiple contaminants in the groundwater;

(ii) Exposure threats to sensitive environmental receptors; and

(iii) Other site-specific exposure or potential exposure to groundwater.

(3) The owner or operator of the CCR unit must document in the annual groundwater monitoring and corrective action report required by § 257.90(e) or § 257.100(e)(5)(ii) the constituent(s) and level(s) for which an alternative groundwater protection standard has been established by the State Director.

■ 9. Section 257.97 is amended by adding paragraphs (f) and (g) to read as follows:

§ 257.97 Selection of remedy.

* * * * *

(f) The State Director of a participating state may determine that remediation of a release of a constituent listed in appendix IV to this part from a CCR unit is not necessary if the owner or operator demonstrates to the satisfaction of the State Director that:

(1) The groundwater is additionally contaminated by substances that have originated from a source other than a CCR unit and those substances are present in concentrations such that cleanup of the release from the CCR unit would provide no significant reduction in risk to actual or potential receptors; or

(2) The constituent(s) is present in groundwater that:

(i) Is not currently or reasonably expected to be a source of drinking water; and

(ii) Is not hydraulically connected with waters to which the constituent(s) is migrating or are likely to migrate in a concentration(s) that would exceed the groundwater protection standards established under § 257.95(h) or (i); or

(3) Remediation of the release(s) is technically impracticable; or

(4) Remediation results in unacceptable cross-media impacts.

(g) A determination by the Director of approved participating state pursuant to paragraph (f) of this section shall not affect the requirement under § 257.90(d) and § 257.97(b) for the owner or operator to undertake source control measures or other measures (including closure if triggered) that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically feasible and significantly reduce threats to human health or the environment.

■ 10. Section 257.98 is amended by revising paragraph (c) to read as follows:

§ 257.98 Implementation of the corrective action program.

* * * * *

(c) Remedies selected pursuant to § 257.97 shall be considered complete when:

(1) The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91;

(2) Except as provided by paragraph (c)(4) of this section, compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g); and

(3) All actions required to complete the remedy have been satisfied.

(4) The Director of a participating state may specify an alternative length of time to that specified in paragraph (c)(2) of this section during which the owner or operator must demonstrate that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) taking into consideration:

(i) Extent and concentration of the release(s);

(ii) Behavior characteristics of the constituents in the groundwater;

(iii) Accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and

(iv) Characteristics of the groundwater.

* * * * *

■ 11. Add § 257.99 to read as follows:

§ 257.99 Corrective action procedures to remedy eligible non-groundwater releases.

(a) *General.* This section specifies the corrective action requirements that apply to non-groundwater releases from CCR units that can be completely remediated within 180 days from the detection of the release. A release is completely remediated when either a qualified professional engineer or the permitting authority of a participating state completes the certification required in subsection (c)(2) of this section. If the owner or operator determines, at any time, that the release will not be completely remediated within this 180-day timeframe, the owner or operator must comply with all additional procedural requirements specified in §§ 257.96, 257.97, and 257.98.

(b) *Corrective action requirements.* Upon detection of a non-groundwater release from a CCR unit, the owner or operator must comply with all of the following requirements:

(1) Meet the requirement in § 257.90(d) to ''immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment;''

(2)(i) Determine the corrective measures that will meet the substantive standards in §§ 257.96(a) to prevent further releases, to remediate any releases and to restore the affected area to original conditions; and

(ii) Analyze the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described in § 257.96(c);

(3) Select the corrective action that will remedy the non-groundwater release, taking into account, at a minimum, the results of the assessment in paragraph (b)(2)(ii) of this section and the factors specified in § 257.97(c); and

(4) Remediate the non-groundwater release to meet the standards specified in § 257.97(b)(1), (3), (4), and (5).

(5) Complete remedy within 180 days of the date of discovery of the release.

(c) *Required notices and reports.* An owner or operator of a CCR unit that complies with the requirements of this section to remediate a non-groundwater release is responsible for ensuring that the notices and reports specified in paragraphs (c)(1) through (c)(3) of this section are completed in accordance with this section. All required notices and reports must be signed by the owner or operator.

(1) Within 15 days of discovering a non-groundwater release, the owner or operator must prepare a notification of discovery of a non-groundwater release. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(h)(15).

(2) Within 15 days of completing the analysis of the effectiveness of potential corrective measures as required by paragraph (b)(2)(ii) of this section, place the completed analysis in the facility's operating record.

(3) Within 30 days of completion of a corrective action of a non-groundwater release, the owner or operator must prepare a report documenting the completion of the corrective action. The report must, at a minimum, describe the nature and extent of the non-groundwater release, the CCR unit(s) responsible for the non-groundwater release, and how the remedy selected achieves the corrective action requirements specified in paragraph (b) of this section. The notification must include a certification by a qualified professional engineer that the corrective action has been completed in accordance with the requirements of paragraph (b) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(h)(16).

(d) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).

■ 12. Section 257.102 is amended by adding paragraph (d)(4) to read as follows:

§ 257.102 Criteria for conducting the closure or retrofit of CCR units.

* * * * *

(d) * * *

(4) *Use of CCR in Design and Construction of Final Cover System.* (i) This paragraph specifies the allowable uses of CCR in the closure of CCR units closing pursuant to § 257.101. Notwithstanding the prohibition on further placement in § 257.101, CCR may be placed in such units but only for the purposes of grading and contouring in the design and construction of the final cover system, based either on:

(A) A determination by the Director of a participating state that the criteria in paragraph (d)(4)(ii) of this section have been met; or

(B) The certification by a qualified professional engineer that the criteria in (d)(4)(ii) of this section have been met, as required in paragraph (d)(4)(iii) of this section.

(ii) *Use of CCR in Design and Construction of Final Cover System Requirements.*

(A) The owner or operator of a CCR unit subject to § 257.101 may continue to place CCR in the unit after initiating closure in order to construct the final cover system required under paragraph (d)(3) of this section but only for the following activities:

(1) Grading; and

(2) Contouring.

(B) The owner or operator of a CCR unit must meet all of the following criteria when placing CCR within a CCR unit for the purposes of grading or contouring:

(1) The CCR placed for construction of the final cover system must have been generated at the facility and be located at the facility at the time closure was initiated;

(2)(i) For incised CCR surface impoundments the CCR must be placed entirely above the highest elevation of

the surrounding natural ground surface where the CCR surface impoundment was constructed;

(ii) For all other CCR units, CCR must be placed entirely above the highest elevation of CCR in the unit, following dewatering and stabilization as required by § 257.102(d)(2);

(3) The CCR must not be placed outside the plane extending vertically from the line formed by the intersection of the crest of the CCR surface impoundment and the upstream slope of the CCR surface impoundment; and

(4) The final cover system must be constructed with either:

(i) A slope not steeper than 5% grade after allowance for settlement; or

(ii) At a steeper grade, if the Director of a participating state determines that the steeper slope is necessary based on conditions at the site, to facilitate run-off and minimize erosion, and that side slopes are evaluated for erosion potential based on a stability analysis to evaluate possible erosion potential. The stability analysis, at a minimum, must evaluate the site geology; characterize soil shear strength; construct a slope stability model; establish groundwater and seepage conditions, if any; select loading conditions; locate critical failure surface; and iterate until minimum factor of safety is achieved.

(iii) If required by paragraph (d)(4)(i)(B) of this section, the owner or operator of the CCR unit must also include in the notification required by § 257.102(h) a certification by a qualified professional that the CCR unit was closed in accordance with the requirements of paragraph (d)(4) of this section.

* * * * *

■ 13. Section 257.103 is amended by:

■ a. Revising § 257.103 introductory text; and

■ b. Redesignating paragraphs (b), (c), and (d) as (c), (e), and (f); and adding new paragraphs (b) and (d).

The revisions and additions read as follows:

§ 257.103 Alternative closure requirements.

The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR and/or non-CCR wastestreams in the unit provided the owner or operator meets the requirements of either paragraph (a), (b), (c) or (d) of this section.

* * * * *

(b) *No Alternative capacity for non-CCR wastestreams.* (1) Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive non-CCR wastestreams if the owner or operator of the CCR unit certifies that the wastestreams must continue to be managed in that CCR unit due to the absence of alternative capacity both on-site and off-site the facility. For these non-CCR wastestsreams, capacity means the capacity of impoundments, tanks, and other conveyances to manage daily flows currently handled by the unit that is closing pursuant to § 257.101(a) or (b)(1), or (d). To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met for each non-CCR wastestream that will continue to be received by the CCR unit:

(i) No alternative disposal capacity is available. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;

(ii) The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection requires that efforts to obtain additional capacity were made at the earliest date that an owner or operator knew, or had reason to know, that such a unit may become subject to closure under § 257.101(a), (b)(1), or (d). Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;

(iii) The owner or operator must certify that the facility generating any wastestream that continues to be placed into a CCR unit pursuant to this section would need to cease generating power and is located in or regularly provides the majority of generated electricity to, one of the following three North American Electric Reliability Corporation regions and sub-regions: the Midcontinent Independent System Operator, the Southeastern Electric Reliability Council-East, and/or the Southeastern Electric Reliability Council-North;

(iv) The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and

(v) The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative capacity for the given wastestream.

(2) Once alternative capacity is available for a given wastestream, the CCR unit must cease receiving that wastestream, and in the case that alternate capacity has been found for all wastestreams, the facility must initiate closure of the CCR unit following the timeframes in § 257.102(e) and (f).

(3) If no alternative capacity is identified within five years after the initial certification as required under (b)(1) of this section, the CCR unit must cease receiving all wastestreams and close in accordance with the timeframes in § 257.102(e) and (f).

* * * * *

(d) *Permanent cessation of a coal-fired boiler(s) by a date certain.* (1) Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive non-CCR wastestreams if the owner or operator certifies that the facility will cease operation of the coal-fired boilers within the timeframes specified in paragraphs (d)(2) and (3) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative capacity. For wastewaters capacity means the capacity of impoundments, tanks, and other units to manage daily flows currently handled by the unit closing pursuant to § 257.101(a) or (b)(1). To qualify under this paragraph (d)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met for each wastestream that will continue to be received by the CCR unit:

(i) No alternative capacity is available. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.

(ii) The owner or operator must certify that the facility is located in or regularly provides the majority of generated electricity to one of the following three North American Electric Reliability Corporation regions and sub-regions: The Midcontinent Independent System Operator, the Southeastern Electric Reliability Council-East, and/or the Southeastern Electric Reliability Council-North.

(iii) The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and

(iv) The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.

(2) For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have

completed closure no later than October 17, 2023.

(3) For a CCR surface impoundment that is larger than 40 acres, the coal-fired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.

* * * * *

■ 14. Section 257.104 is amended by revising paragraph (c) to read as follows:

§ 257.104 Post-closure care requirements.

* * * * *

(c) *Post-closure care period.* (1) Except as provided by paragraphs (c)(2) and (3) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.

(2) If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.

(3)(i) The Director of a participating state may establish an alternate post-closure period upon a determination that the alternate period is sufficient to protect human health and the environment.

(ii) To reduce the post closure care period, the Director must ensure that the post-closure care period is long enough to establish settlement behavior and to detect to wear-in defects in the cover system. At a minimum, the Director must consider the type of cover placed on the unit (*e.g.*, geosynthetic clay liner) and the placement of the groundwater monitoring wells with respect to the waste management units and the groundwater table.

(iii) A determination that a reduced post-closure care period is warranted does not affect the obligation to comply with paragraph (b) of this section.

* * * * *

■ 15. Section 257.105 is amended by adding paragraphs (h)(14) through (h)(16) and paragraph (i)(14) to read as follows:

§ 257.105 Recordkeeping requirements.

* * * * *

(h) * * *

(14) The demonstration, including long-term performance data, supporting the suspension of groundwater monitoring requirements as required by § 257.90(g).

(15) The notification of discovery of a non-groundwater release as required by § 257.99(c)(1).

(16) The report documenting the completion of the corrective action as required by § 257.99(c)(2).

(i) * * *

(14) The demonstration, including long-term performance data supporting the reduced post-closure care period as required by § 257.104(c)(3).

* * * * *

■ 16. Section 257.106 is amended by adding paragraphs (h)(11) through (h)(13) and paragraph (i)(14) to read as follows:

§ 257.106 Notification requirements.

* * * * *

(h) * * *

(11) Provide the demonstration supporting the suspension of groundwater monitoring requirements specified under § 257.105(h)(14).

(12) Provide notification of discovery of a non-groundwater release specified under § 257.105(h)(15).

(13) Provide notification of the availability of the report documenting the completion of the corrective action specified under § 257.105(h)(16).

(i) * * *

(14) Provide the demonstration supporting the reduced post-closure care period specified under § 257.105(i)(14).

* * * * *

■ 17. Section 257.107 is amended by adding paragraphs (h)(11) through (h)(13) and adding paragraph (i)(14) to read as follows:

§ 257.107 Publicly accessible internet site requirements.

* * * * *

(h) * * *

(11) The demonstration supporting the suspension of groundwater monitoring requirements specified under § 257.105(h)(14).

(12) The notification of discovery of a non-groundwater release specified under § 257.105(h)(15).

(13) The report documenting the completion of the corrective action specified under § 257.105(h)(16).

(i) * * *

(14) The demonstration supporting the reduced post-closure care period specified under § 257.105(i)(14).

* * * * *

■ 18. Revise Appendix IV to part 257 to read as follows:

Appendix IV to Part 257—Constituents for Assessment Monitoring

COMMON NAME [1]
Antimony
Arsenic
Barium
Beryllium
Boron
Cadmium
Chromium
Cobalt
Fluoride
Lead
Lithium
Mercury
Molybdenum
Selenium
Thallium
Radium 226 and 228 combined

[1] Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[FR Doc. 2018–04941 Filed 3–14–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL REGISTER

Vol. 83 Thursday,

No. 51 March 15, 2018

Part III

The President

Proclamation 9704—Adjusting Imports of Aluminum Into the United States
Proclamation 9705—Adjusting Imports of Steel Into the United States
Order of March 12, 2018—Regarding the Proposed Takeover of Qualcomm Incorporated by Broadcom Limited

Federal Register
Vol. 83, No. 51
Thursday, March 15, 2018

Presidential Documents

Title 3—

The President

Proclamation 9704 of March 8, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that aluminum is being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of aluminum imports and the circumstances of global excess capacity for producing aluminum are ''weakening our internal economy,'' leaving the United States ''almost totally reliant on foreign producers of primary aluminum'' and ''at risk of becoming completely reliant on foreign producers of high-purity aluminum that is essential for key military and commercial systems.'' Because of these risks, and the risk that the domestic aluminum industry would become ''unable to satisfy existing national security needs or respond to a national security emergency that requires a large increase in domestic production,'' and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of aluminum imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In light of this conclusion, the Secretary recommended actions to adjust the imports of aluminum so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 7.7 percent on imports of aluminum articles in order to reduce imports to a level that the Secretary assessed would enable domestic aluminum producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those aluminum articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude aluminum articles from such restrictions for specific national security-based considerations.

4. I concur in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

5. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

6. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment,

and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

7. In the exercise of these authorities, I have decided to adjust the imports of aluminum articles by imposing a 10 percent ad valorem tariff on aluminum articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic aluminum industry to revive idled facilities, open closed smelters and mills, preserve necessary skills by hiring new aluminum workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for aluminum and ensure that domestic producers can continue to supply all the aluminum necessary for critical industries and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of aluminum articles pose to the national security.

8. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of aluminum to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

9. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing aluminum, the physical proximity of our respective industrial bases, the robust economic integration between our countries, the export of aluminum produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt aluminum articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of aluminum articles through Canada and Mexico to the United States.

10. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic aluminum industry. Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of aluminum to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of aluminum articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, ''aluminum articles'' are defined in the Harmonized Tariff Schedule (HTS) as: (a) unwrought aluminum (HTS 7601); (b) aluminum bars, rods, and profiles (HTS 7604); (c) aluminum wire (HTS 7605); (d) aluminum plate, sheet, strip, and foil (flat rolled products) (HTS 7606 and 7607); (e) aluminum tubes and pipes and tube and pipe fitting (HTS 7608 and 7609); and (f) aluminum castings and forgings (HTS 7616.99.51.60 and 7616.99.51.70), including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of aluminum articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all imports of aluminum articles specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any aluminum article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for an aluminum article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular aluminum article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

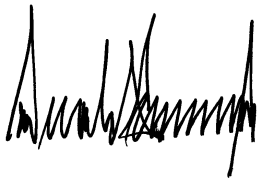
(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of aluminum articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to

the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



Billing code 3295–F8–P

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

"19. (a) Heading 9903.85.01 sets forth the ordinary customs duty treatment applicable to all entries of aluminum products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.85.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

(b) The rates of duty set forth in heading 9903.85.01 apply to all imported products of aluminum classifiable in the provisions enumerated in this subdivision:

(i) unwrought aluminum provided for in heading 7601;

(ii) bars, rods and profiles provided for in heading 7604; wire provided for in heading 7605;

(iii) plates, sheets and strip provided for in 7606; foil provided for in heading 7607;

(iv) tubes, pipes and tube or pipe fittings provided for in heading 7608 and 7609; and

(v) castings and forgings of aluminum provided for in subheading 7616.99.51.

(c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.85.01 that may be appropriate for individual aluminum products otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

(d) Any importer entering the aluminum products covered by this note under heading 9903.85.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.85.01	"Products of aluminum provided for in the tariff headings or subheadings enumerated in note 19 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce.....	The duty provided in the applic-able sub-heading + 10%		The duty provided in the applic-able sub-heading + 10%"

[FR Doc. 2018–05477

Filed 3–14–18; 11:15 am]

Billing code 7020–02–C

Presidential Documents

Proclamation 9705 of March 8, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles (steel articles) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. The Secretary found and advised me of his opinion that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States. The Secretary found that the present quantities of steel articles imports and the circumstances of global excess capacity for producing steel are ''weakening our internal economy,'' resulting in the persistent threat of further closures of domestic steel production facilities and the ''shrinking [of our] ability to meet national security production requirements in a national emergency.'' Because of these risks and the risk that the United States may be unable to ''meet [steel] demands for national defense and critical industries in a national emergency,'' and taking into account the close relation of the economic welfare of the Nation to our national security, *see* 19 U.S.C. 1862(d), the Secretary concluded that the present quantities and circumstances of steel articles imports threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

3. In reaching this conclusion, the Secretary considered the previous U.S. Government measures and actions on steel articles imports and excess capacity, including actions taken under Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush. The Secretary also considered the Department of Commerce's narrower investigation of iron ore and semi-finished steel imports in 2001, and found the recommendations in that report to be outdated given the dramatic changes in the steel industry since 2001, including the increased level of global excess capacity, the increased level of imports, the reduction in basic oxygen furnace facilities, the number of idled facilities despite increased demand for steel in critical industries, and the potential impact of further plant closures on capacity needed in a national emergency.

4. In light of this conclusion, the Secretary recommended actions to adjust the imports of steel articles so that such imports will not threaten to impair the national security. Among those recommendations was a global tariff of 24 percent on imports of steel articles in order to reduce imports to a level that the Secretary assessed would enable domestic steel producers to use approximately 80 percent of existing domestic production capacity and thereby achieve long-term economic viability through increased production. The Secretary has also recommended that I authorize him, in response to specific requests from affected domestic parties, to exclude from any adopted import restrictions those steel articles for which the Secretary determines there is a lack of sufficient U.S. production capacity of comparable products, or to exclude steel articles from such restrictions for specific national security-based considerations.

5. I concur in the Secretary's finding that steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and I have considered his recommendations.

6. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

7. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

8. In the exercise of these authorities, I have decided to adjust the imports of steel articles by imposing a 25 percent ad valorem tariff on steel articles, as defined below, imported from all countries except Canada and Mexico. In my judgment, this tariff is necessary and appropriate in light of the many factors I have considered, including the Secretary's report, updated import and production numbers for 2017, the failure of countries to agree on measures to reduce global excess capacity, the continued high level of imports since the beginning of the year, and special circumstances that exist with respect to Canada and Mexico. This relief will help our domestic steel industry to revive idled facilities, open closed mills, preserve necessary skills by hiring new steel workers, and maintain or increase production, which will reduce our Nation's need to rely on foreign producers for steel and ensure that domestic producers can continue to supply all the steel necessary for critical industries and national defense. Under current circumstances, this tariff is necessary and appropriate to address the threat that imports of steel articles pose to the national security.

9. In adopting this tariff, I recognize that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognize our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. Any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country. Should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, make any corresponding adjustments to the tariff as it applies to other countries as our national security interests require.

10. I conclude that Canada and Mexico present a special case. Given our shared commitment to supporting each other in addressing national security concerns, our shared commitment to addressing global excess capacity for producing steel, the physical proximity of our respective industrial bases, the robust economic integration between our countries, the export of steel articles produced in the United States to Canada and Mexico, and the close relation of the economic welfare of the United States to our national security, *see* 19 U.S.C. 1862(d), I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from Canada and Mexico is to continue ongoing discussions with these countries and to exempt steel articles imports from these countries from the tariff, at least at this time. I expect that Canada and Mexico will take action to prevent transshipment of steel articles through Canada and Mexico to the United States.

11. In the meantime, the tariff imposed by this proclamation is an important first step in ensuring the economic viability of our domestic steel industry.

Without this tariff and satisfactory outcomes in ongoing negotiations with Canada and Mexico, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. It is my judgment that the tariff imposed by this proclamation is necessary and appropriate to adjust imports of steel articles so that such imports will not threaten to impair the national security as defined in section 232 of the Trade Expansion Act of 1962, as amended.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 604 of the Trade Act of 1974, as amended, and section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim as follows:

(1) For the purposes of this proclamation, ''steel articles'' are defined at the Harmonized Tariff Schedule (HTS) 6-digit level as: 7206.10 through 7216.50, 7216.99 through 7301.10, 7302.10, 7302.40 through 7302.90, and 7304.10 through 7306.90, including any subsequent revisions to these HTS classifications.

(2) In order to establish increases in the duty rate on imports of steel articles, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from all countries except Canada and Mexico.

(3) The Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the United States Trade Representative (USTR), the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and such other senior Executive Branch officials as the Secretary deems appropriate, is hereby authorized to provide relief from the additional duties set forth in clause 2 of this proclamation for any steel article determined not to be produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality and is also authorized to provide such relief based upon specific national security considerations. Such relief shall be provided for a steel article only after a request for exclusion is made by a directly affected party located in the United States. If the Secretary determines that a particular steel article should be excluded, the Secretary shall, upon publishing a notice of such determination in the *Federal Register*, notify Customs and Border Protection (CBP) of the Department of Homeland Security concerning such article so that it will be excluded from the duties described in clause 2 of this proclamation. The Secretary shall consult with CBP to determine whether the HTSUS provisions created by the Annex to this proclamation should be modified in order to ensure the proper administration of such exclusion, and, if so, shall make such modification to the HTSUS through a notice in the *Federal Register*.

(4) Within 10 days after the date of this proclamation, the Secretary shall issue procedures for the requests for exclusion described in clause 3 of this proclamation. The issuance of such procedures is exempt from Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

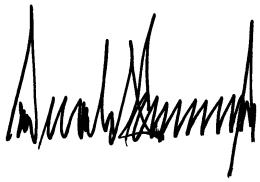
(5) (a) The modifications to the HTSUS made by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time

on March 23, 2018, and shall continue in effect, unless such actions are expressly reduced, modified, or terminated.

(b) The Secretary shall continue to monitor imports of steel articles and shall, from time to time, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the USTR, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, the Director of the Office of Management and Budget, and such other senior Executive Branch officials as the Secretary deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances that in the Secretary's opinion might indicate the need for further action by the President under section 232 of the Trade Expansion Act of 1962, as amended. The Secretary shall also inform the President of any circumstance that in the Secretary's opinion might indicate that the increase in duty rate provided for in this proclamation is no longer necessary.

(6) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



Billing code 3295–F8–P

ANNEX

TO MODIFY CHAPTER 99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in numerical sequence the following new note and tariff provision, with the material in these provisions inserted in the columns labeled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", and "Rates of Duty 2", respectively:

"16. (a) Heading 9903.80.01 sets forth the ordinary customs duty treatment applicable to all entries of iron or steel products from all countries, except products of Canada and of Mexico, classifiable in the headings or subheadings enumerated in this note. Such goods shall be subject to duty as provided herein. No special rates of duty shall be accorded to goods covered by heading 9903.80.01 under any tariff program enumerated in general note 3(c)(i) to the tariff schedule. All anti-dumping, countervailing, or other duties and charges applicable to such goods shall continue to be imposed.

(b) The rates of duty set forth in heading 9903.80.01 apply to all imported products of iron or steel classifiable in the provisions enumerated in this subdivision:

(i) flat-rolled products provided for in headings 7208, 7209, 7210, 7211, 7212, 7225 or 7226;

(ii) bars and rods provided for in headings 7213, 7214, 7215, 7227, or 7228, angles, shapes and sections of 7216 (except subheadings 7216.61.00, 7216.69.00 or 7216.91.00); wire provided for in headings 7217 or 7229; sheet piling provided for in subheading 7301.10.00; rails provided for in subheading 7302.10; fish-plates and sole plates provided for in subheading 7302.40.00; and other products of iron or steel provided for in subheading 7302.90.00;

(iii) tubes, pipes and hollow profiles provided for in heading 7304, or 7306; tubes and pipes provided for in heading 7305.

(iv) ingots, other primary forms and semi-finished products provided for in heading 7206, 7207 or 7224; and

(v) products of stainless steel provided for in heading 7218, 7219, 7220, 7221, 7222 or 7223.

(c) The Secretary of Commerce may determine and announce any exclusions from heading 9903.80.01 that may be appropriate for individual iron or steel products

otherwise covered by subdivision (b) of this note or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Customs and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five business days after the date on which CBP receives any such determination from Commerce.

(d) Any importer entering the iron or steel products covered by this note under heading 9903.80.01 shall provide any information that may be required, and in such form, as is deemed necessary by CBP in order to permit the administration of this subheading. Importers are likewise directed to report information concerning any applicable exclusion granted by Commerce in such form as CBP may require.

Heading/ Subheading	Article description	Rates of Duty		
		1		2
		General	Special	
9903.80.01	"Products of iron or steel provided for in the tariff headings or subheadings enumerated in note 16 to this subchapter, except products of Canada or of Mexico or any exclusions that may be determined and announced by the Department of Commerce.....	25%		The duty provided in the applic-able sub-heading + 25%"

[FR Doc. 2018–05478

Filed 3–14–18; 11:15 am]

Billing code 7020–02–C

Presidential Documents

Order of March 12, 2018

Regarding the Proposed Takeover of Qualcomm Incorporated by Broadcom Limited

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 721 of the Defense Production Act of 1950, as amended (section 721), 50 U.S.C. 4565, it is hereby ordered as follows:

Section 1. *Findings.* (a) There is credible evidence that leads me to believe that Broadcom Limited, a limited company organized under the laws of Singapore (Broadcom), along with its partners, subsidiaries, or affiliates, including Broadcom Corporation, a California corporation, and Broadcom Cayman L.P., a Cayman Islands limited partnership, and their partners, subsidiaries, or affiliates (together, the Purchaser), through exercising control of Qualcomm Incorporated (Qualcomm), a Delaware corporation, might take action that threatens to impair the national security of the United States; and

(b) Provisions of law, other than section 721 and the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), do not, in my judgment, provide adequate and appropriate authority for me to protect the national security in this matter.

Sec. 2. *Actions Ordered and Authorized.* On the basis of the findings set forth in section 1 of this order, considering the factors described in subsection 721(f) of the Defense Production Act of 1950, as appropriate, and pursuant to my authority under applicable law, including section 721, I hereby order that:

(a) The proposed takeover of Qualcomm by the Purchaser is prohibited, and any substantially equivalent merger, acquisition, or takeover, whether effected directly or indirectly, is also prohibited.

(b) All 15 individuals listed as potential candidates on the Form of Blue Proxy Card filed by Broadcom and Broadcom Corporation with the Securities and Exchange Commission on February 20, 2018 (together, the Candidates), are hereby disqualified from standing for election as directors of Qualcomm. Qualcomm is prohibited from accepting the nomination of or votes for any of the Candidates.

(c) The Purchaser shall uphold its proxy commitments to those Qualcomm stockholders who have returned their final proxies to the Purchaser, to the extent consistent with this order.

(d) Qualcomm shall hold its annual stockholder meeting no later than 10 days following the written notice of the meeting provided to stockholders under Delaware General Corporation Law, Title 8, Chapter 1, Subchapter VII, section 222(b), and that notice shall be provided as soon as possible.

(e) The Purchaser and Qualcomm shall immediately and permanently abandon the proposed takeover. Immediately upon completion of all steps necessary to terminate the proposed takeover of Qualcomm, the Purchaser and Qualcomm shall certify in writing to the Committee on Foreign Investment in the United States (CFIUS) that such termination has been effected in accordance with this order and that all steps necessary to fully and permanently abandon the proposed takeover of Qualcomm have been completed.

(f) From the date of this order until the Purchaser and Qualcomm provide a certification of termination of the proposed takeover to CFIUS pursuant to subsection (e) of this section, the Purchaser and Qualcomm shall certify to CFIUS on a weekly basis that they are in compliance with this order and include a description of efforts to fully and permanently abandon the proposed takeover of Qualcomm and a timeline for projected completion of remaining actions.

(g) Any transaction or other device entered into or employed for the purpose of, or with the effect of, avoiding or circumventing this order is prohibited.

(h) If any provision of this order, or the application of any provision to any person or circumstances, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby. If any provision of this order, or the application of any provision to any person or circumstances, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements.

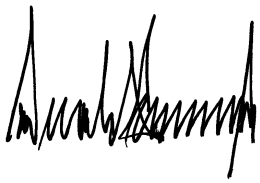
(i) This order supersedes the Interim Order issued by CFIUS on March 4, 2018.

(j) The Attorney General is authorized to take any steps necessary to enforce this order.

Sec. 3. *Reservation.* I hereby reserve my authority to issue further orders with respect to the Purchaser and Qualcomm as shall in my judgment be necessary to protect the national security of the United States.

Sec. 4. *Publication and Transmittal.* (a) This order shall be published in the *Federal Register.*

(b) I hereby direct the Secretary of the Treasury to transmit a copy of this order to Qualcomm and Broadcom.



THE WHITE HOUSE,
March 12, 2018.

[FR Doc. 2018–05479
Filed 3–14–18; 11:15 am]
Billing code 3295–F8–P

Reader Aids

Federal Register

Vol. 83, No. 51

Thursday, March 15, 2018

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, MARCH

8743–8922 1
8923–9134 2
9135–9418 5
9419–9682 6
9683–9792 7
9793–10356 8
10357–10552 9
10553–10774 12
10775–11128 13
11129–11394 14
11395–11632 15

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9700 9405
9701 9407
9702 9409
9703 10355
9704 11619
9705 11625

Executive Orders:
10830 (Amended by EO 13824) 8923
12473 (Amended by EO 13825) 9889
13265 (Amended by EO 13824) 8923
13545 (Revoked by EO 13824) 8923
13824 8923
13825 9889
13826 10771

Administrative Orders:
Notices:
Notice of March 2, 2018 9413
Notice of March 2, 2018 9415
Notice of March 2, 2018 9417
Notice of March 12, 2018 11393
Memorandums:
Memorandum of April 29, 2016 (Revoked by EO 13826) 10771
Memorandum of February 20, 2018 9681
Orders:
Order of March 12, 2018 11631

7 CFR

3 11129
205 10775
319 11395
983 11134
1212 11136
1734 10357

Proposed Rules:
210 9447
235 9447
925 8802
959 8804

9 CFR

101 11139
114 11139

10 CFR

Proposed Rules:
Ch. I 10407, 11154

11 CFR

1 10357

12 CFR

265 9419
347 9135
741 10783
1026 10553
Ch. XI 9135

Proposed Rules:
210 11431
1290 11344
1291 11344

14 CFR

1 9162
21 9162
23 9176
25 ..... 9162, 10559
26 9162
27 ..... 9162, 9419
29 9419
34 9162
39 ..... 8743, 8745, 8927, 9178, 9424, 9683, 9685, 9688, 9692, 9793, 9795, 9797, 9801, 9811, 10358, 10360, 10563, 10565, 11397, 11399, 11404
43 9162
45 9162
60 9162
61 9162
63 9162
65 9162
71 ..... 9181, 9813, 9814, 9816, 11407, 11408, 11409, 11411
73 10784
91 ..... 9162, 10567
97 ..... 9162, 10363, 10365
107 9162
110 9162
119 9162
121 9162
125 9162
129 9162
133 9162
135 9162
137 9162
141 9162
142 9162
145 9162
183 9162

Proposed Rules:
39 ..... 8807, 8810, 8951, 9238, 9818, 9820, 10408, 10411, 10415, 10809
71 ..... 9242, 9243, 9451, 9452, 9822, 10644, 11443, 11445, 11446

15 CFR

Proposed Rules:
922 8812

16 CFR

Proposed Rules:
Ch. II 10418

17 CFR

143 9426

18 CFR

11 10568
35 ....9580, 9636
157 9697

20 CFR

404 11143

21 CFR

573 8929
864 11143
872 11144
878 9698
1308 10367

Proposed Rules:
73 9715
101 8953
573 10645

26 CFR

1 10785
801 9700

Proposed Rules:
301 10811

29 CFR

1910 ....9701, 11413
1915 9701
1926 9701
4022 11413
4044 11413

Proposed Rules:
4001 9716
4022 9716
4041 9716
4043 9716
4044 9716

30 CFR

550 8930
553 8930
723 10611
724 10611
845 10611
846 10611

Proposed Rules:
904 10646
938 10647

31 CFR

510 9182

33 CFR

117 ....8747, 8748, 8933, 8936, 8937, 9204, 9429, 9430, 9431, 9432, 9824, 10617, 10785, 11145, 11415
165 ....8748, 8938, 9205, 10368, 10786

Proposed Rules:
100 ....8955, 8957, 9454
117 10648
165 ....9245, 9247, 9249, 9252, 9456, 10419

34 CFR

230 9207
Ch. VI 10619

36 CFR

7 8940
1258 11145

Proposed Rules:
2 8959
1007 9459
1008 9459
1009 9459
1011 9459

37 CFR

Proposed Rules:
201 9824

38 CFR

9 10622
17 9208
36 8945
42 8945

39 CFR

111 10624
265 9433
3020 10370

40 CFR

51 10376
52 ....8750, 8752, 8756, 9213, 9435, 9438, 10626, 10788, 10791, 10796
60 10628
62 ....11416, 11418
63 9215
81 ....8756, 10796
82 9703
180 ....8758, 9440, 9442, 9703, 11420
271 10383

Proposed Rules:
52 ....8814, 8818, 8822, 8961, 10650, 10652, 10813, 11155
63 ....9254, 11314
81 10814
174 8827
180 ....9471, 11448
257 11584

44 CFR

64 10638

Proposed Rules:
9 9473

45 CFR

Proposed Rules:
1355 ....11449, 11450

47 CFR

10 10800
15 ....10640, 10641
25 11146
54 10800
64 11422
74 ....10640, 10641

Proposed Rules:
36 10817
54 ....8962, 11452
73 8828

48 CFR

752 9712
816 10643
828 ....10643, 10801
852 10643

49 CFR

225 9219
1102 9222

50 CFR

300 10390
635 ....8946, 9232, 10802
648 ....8764, 10803, 11146, 11428
660 11146
679 ....8768, 9235, 9236, 9713, 10406, 10807, 11152, 11153, 11429

Proposed Rules:
17 ....11162, 11453
218 ....9366, 10954
622 11164
635 9255
648 11474
679 9257

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 13, 2018

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.