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Presidential Documents

Title 3—

The President

Proclamation 9706 of March 16, 2018

National Poison Prevention Week, 2018

By the President of the United States of America

A Proclamation

Poisoning remains the leading cause of injury death in the United States. By taking the proper precautions and preparing for emergency situations, however, we can ensure our families and our communities avoid poisoning tragedies. During National Poison Prevention Week, we strive to reduce the frequency of poisoning deaths and educate ourselves about how to prevent accidental poisoning.

Since 2000, the rate of accidental drug-poisoning deaths has more than quadrupled. Accidental poisoning due to drug overdose has taken immense tolls on families all across the country, and synthetic opioids continue to push the death count higher. In 2016 alone, we lost 116 people per day from opioid-related drug overdoses.

To address this devastating epidemic, I have mobilized my entire Administration to combat drug addiction and opioid abuse. In October 2017, my Administration declared the opioid addiction crisis a national public health emergency. My 2018 Budget proposes $3 billion in new funding this year to combat the opioid epidemic, including through providing additional support for mental health initiatives.

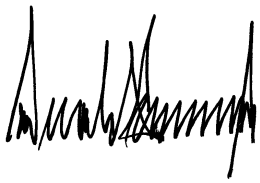
My Administration has also led multiple national ''Take Back Day'' events, during which Americans have had the opportunity to safely dispose of unneeded prescription medications, preventing them from falling into the wrong hands. During the most recent event last October, the Drug Enforcement Administration collected 456 tons of prescription drugs for disposal at more than 5,300 collection sites. We will continue to champion these initiatives, which help prevent future tragedies from accidental poisonings and drug overdoses.

This week, and every week, we warn all Americans about unintended exposure to poisons, so that we can reduce risks and prevent injuries and lost lives. We all can do our part by ensuring the products we bring into our homes, including medications, cleaning supplies, laundry detergents, small batteries, and other chemicals, are stored out of sight and out of reach of children. Accidental poisonings are preventable, and we must recommit ourselves to taking the necessary actions to protect our families, and improve the health, well-being, and prosperity of our Nation as a whole.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim March 18, 2018, through March 24, 2018, to be National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard their families from poisonous products, chemicals, and medicines, and drugs found in our homes, and to raise awareness of these dangers in order to prevent accidental injuries and deaths.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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.



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Presidential Documents

Proclamation 9707 of March 16, 2018

Vocational-Technical Education Week, 2018

By the President of the United States of America

A Proclamation

Across our great Nation, vocational-technical schools prepare Americans for careers in critical sectors of our economy, including manufacturing, construction, and technology fields. These industries are essential to our Nation's prosperity and security, as well as to our success in the competitive global marketplace. During Vocational-Technical Education Week, we highlight the important role that vocational and technical education plays in lifting up our communities and putting millions of Americans on the road to success.

As I said in the State of the Union Address, my Administration is focused on investing in workforce development, especially as the recent tax cuts spur major job creation across the country. Today, 5.9 million American jobs are unfilled, and more than 350,000 of them are in manufacturing. Our Nation needs skilled workers to fill these roles, but the cost of postsecondary education continues to rise while many colleges and universities fail to adequately equip students with skills that align with the jobs in demand. Businesses large and small routinely observe that they cannot find qualified applicants to fill their vacancies. Vocational-technical schools help students explore their passions and enter the workforce with the necessary competencies to secure well-paying, family-sustaining jobs.

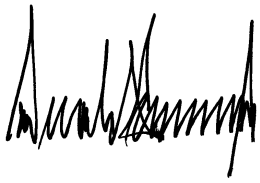
My Administration recognizes the importance of increasing access to education, which is why my infrastructure proposal includes important reforms that will make it easier for Americans to access affordable, relevant, and high-quality education that leads to full-time work and long-term careers. It also includes initiatives related to workforce development. Specifically, my proposal would allow students to use Pell Grant funding to pay for cutting-edge, short-term programs that lead to quick and efficient transitions into the workforce. My proposal also calls on the Congress to reauthorize the Perkins Career and Technical Education program and to improve it by making it easier for schools to partner with local businesses to expand apprenticeships, other forms of skills-based learning, and dual-enrollment programs. Further, I have called for reforming the Federal Work-Study program so that more Federal dollars go toward helping students—especially lower-income students—have more meaningful workplace experiences. Through a combination of administrative and legislative actions, my Administration is seeking to train the workforce of today for both the challenges and developments of tomorrow.

Vocational-Technical Education Week reminds us to consider how we can help all Americans achieve the American Dream, by providing opportunities for all of our citizens to secure employment, success, and fulfillment. American strength and prosperity truly rely upon the educational advancement opportunities we make available to our Nation's youth.

NOW, THERFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 18 through March 24, 2018, as Vocational-Technical Education Week. I call upon public officials, educators, librarians, and all Americans to observe this week with

appropriate ceremonies and activities designed to highlight the benefits of quality vocational-technical education.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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.



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Rules and Regulations

Federal Register

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0229; Special Conditions No. 25–720–SC]

Special Conditions: Bombardier Inc. BD–700–2A12 and BD–700–2A13 Airplane; Flight Envelope Protection: Normal Load Factor (g) Limiting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Model BD–700–2A12 and BD–700–2A13 airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature will use a fly-by-wire electronic flight control system (EFCS) that will prevent the flight crew from inadvertently or intentionally exceeding the positive or negative airplane limit-load-factor. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier Inc. on March 21, 2018. Send your comments by May 7, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0229 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 S. 216th St., Des Moines, Washington 98198–6547; telephone 206–231–3158; facsimile 425–231–3398.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new Models BD–700–2A12 and BD–700–2A13 airplanes. The Model BD–700–2A12 and BD–700–2A13 airplanes, which are derivatives of the BD–700 series currently approved under Type Certificate No. T00003NY. The Model BD–700–2A12 and BD–700–2A13 airplanes augment the existing BD–700 family of airplane and are marketed as the Bombardier Global 7000 and Global 8000 airplanes, respectively. These are business jets with a maximum certified passenger capacity of 19. The Model BD–700–2A12 and BD–700–2A13 airplanes will have a maximum takeoff weight of 106,250 lbs. and 104,800 lbs., respectively.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model BD–700–2A12 and BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to

include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model BD–700–2A12 and BD–700–2A13 airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under 21.101.

Novel or Unusual Design Features

The Model BD–700–2A12 and BD–700–2A13 airplanes will incorporate the following novel or unusual design feature:

The Model BD–700–2A12 and BD–700–2A13 airplanes will use a fly-by-wire electronic flight control system (EFCS) that will prevent the flight crew from inadvertently or intentionally exceeding the positive or negative airplane limit-load-factor. This feature is considered novel or unusual because the current regulations do not provide standards for maneuverability and controllability evaluations for such systems. Therefore, special conditions are needed to ensure adequate maneuverability and controllability when using this design feature.

Discussion

Title 14, Code of Federal Regulations, part 25 does not specify requirements or policy for demonstrating maneuver control that impose any handling qualities requirements beyond the design limit structural loads. Nevertheless, some pilots have become accustomed to the availability of this excess maneuver capacity in case of extreme emergency such as upset recoveries or collision avoidance.

As with previous fly-by-wire airplanes, the FAA has no regulatory or safety reason to prohibit a design for an electronic flight control system with load factor limiting. It is possible that pilots accustomed to this feature feel more freedom in commanding full-stick displacement maneuvers because of the following:

a. Knowledge that the limit system will protect the structure,

b. Low stick force/displacement gradients,

c. Smooth transition from pilot elevator control to limit control.

These special conditions will ensure adequate maneuverability and controllability when using this design feature.

The normal load factor limit on the Model BD–700–2A12 and BD–700–2A13 airplanes is unique in that traditional airplanes with conventional flight control systems (mechanical linkages) are limited in the pitch axis only by the elevator surface area and deflection limit. The elevator control power is normally derived for adequate controllability and maneuverability at the most critical longitudinal pitching moment. The result is that traditional airplanes have a significant portion of the flight envelope wherein maneuverability in excess of limit structural design values is possible.

These special conditions for the Model BD–700–2A12 and BD–700–2A13 airplanes supplement the applicable regulations, including § 25.143, to accommodate the unique features of the flight envelope limiting systems, and establish an equivalent level of safety to the existing regulations.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Model BD–700–2A12 and BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Model BD–700–2A12 and BD–700–2A13 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Model Bombardier BD–700–2A12 and BD–700–2A13 airplanes.

Flight Envelope Protection: Normal Load Factor (g) Limiting

1. To meet the intent of adequate maneuverability and controllability required by § 25.143(a), and in addition to the requirements of § 25.143(a) and in the absence of other limiting factors, the following special conditions based on § 25.333(b) apply:

a. The positive limiting load factor must not be less than:

(1) 2.5g for the normal state of the electronic flight control system with the high lift devices retracted.

(2) 2.0g for the normal state of the electronic flight control system with the high lift devices extended.

b. The negative limiting load factor must be equal to or more negative than:

(1) Minus 1.0g for the normal state of the electronic flight control system with the high lift devices retracted.

(2) 0.0g for the normal state of the electronic flight control system with high lift devices extended.

c. Maximum reachable positive load factor, wings level, may be limited by by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided that

(1) the required values are readily achievable in turns, and

(2) wings-level pitch up is satisfactory.

d. Maximum achievable negative load factor may be limited by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided:

(1) Pitch down responsiveness is satisfactory, and

(2) From level flight, 0g is readily achievable or alternatively, a satisfactory trajectory change is readily achievable at operational speeds. For the FAA to consider a trajectory change as satisfactory, the applicant should propose and justify a pitch rate that provides sufficient maneuvering capability in the most critical scenarios.

e. Compliance demonstration with the above requirements may be performed without ice accretion on the airframe.

These special conditions do not impose an upper bound for the normal load factor limit, nor do they require that the limiter exist. If the limit is set at a value beyond the structural design limit maneuvering load factor ''n'' of §§ 25.333(b) and 25.337(b) and (c), there should be a very obvious positive tactile feel built into the controller so that it serves as a deterrent to inadvertently exceeding the structural limit.

Issued in Des Moines, Washington, on March 15, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–05663 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0193; Special Conditions No. 25–718–SC]

Special Conditions: Bombardier Inc. Model BD–700–2A12 and BD–700–2A13 Series Airplanes; Synthetic Vision System on Head-Up Display

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Model BD–700–2A12 and BD–700–2A13 series airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the applicable airworthiness standards for transport-category airplanes. These airplanes incorporate a novel or unusual design feature associated with a synthetic vision system (SVS) that displays video imagery on the head-up display (HUD). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on March 21, 2018. Send your comments by May 7, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0193 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Stuber, FAA, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 South 216th Street, Des Moines, Washington 98198; telephone 206–231–3164; facsimile 206–231–3398.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new Model BD–700–2A12 and BD–700–2A13 series airplanes. The Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes, which are derivatives of the Model BD–700 airplane currently approved under Type Certificate No. T00003NY, are business jets with a maximum certified passenger capacity of 19. The maximum takeoff weight of the Model BD–700–2A12 airplane is 106,250 lbs. and 104,800 lbs. for the Model BD–700–2A13 airplane.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 series airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY, or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model BD–700–2A12 and BD–700–2A13 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Model BD–700–2A12 and BD–700–2A13 series airplanes will

incorporate the following novel or unusual design features:

Flight-deck design incorporating a synthetic vision system that displays video imagery on the HUD.

Discussion

When the FAA began to evaluate the display of enhanced vision-system (EVS) imagery on the HUD, significant potential to obscure the outside view became apparent, contrary to the requirements of § 25.773. This rule does not permit distortions and reflections in the pilot-compartment view that can interfere with normal duties, and the FAA did not write a rule in anticipation of such technology. The video image potentially interferes with the pilot's ability to see the natural scene in the center of the forward field of view.

The FAA issued special conditions for such HUD/EVS installations to ensure that the level of safety required by § 25.773 would be met even when the image might partially obscure the outside view. While many of the characteristics of EVS and SVS video differ, they have one thing in common: The potential for interference with the outside view through the airplane windshield. Although the pilot may be able to see around and through small, individual symbols on the HUD, the pilot may not be able to see around or through the image that fills the display without some interference of the outside view. Nevertheless, the SVS may be capable of meeting the required level of safety when considering the combined view of the image and the outside scene visible to the pilot through the image. It is essential that the pilot can use this combination of image and natural view of the outside scene as safely and effectively as is the pilot-compartment view currently available without the SVS image.

Because § 25.773, at the applicable amendment level, does not provide for any alternatives or considerations for a novel or unusual design feature, the FAA establishes safety requirements that assure an equivalent level of safety and effectiveness of the pilot-compartment view as intended by that rule. The purpose of these special conditions is to provide the unique pilot-compartment-view requirements for the SVS installation.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes:

1. During any phase of flight in which it is to be used, the synthetic vision system (SVS) imagery on the head-up display (HUD) must not degrade flight safety or interfere with the effective use of outside visual references for required pilot tasks.

2. To avoid unacceptable interference with the safe and effective use of the pilot-compartment view, the SVS must meet the following requirements:

a. The SVS design must minimize unacceptable display characteristics or artifacts (*e.g.,* terrain shadowing against a dark background, noise, ''burlap'' overlay) that obscure the desired image of the scene, impair the pilot's ability to detect and identify visual references, mask flight hazards, distract the pilot, or otherwise degrade task performance or safety.

b. Control of SVS image-display brightness must be sufficiently effective in dynamically changing background (ambient) lighting conditions to avoid pilot distraction, impairment of the pilot's ability to detect and identify visual references, masking of flight hazards, or to otherwise degrade task performance or safety. If automatic control for image brightness is not provided, it must be shown that a single, manual setting is satisfactory for the range of lighting conditions encountered during a time-critical, high-workload phase of flight (*e.g.,* low-visibility instrument approach).

c. A readily accessible control must be provided that permits the pilot to immediately deactivate and reactivate display of the SVS image on demand, without having to remove hands from the flight controls and throttles.

d. The SVS image on the HUD must not impair the pilot's use of guidance information, or degrade the presentation and pilot awareness of essential flight information displayed on the HUD, such as alerts, airspeed, attitude, altitude and direction, approach guidance, windshear guidance, traffic-alert and collision-avoidance system-resolution advisories, or unusual-attitude recovery cues.

e. The SVS image and the HUD symbols, which are spatially referenced to the pitch scale, outside view, and image, must be scaled and aligned (*i.e.,* conformal) to the external scene. In addition, the SVS image and the HUD symbols—when considered singly or in combination—must not be misleading, cause pilot confusion, or increase workload. Airplane attitudes or cross-wind conditions may cause certain symbols (*e.g.,* the zero-pitch line or flight-path vector) to reach field-of-view limits, such that they cannot be positioned conformally with the image and external scene. In such cases, these symbols may be displayed but with an altered appearance that makes the pilot aware that they are no longer displayed conformally (for example, ''ghosting''). The combined use of symbology and runway image may not be used for path monitoring when path symbology is no longer conformal.

f. A HUD system that displays SVS images must, if previously certified, continue to meet all of the requirements of the original approval.

3. The safety and performance of the pilot tasks associated with the use of the pilot-compartment view must not be degraded by the display of the SVS image. These tasks include the following:

a. Detection, and accurate identification and maneuvering as necessary, to avoid traffic, terrain, obstacles, and other flight hazards.

b. Accurate identification and utilization of visual references required for every task relevant to the phase of flight.

4. Appropriate limitations must be stated in the Operating Limitations section of the Airplane Flight Manual to prohibit the use of the SVS for functions that have not been found to be acceptable.

Issued in Des Moines, Washington.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–05650 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0201; Special Conditions No. 25–717–SC]

Special Conditions: Bombardier Inc., Model BD–700–2A12 and BD–700–2A13 Series Airplanes, Flight Envelope Protection: Pitch and Roll Limiting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier), Model BD–700–2A12 and BD–700–2A13 series airplanes. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the applicable airworthiness standards for transport-category airplanes. This design feature is the fly-by-wire electronic flight-control system (EFCS) that will limit pitch and roll functions to prevent the airplane from attaining certain pitch attitudes and roll angles. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier Inc. on March 21, 2018. Send your comments by May 7, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0201 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 South 216th Street, Des Moines, Washington 98198; telephone 206–231–3158; email *Joe.Jacobsen@faa.gov*.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new Models BD–700–2A12 and BD–700–2A13 series airplanes. The BD–700–2A12 and BD–700–2A13 series airplanes, are derivatives of the BD–700 currently approved under Type Certificate No. T00003NY, and are business jets with a maximum certified passenger capacity of 19. The maximum takeoff weight of Model BD–700–2A12 airplane is 106,250 lbs. and 104,800 lbs. for the Model BD–700–2A13 airplane.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model BD–700–2A12 and BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Model BD–700–2A12 and BD–700–2A13 airplanes will incorporate the

following novel or unusual design features:

Fly-by-wire EFCS that will limit pitch and roll functions to prevent the airplane from attaining certain pitch attitudes and roll angles greater than plus or minus 65 degrees, and introduce positive spiral stability introduced for roll angles greater than 30 degrees at speeds below V_{MO}/M_{MO}. This system generates the actual surface commands that provide for stability augmentation and flight control for all three airplane axes (longitudinal, lateral, and directional).

Discussion

Part 25 of title 14 of the CFR does not specifically relate to flight characteristics associated with fixed attitude limits. Bombardier proposes to implement on the airplanes pitch and roll attitude-limiting functions via the EFCS normal mode. This will prevent the airplane from attaining certain pitch attitudes and roll angles greater than plus or minus 65 degrees. In addition, positive spiral stability, introduced for roll angles greater than 30 degrees at speeds below V_{MO}/M_{MO}, and spiral stability characteristics, must not require excessive pilot strength to achieve bank angles up to the bank-angle limit. These special conditions are in addition to the requirements of § 25.143. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Model BD–700–2A12 and BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes:

In addition to § 25.143, the following requirements apply to the electronic flight-control system (EFCS) pitch- and roll-limiting functions:

1. The pitch-limiting function must not impede normal maneuvering for pitch angles up to the maximum required for normal maneuvering, including a normal, all-engines-operating takeoff, plus a suitable margin to allow for satisfactory speed control.

2. The pitch- and roll-limiting functions must not restrict or prevent attaining pitch attitudes necessary for emergency maneuvering, or roll angles up to 65 degrees. Spiral stability, which is introduced above 30 degrees of roll angle, must not require excessive pilot strength to achieve these roll angles. Other protections, which further limit the roll capability under certain extreme angle-of-attack, attitude, or high-speed conditions, are acceptable, as long as they allow at least 45 degrees of roll capability.

3. A lower limit of roll is acceptable beyond the overspeed warning if it is possible to recover the airplane to the normal flight envelope without undue difficulty or delay.

Issued in Des Moines, Washington.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–05651 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0228; Special Conditions No. 25–719–SC]

Special Conditions: Bombardier Inc. BD–700–2A12 and BD–700–2A13 Airplane; Flight-Envelope Protection: General Limiting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Model BD–700–2A12 and BD–700–2A13 airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a new control architecture and a full digital-flight-control system that provides comprehensive flight-envelope protections. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier Inc. on March 21, 2018. Send your comments by May 7, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0228 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 S. 216th St., Des Moines, Washington 98198–6547; telephone 206–231–3158; facsimile 425–231–3398.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 30, 2012, Bombardier applied for an amendment to Type Certificate No. T00003NY to include the new BD–700–2A12 and BD–700–2A13 airplanes. The Model BD–700–2A12 and BD–700–2A13 airplanes, which are derivatives of the BD–700 series airplane currently approved under Type Certificate No. T00003NY. The Model BD–700–2A12 and BD–700–2A13 airplanes augment the existing BD–700 family of airplanes and are marketed as the Bombardier Global 7000 and Global 8000 airplanes, respectively. These are business jets with a maximum certified passenger capacity of 19. The Model BD–700–2A12 and BD–700–2A13 airplanes will have a maximum takeoff weight of 106,250 lbs. and 104,800 lbs., respectively.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Bombardier must show that the Model BD–700–2A12 and BD–700–2A13 airplanes meet the applicable provisions of the regulations listed in Type Certificate No. T00003NY or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model BD–700–2A12 and BD–700–2A13 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model BD–700–2A12 and BD–700–2A13 airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34 and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes will incorporate the following novel or unusual design feature: New control architecture and a full digital-flight-control system that provides comprehensive flight-envelope protections.

Discussion

The applicable airworthiness regulation is 14 CFR 25.143. The purpose of § 25.143 is to verify that any operational maneuvers conducted within the operational envelope can be accomplished smoothly with average piloting skill and without exceeding any structural limits. The pilot should be able to predict the airplane response to any control input. During the course of the flight test program, the pilot determines compliance with § 25.143 primarily through qualitative methods. During flight test, the pilot should evaluate all of the following:

- The interface between each protection function;
- Transitions from one mode to another;
- Airplane response to intentional dynamic maneuvering, whenever applicable, through dedicated maneuvers;
- General controllability assessment;
- High speed characteristics; and
- High angle-of-attack.

Section 25.143, however, does not adequately ensure that the novel or unusual features of the BD–700 series airplanes will have a level of safety equivalent to that of existing standards. These special conditions are therefore required to accommodate the flight envelope limiting systems in the BD–700 series airplanes. The general limiting requirements are necessary to ensure a smooth transition from normal flight to the protection mode and adequate maneuver capability. The general limiting requirements also ensure that the structural limits of the airplane are not exceeded. Furthermore, failure of the flight-envelope protection feature must not create hazardous flight conditions. The additional safety standards in these special conditions will ensure a level of safety equivalent to that of existing standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–700–2A12 and BD–700–2A13 airplanes.

General Limiting Requirements

a. Onset characteristics of each envelope protection feature must be

smooth, appropriate to the phase of flight and type of maneuver, and not in conflict with the ability of the pilot to satisfactorily change airplane flight path, speed, or attitude as needed.

b. Limit values of protected flight parameters (and if applicable, associated warning thresholds) must be compatible with the following:

i. Airplane structural limits,

ii. Required safe and controllable maneuvering of the airplane, and

iii. Margins to critical conditions. Unsafe flight characteristics/conditions must not result if dynamic maneuvering, airframe and system tolerances (both manufacturing and in-service), and non-steady atmospheric conditions, in any appropriate combination and phase of flight, can produce a limited flight parameter beyond the nominal design-limit value.

c. The airplane must be responsive to intentional dynamic maneuvering to within a suitable range of the parameter limit. Dynamic characteristics such as damping and overshoot must also be appropriate for the flight maneuver and limit parameter in question.

d. When simultaneous envelope limiting is engaged, adverse coupling or adverse priority must not result.

Failure States

a. Electronic flight-control-system failures (including sensors) must not result in a condition where a parameter is limited to such a reduced value that safe and controllable maneuvering is no longer available.

b. The crew must be alerted by suitable means if any change in envelope limiting or maneuverability is produced by single or multiple failures of the electronic flight-control system not shown to be extremely improbable.

Issued in Des Moines, Washington, on March 15, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

[Docket No. CPSC–2016–2019]

Labeling of Certain Household Products Containing Methylene Chloride; Supplemental Guidance

AGENCY: Consumer Product Safety Commission.

ACTION: Guidance.

SUMMARY: The Halogenated Solvents Industry Alliance petitioned the Consumer Product Safety Commission to amend its 1987 policy statement regarding the labeling of certain products containing methylene chloride to address acute hazards from inhaling methylene chloride vapors in addition to the chronic hazards addressed in the policy statement. In this document, the Commission updates the 1987 policy statement to provide guidance regarding the labeling to warn of acute hazards associated with paint strippers containing methylene chloride.

DATES: This guidance document becomes applicable on March 21, 2018.

FOR FURTHER INFORMATION CONTACT: Carol Afflerbach, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission; 4330 East-West Highway, Bethesda, MD 20814; email: *cafflerbach@cpsc.gov;* telephone: (301) 504–7529.

SUPPLEMENTARY INFORMATION:

I. Background

In 1987, the U.S. Consumer Product Safety Commission (CPSC or Commission) issued a Statement of Interpretation and Enforcement Policy regarding the labeling of certain household products containing methylene chloride (1987 Statement), 52 FR 34698 (Sept. 14, 1987). The 1987 Statement noted that the Commission considers certain household products containing methylene chloride (DCM) to be ''hazardous substances'' under the FHSA and may pose a risk of carcinogenicity. The 1987 Statement identified several categories of products that contained methylene chloride that could expose consumers to significant amounts of methylene chloride vapor, and were thus hazardous substances. Paint strippers were one of these product categories. The 1987 Statement advised manufacturers of the FHSA's labeling requirements and provided guidance for labeling those products, including paint strippers, to warn of the cancer risk from inhaling methylene chloride vapor.

On July 7, 2016, the Halogenated Solvents Industry Alliance (HSIA or petitioner) petitioned the CPSC to amend its 1987 Statement to recognize the acute hazard posed by using household products containing DCM in enclosed spaces with inadequate ventilation. The petitioner stated that using household products containing DCM in bathrooms, or other enclosed spaces, with inadequate ventilation can be dangerous. When consumers use methylene chloride to strip coatings from bathtubs, they often spray or pour a bathtub stripping product into the basin of the bathtub and then brush the product onto the tub surface. Many of these stripping products contain substantial amounts of methylene chloride. According to the petitioner, methylene chloride is a volatile organic compound that will evaporate quickly when sprayed, brushed, or poured, so that its vapor can quickly build up in small spaces. The petitioner stated that DCM has a high vapor pressure, which causes vapors to collect in the bottom of a bathtub and in a consumer's breathing zone when working in a bathtub. This situation can create dangerously high concentrations of DCM, and in some cases, replace the breathable air. The petitioner asked the Commission to expand the cautionary labeling guidance so that it also warns of the threat of asphyxiation if DCM-based paint strippers are used in an enclosed space.

CPSC staff prepared a briefing package in response to the petition and submitted the package to the Commission on May 26, 2017. On June 2, 2017, the Commission voted unanimously (5–0) to grant the petition (HP 16–1) and directed CPSC staff to draft a policy statement that addresses labeling for acute hazards from inhaling methylene chloride vapors from paint strippers.

II. EPA Rulemaking

The EPA has initiated rulemaking under section 6(a) of the Toxic Substances Control Act (TSCA) to address risks posed by DCM when used in paint and coating removal products. Specifically, EPA has issued a proposed rule that provides an assessment of the health hazards posed by DCM and that proposes to determine that DCM in these products presents an unreasonable risk of injury to health. Based on this determination, and after considering regulatory alternatives, EPA proposed to prohibit the manufacture (including import), processing, and distribution in commerce of DCM for all consumer and most commercial paint removal products, and to prohibit commercial use. 82 FR 7464 (Jan. 19, 2017). EPA's rulemaking would address both consumer and worker exposures to DCM used for paint and coating removal. While developing its rulemaking, EPA consulted with CPSC staff. Under EPA's rulemaking (if finalized as proposed), paint and coating removal products containing DCM would no longer be on the market for consumers or commercial workers, except in limited circumstances. To date, EPA has not finalized its rulemaking. Accordingly,

the Commission believes that updating CPSC's 1987 Statement would provide more immediate guidance and clarity to industry and consumers regarding the acute hazards associated with using DCM-containing paint strippers while those products remain on the market. By updating the 1987 Statement, we do not suggest that labeling will address all hazards EPA identified in its proposed rulemaking.

III. Federal Hazardous Substances Act (FHSA) Labeling Requirements

The CPSC regulates hazardous household substances under the FHSA, 15 U.S.C. 1261–1276. Section 2(p)(1) of the FHSA, 15 U.S.C. 1261(p)(1), requires that a hazardous substance bear certain cautionary statements on its label in a prominent and conspicuous manner so that consumers can safely use and store the product in and around the household. A product is a ''hazardous substance'' under the FHSA if the substance or a mixture of substances is toxic, corrosive, an irritant, a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat, or other means, and if the substance or mixture of substances may cause substantial personal injury or substantial illness during customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

The FHSA defines ''toxic'' as ''any substance . . . which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.'' 15 U.S.C. 1261(g). The Commission has issued a regulation at 16 CFR 1500.3(c), which supplements the statutory definition of ''toxic'' based on the outcome of any of the approved test methods described in CPSC's animal testing policy set forth at 16 CFR 1500.232. This definition also includes chronic toxicity and states that a substance is toxic if it presents a chronic hazard, if it is a known or probable human carcinogen, neurotoxin, or developmental or reproductive toxicant.

Under the FHSA, an article that is intended, or packaged in a form suitable for household use and meets the definition of ''hazardous substance'' is a ''misbranded hazardous substance'' unless its packaging or labeling warns of the hazard in accordance with the requirements of section 2(p). 15 U.S.C. 1261(p). Thus, cautionary statements are required for household substances meeting the definition of ''hazardous substance'' under the FHSA, whether the hazard is acute or chronic.

IV. Staff's Review of Toxicity and Incident Data

A. Acute Toxicity Data

CPSC staff reviewed relevant data to evaluate the acute toxicity risk to consumers from using DCM-containing products in residential settings. Staff's petition briefing package provided detailed information about staff's review. (*https://www.cpsc.gov/s3fs-public/RCA%20-%20Petition%20HP%2016-1%20Labeling%20of%20Household%20Products%20Containing%20Methylene%20Chloride%20082316.pdf*).

DCM is a highly volatile, colorless, organic substance used as a solvent in a variety of consumer and commercial products, including paint strippers, adhesives and adhesive removers, spray paint, spray shoe polish, and cleaners. DCM's high volatility makes inhalation its primary route of exposure.[1] The acute toxicity risks for consumers using DCM-based products in residential settings range from upper respiratory, ocular and dermal irritation, to severe effects, such as respiratory suppression, loss of consciousness, and death.[2] Both consumer and worker deaths have been attributed to scenarios where the individuals were working alone in an enclosed and/or poorly ventilated space (*e.g.,* bathrooms, basements, sheds) without respiratory protection. The toxic effects are from DCM as well as carbon monoxide (CO), which is a metabolite of DCM. Bystanders are also at risk of acute health effects while in the home when paint strippers and similar DCM-based products are being applied.[3]

The primary route of exposure for DCM is inhalation; however, DCM can readily be absorbed through dermal (skin) contact as well. To protect against skin absorption, butyl rubber or polyvinyl alcohol gloves must be worn because latex gloves will not protect against skin absorption.[4] DCM should only be used in a well-ventilated area. In 2013, CPSC staff developed a pamphlet concerning paint strippers which provides guidance to consumers on ventilation practices when they use DCM-containing paint strippers. The CPSC pamphlet recommends that paint-stripping work be done professionally if the work area has low-ventilation conditions.[5] The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) indicates in its hazard alerts that bathroom fans and/or open windows do not provide adequate ventilation when using these paint strippers in an enclosed space, such as a bathroom.[6] Inhalation exposure to as little as six ounces is sufficient to cause death.[7] While working with DCM, consumers and workers must use respiratory protective equipment, such as tight-fitting, full-face, self-contained supplied-air respirators or gas masks with vapor canisters, to reduce exposure.[8] Because DCM vapors are heavier than air, they can remain in the work area and become very hazardous to users. For example, if using a DCM-containing paint stripper to renovate a bathtub, inhalation exposure could occur due to the vapors remaining in the bathtub after application.[9] This exposure may lead to death if proper precautions, such as protective equipment and ventilation, are not used.[10] To obtain adequate ventilation, use a qualified occupational health and safety specialist to assist in designing and installing local exhaust ventilation to effectively control vapors to below applicable personal exposure levels.

B. Incident Data

Staff searched CPSC databases for information about incidents reported to CPSC associated with DCM-based paint strippers and other household products containing DCM. Staff also searched the Consumer Product Safety Risk Management System (CPSRMS) and the National Electronic Injury Surveillance System (NEISS).

Between January 1, 2000 and November 30, 2017, there were 30 incidents associated with household products containing or likely containing DCM reported to CPSC by December 5, 2017. The majority of the incidents (28) were associated with paint strippers; one incident was associated with an unspecified solvent; and one incident

[1] ATSDR. 2000a. TOXICOLOGICAL PROFILE FOR METHYLENE CHLORIDE. 3.13; CDC. 2012. Fatal Exposure to Methylene Chloride Among Bathtub Refinishers—United States, 2000–2011. *MMWR*. 61:4; EPA. 2014. TSCA Work Plan Chemical Risk Assessment Methylene Chloride: Paint Stripping Use. *EPA Document #740–R1–4003*. August 2014:279.

[2] EPA. 2009. INTERIM ACUTE EXPOSURE GUIDELINE LEVELS (AEGLs) for METHYLENE CHLORIDE. Interim 1: 12/2008:110.

[3] EPA, 2014.

[4] CDC, 2012. CPSC. 1987b. Statement of Policy for Methylene Chloride. FindLaw; IRIS, 2011.

[5] CPSC, 2013. What You Should Know About Using Paint Strippers. 423.

[6] OSHA, 2013. Hazard Alert. ''Methylene Chloride Hazards for Bathtub Refinishers''; OSHA, 2016. FATAL Facts, Ho. 13–2016, ''Lethal Exposure to Methylene Chloride during Bathtub Refinishing.''

[7] OSHA, 2013.

[8] OSHA DCM regulations, 29 CFR 1910.1052, require employers to supply employees with respirators, and require employees to use the respirator when exposures are likely to exceed the regulatory limits.

[9] CDC, 2012.

[10] ATSDR, 2000b; CDC, 2012; EPA, 2014.

was associated with a sealant. The incident reports mentioned fumes, inhalations, skin and lung irritation, leaking, and spilling. Based on information provided by consumers, 17 incidents were associated with DCM-based household products (the incidents either mentioned DCM or provided the product SKU# that allowed CPSC staff to identify a DCM-based product). Thirteen incident reports named paint strippers containing DCM.[11] CPSC staff determined that these incidents are likely associated with DCM-based paint strippers. Among the 30 reported incidents, there were 6 fatalities, 1 hospital admission, 1 emergency department visit, 15 injuries/adverse health problems, 4 non-injury incidents, and 3 incidents without enough information to determine whether an injury occurred.

CPSC staff is aware of six deaths involving DCM-based products [12] that occurred between January 1, 2000, and November 30, 2017. The victims were males between 45 and 80 years old. In most of the cases (5 deaths), CPSC staff was not able determine whether the incidents were associated with a consumer or a worker. These fatal incidents are described in more detail in the petition briefing package. The Commission has since learned of an incident that occurred in October 2017, in Charleston, SC, involving a paint stripper, which resulted in death from acute DCM and methanol toxicity. This case is still under investigation to determine whether it is a consumer or worker incident.

In 2002, a 64-year-old male fell into a tank of paint stripper at work. The paint stripper contained DCM. The cause of death was recorded as a cardiac arrest and respiratory toxicity. Although this case is a work-related incident, and therefore, not within CPSC's jurisdiction, the case, nonetheless, indicates the potential hazard of the product. Another incident that occurred in 2002 involved a 52-year-old male. He died as a consequence of inhaling fumes from a DCM-based solvent in a bathroom. In 2007, a 45-year-old male died after inhaling paint remover fumes during a bathroom renovation. The cause of death was determined to be asphyxia due to inhaling DCM. In 2013, an 80-year-old male died after inhaling DCM fumes while using a paint stripper in a shed. Also reported in 2013, a 50-year-old male died after inhaling DCM fumes while stripping an apartment's bathroom. In 2016, a 48-year-old male was sealing bathroom shower tiles with a DCM-based sealer in a bathroom. He died as a consequence of asphyxiation from exposure to toxic DCM fumes.

V. Labeling Paint Strippers Containing Methylene Chloride

This section contains guidance on minimum recommendations for how the acute and chronic health risks of DCM use could be conveyed in the Principal Display Panel (PDP) and the back or other panel to effectively inform consumers and motivate their safe use of paint stripping products containing DCM.

Currently, there are few suitable alternatives to DCM, and protective measures, such as moving products outdoors to apply the stripper can be inconvenient. Providing warning information does not prevent consumer exposure to hazards, but instead, relies upon persuading consumers to alter their behavior in some way to avoid the hazard. In addition, warnings research demonstrates that even small inconveniences to the consumer can have a substantial negative effect on behavioral compliance with a warning.[13] Therefore, it is imperative that warning labels are formatted and contain information so that they are likely to be noticed, read, understood, and heeded.

A. General Principles of Warning Labels

1. Format of Warning Label

Research has shown that warning information is more effective when it is conspicuous.[14] Repetition with variation and consistent reinforcement can increase the effectiveness of messages.[15] Strategic use of capitalization, bolding, underlining, and other forms of highlighting information can steer the consumer's attention to the most pertinent information by making it stand out from the surrounding text.[16]

2. Order of Safety Information

Experts in the communication of safety information agree that associated hazards and symptoms should be mentioned from most-to-least severe.[17] Research indicates that many consumers will only read as much of the safety information as they think they have to read and only if the rewards meet or exceed the efforts.[18] If lesser hazards and symptoms of overexposure to DCM precede more severe hazards and symptoms on the label, then the consumer might stop reading the label before reaching the more severe hazards and symptoms. Mentioning lethality of vapor inhalation at the start raises the likelihood that the consumer is informed of the possibility of death. By highlighting the pertinent information and beginning with the risk of death, the warning information is more apt to prove to the consumer that the warning contains useful information, and is, thereby, more likely to be read in its entirety. Furthermore, the Commission believes that if lesser symptoms of overexposure were to precede more severe symptoms on the warning labels, then consumers may expect lesser symptoms to happen before more severe symptoms present, which may not be the case. For example, if consumers read that DCM inhalation can cause nausea and dizziness, before reading that DCM can cause death, consumers may infer, incorrectly, that they will not be killed by the product without first exhibiting nausea or dizziness. Presenting effects of overexposure from most to least severe, along with stating that symptoms may not be noticeable, helps to dispel the false expectation that the way the consumer is using the DCM-containing paint stripper is safe, or that the consumer can use it in an unsafe manner, until s/he notices lesser symptoms of overexposure.

3. Warning Label Comprehension

It is important for warning information not only to be noticed and read, but also understood. Warnings should be free of ambiguity to better ensure that the intended message is received and not easily misinterpreted.[19] For example, the phrase ''adequate ventilation'' is ambiguous and can encourage inappropriate methods of circumvention; from ''adequate ventilation'' the consumer may infer that any addition of ventilation to the application area, such as opening a window, will be sufficient to make the

[11] California Department of Public Health, ''Guide to choosing paint stripping products: Safety considerations'' *http://www.cdph.ca.gov/programs/hesis/Documents/Paint-Removal-Methods.pdf.*

[12] These DCM-based products included four paint removers, one unspecified solvent, and one sealer.

[13] Ayres T.J., Gross M.M., Wood C.T., Horst D.P, Beyer R.R., & Robinson J.N. (1989). What is a Warning and When Will it Work? *Proceedings of the Human Factors Society Annual Meeting,* 33. 426–430; Riley, D.M. (2006). Beliefs, Attitudes, and Motivation. In M.S. Wogalter (Ed.), *Handbook of Warnings* (pp. 289–300). Mahwah, NJ: Lawrence Erlbaum Associates.

[14] Wogalter, M.S., DeJoy, D., & Laughery, K.R. (Eds.). (1999). *Warnings and risk communication.* Philadelphia, PA: Taylor & Francis.

[15] Food and Drug Administration. (2011). *Communicating risks and benefits: An evidence-based user's guide* (DHHS). B. Fischhoff, N.T. Brewer & J.S.Downs (Eds.).

[16] Wogalter, M.S., Conzola, V.C., & Smith-Jackson, T.L. (2002). Research-based guidelines for warning design and evaluation. *Applied Ergonomics, 33,* 219–230.

[17] Wogalter *et al.,* 1999.

[18] Robinson, 2009; Schriver, 1997.

[19] Wogalter *et al.,* 1999.

product safe for indoor use. Such an inference can lead to overexposure to DCM-containing vapors, potentially resulting in death. Similarly, unclear wording, such as, ''use in enclosed areas may kill you,'' carries the risk of being misread as simply, ''use in enclosed areas,'' because the word ''use'' in this context can be read as a verb, such as ''use this product,'' rather than read as a noun, such as ''use of this product,'' and because the consumer may stop reading the statement before reaching ''may kill you.''

To increase the likelihood of consumers heeding a warning despite inconveniences imposed by necessary precautions, the phrasing of warning information should be vivid and relatable.[20] The Commission recommends using the phrase ''can kill you,'' as opposed to wording like: ''may cause death.'' These phrases have the same denotation; however, the impact on the reader can be different in meaningful ways. The Commission believes lethality is more salient with the statement ''can kill you'' because it is more personalized, directing the hazard toward the user, rather than as a possibility for users, in general. Evidence suggests that emotional communications, especially those that are fear-based, can be used to increase risk perceptions and change behaviors; and stronger fear-arousing conditions may lead to greater message acceptance.[21]

4. Effect of Consumer Experience With Product

Warning information can be formatted in a way that is noticeable, more likely to be read, understood, and motivating, and yet remain unheeded. Research indicates that consumers who are familiar or experienced with a product are less likely to search for and comply with warnings.[22] Paint strippers containing DCM have been around for decades, and incident data show that these products are sometimes applied indoors, such as in bathrooms, basements, and closets. The Commission believes that it is foreseeable that some consumers will continue to use these products indoors, despite warnings against using them in enclosed areas because of past incident-free experience with indoor use of stripping products containing DCM. Therefore, the Commission suggests including precautions for indoor use as well. However, because providing precautions for indoor use may mislead some consumers to believe it is safe to use DCM-based products indoors, the Commission recommends that the language and format of the safety information clarify that use in enclosed areas is dangerous, even with precautions, and should be avoided, if possible. The examples provided specify that indoor use is dangerous, and they employ repetition and capitalization to reinforce the point that paint-stripping products containing DCM should be used outdoors in open air areas.

B. Principal Display Panel (PDP) Minimum Labeling Recommendations

This section provides recommendations for labeling paint stripping products that contain methylene chloride. The following minimum labeling recommendations for the PDP meet the requirements of the FHSA. There are wide variations in the concentrations of methylene chloride in paint strippers. The precise labeling used may vary based on DCM concentration, anticipated duration of exposure, and other associated hazards.

The labels for all products subject to the FHSA are expected to comply with the requirements for prominence, placement, and conspicuousness of labeling required by section 2(p)(1) of the FHSA. The FHSA provides that required labeling statements may be placed on the PDP, or front panel, on the immediate container, and, if appropriate, on any other container or wrapper. The appropriate signal word (*i.e.,* ''DANGER,'' ''WARNING,'' or ''CAUTION) and the statement of principal hazard[s] are required to be on the PDP. The other items of required labeling may be placed on some other display panel on the container, provided that the front panel contains the statement: ''Read carefully other cautions on the [other display] panel,'' or its practical equivalent.

- The Commission recommends ''WARNING'' as the signal word for the label. Given cases of lethal exposure to DCM in household products, the Commission considered the signal word ''DANGER''; however, the current DCM toxicity data do not meet the FHSA definition of ''highly toxic,'' which is required for use of the the signal word ''DANGER.''
- When providing affirmative statements of all principal hazards, the Commission recommends stating: ''INHALATION OF VAPOR VERY HARMFUL,'' followed by: ''VAPOR CAN KILL YOU IN ENCLOSED AREAS.''

Example From 1987 Statement of Cautionary Labeling To Be Included on the PDP[23]

In 1987, the Steering Committee for Methylene Chloride, a group of industry and consumer-interest representatives working with Commission staff, recommended the following labeling for the PDP for products, such as some paint strippers that contain high percentages of DCM:

CAUTION: Vapor Harmful, Read Other Cautions and HEALTH HAZARD INFORMATION on Back Panel

In the 1987 Statement, the Commission presented this labeling for the PDP as an example that would meet or exceed the minimum requirements of the FHSA.

Updated Example of Cautionary Labeling

In recognition of updated data on acute health risks of DCM use, the Commission recommends replacing the 1987 example of cautionary labeling to be included on the PDP with the information and format below:

WARNING: INHALATION OF VAPOR VERY HARMFUL VAPOR CAN KILL YOU IN ENCLOSED AREAS EYE AND SKIN IRRITANT. Read All Cautions on Back/Side Panel.

The format in the updated PDP example uses capital letters, repetition, and personalized language to draw attention to the most severe hazard: Death from inhalation of vapor in enclosed areas. The repetition of ''vapor'' between the first and second lines aids in communicating the source and medium by which the hazard presents itself. The inclusion of ''vapor very harmful'' satisfies the declaration of both the acute and the chronic hazard. When a chronic hazard exists, the additional risk of cancer should be included on the back or other panel, as appropriate under the FHSA. The last line directs the consumer to the back or other panel, which provides detailed precautionary information.

C. Back or Other Panel

1. Back or Other Panel Minimum Labeling Recommendations

The Commission recommends the following information and formatting for the back or other panel of paint stripping products containing DCM.

[20] Murray-Johnson, L., & Witte, K. (2003). Looking toward the future: Health message design strategies. In T.L. Thompson, A. Dorsey, K.I. Miller, & R. Parrot (Eds.), *Handbook of health communication* (pp.473–495). New York City, NY: Routledge.

[21] Food and Drug Administration, 2011.

[22] Wogalter *et al.,* 1999.

[23] Given the previously limited data on the acute toxicity of overexposure to DCM, the Commission believed this labeling to meet, and in certain respects exceed, the minimum requirements of section 2(p)(1) of the FHSA.

These recommendations cover both acute and chronic hazards. Again, the statements may vary based on the concentration of DCM, anticipated duration of exposure, and other associated hazards.

- The Commission recommends use of ''WARNING'' as the signal word for the label.
- The Commission recommends beginning the precautionary information by stating, in all capital letters, the lethality of vapor inhalation and not to use the product in enclosed areas.
- The FHSA requires disclosure of all principal hazards. The Commission recommends disclosing the acute and chronic hazards from most-to-least severe. Similarly, when symptoms are mentioned, the Commission recommends it would be most effective to state symptoms from most-to-least severe.
- Because overexposure to DCM may be sudden and can inhibit the user's capability to notice and react to the effects, the Commission recommends indicating in all capital letters that symptoms may not be noticeable.
- The Commission recommends separating precautionary statements by bullet points, if paragraph formatting is used, to aid visual distinction between precautions.[24]
- The Commission believes it will be helpful to provide specific examples of spaces in which the product should not be used, beginning with bathrooms, basements, and closets because these locations are particularly dangerous and have been cited in incident data.
- When indicating precautions to be taken, the Commission recommends stating in all capital letters that the product should be used outdoors in an open-air area.
- The Commission recommends including precautionary information for indoor use, accompanied by language stating that indoor use is dangerous even when precautions are taken.
- The Commission recommends prohibiting foreseeable inappropriate actions, such as use of a dust mask to provide protection against vapors.[25]
- When providing instructions for first-aid, the Commission recommends listing in order of the likelihood of occurrence, the types of exposures and placing each exposure route on a separate line to aid DCM users in an urgent situation.

2. Example of Updated Safety Information To Be Included on the Back or Other Panel

In recognition of updated data on acute health risks of DCM use, the Commission recommends replacing the 1987 example of labeling to be included on the back or other panel, with the information and format below:

WARNING Contains Methylene Chloride. INHALATION OF VAPOR CAN KILL YOU. DO NOT USE IN ENCLOSED AREAS, such as bathrooms, basements, or closets. SYMPTOMS MAY NOT BE NOTICEABLE. ▪ Avoid contact with eyes or skin, as severe irritation can occur. ▪ Methylene Chloride may cause cancer. ▪ The risk to your health depends on the level and duration of exposure. ▪ Keep out of the reach of children.

SAFETY DIRECTIONS: ▪ USE OUTDOORS IN AN OPEN AIR AREA. It is dangerous to use this product indoors. ▪ If you must use indoors, cross-ventilate work area by opening all windows and doors and circulating fresh air through the work area to reduce vapor accumulation. ▪ Always wear chemical-splash goggles and chemical-resistant gloves when handling this product. ▪ A dust mask does not provide protection against the vapors.

FIRST–AID:

- INHALATION: First move person to fresh air. If not breathing, give artificial respiration. Call 911, or poison control center, or emergency room.
- EYE EXPOSURE: Immediately flush affected eye(s) with water. Call 911, or poison control center, or emergency room, as soon as possible.
- SKIN EXPOSURE: Immediately wash skin with soap and water. Avoid spreading material on unaffected skin. Remove contaminated clothing and shoes, and thoroughly clean before reuse. Contact medical professional for advice.
- IF SWALLOWED: IMMEDIATELY call 911, or poison control center, or emergency room. Do NOT induce vomiting, unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person.

In the preceding updated back or other panel example, the most important safety information is capitalized to attract the consumer's attention; *i.e.,* if the consumer only reads the capitalized words, his/her focus is drawn to the following information: Inhaling the vapor can be deadly; the product should not be used in enclosed areas; symptoms of overexposure may go unnoticed; and the product should be used outdoors. Bullet points are used to aid visual distinctions among precautions. The presentation of the hazards from most-to-least severe, coupled with the statement that symptoms may go unnoticed, helps to dismiss the false expectation that the consumer can wait for noticeable symptoms before taking appropriate precautions or escaping from a potentially lethal-use scenario. Steps for inhibiting vapor accumulation indoors are included in the back or other panel, subsequent to reiteration that household products containing DCM should be used outdoors and that indoor use is dangerous. The instructions for first-aid are adapted from OSHA's Chemical Database.[26] The instructions are listed in order of the likelihood of exposure route per incident data. Types of exposure are capitalized and addressed on separate lines for ease of access to the information in a hurried state. The company's toll-free number is provided for consumers to seek more information about appropriate use and first-aid.

VI. Implementation of This Guidance

In this update of the 1987 Statement, the Commission provides guidance to industry on determining the appropriate cautionary labeling for paint-stripping products that contain DCM. This guidance also provides examples of statements to convey the hazards associated with the product. This guidance does not set forth language for particular products; nor does it specify placement of this language. However, this document does provide guidance on the factors to consider in developing the cautionary statements, and it gives examples that satisfy the FHSA. The level of hazard varies, based on the formulation of the product, the concentration of DCM, and the customary and reasonably foreseeable use of the product. If a paint stripper containing methylene chloride does not appear to be labeled appropriately, Commission staff will provide guidance to firms and assist firms with labeling their products.

Under the FHSA, manufacturers are responsible for determining whether their methylene chloride-containing products meet the definition of a ''hazardous substance,'' and bear the appropriate cautionary statements. This determination is based on the concentration of methylene chloride, the use of the product, and whether the product presents a significant exposure to methylene chloride vapor with customary and reasonably foreseeable use. This update of the 1987 Statement provides guidance to manufacturers who must determine the appropriate labeling for their paint stripper products that contain methylene chloride. In any enforcement action, Commission staff would consider on a case-by-case basis

[24] See the ''Recommended Language Approved by Ad Hoc Task Group, Revision C'' document dated November 10, 2017, published in the ''Committee Documents'' section of the Committee F15 ASTM website.

[25] A dust mask does not provide effective protection against overexposure to vapors containing DCM.

[26] OSHA Occupational Chemical Database for Methylene Chloride: *https://www.osha.gov/chemicaldata/chemResult.html?recNo=572,* accessed on December 8, 2017.

whether the product's labeling meets the requirements of the FHSA.

VII. Effect on State and Local Laws

In general, the preemption language in section 18(b)(1)(A) of the FHSA provides that if a hazardous substance or its packaging is subject to a cautionary labeling requirement under the FHSA designed to protect against a risk of illness or injury associated with the substance, no State or political subdivision of a State may establish or continue in effect a cautionary labeling requirement applicable to a hazardous substance or packaging that is designed to protect against the same risk of illness or injury, unless the cautionary labeling requirement is identical to the labeling requirement under the FHSA. 15 U.S.C. 1261n. As mentioned, this document provides guidance to industry. This guidance does not have binding legal force, does not constitute a rule, and thus, does not have preemptive effect. However, the underlying duty to label a hazardous household product arises from the FHSA. This underlying statutory obligation preempts state and local non-identical cautionary labeling requirements that are designed to protect against the same risk of injury or illness.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–05580 Filed 3–20–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 4

[Docket No. FDA–2008–N–0424]

Immediately in Effect Guidance for Industry; Compliance Policy for Combination Product Postmarketing Safety Reporting; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of an immediately in effect guidance for industry entitled ''Compliance Policy for Combination Product Postmarketing Safety Reporting.'' This guidance describes FDA's compliance policy for combination product applicants and constituent part applicants and activities under FDA regulations that addresses combination product postmarketing safety reporting. This guidance is immediately in effect, but it remains subject to comment in accordance with the Agency's good guidance practices.

DATES: The announcement of the guidance is published in the **Federal Register** on March 21, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA–2008–N–0424 for ''Compliance Policy for Combination Product Postmarketing Safety Reporting.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the guidance to the Office of Combination Products, Food and Drug Administration, Bldg. 32, Rm. 5129, 10903 New Hampshire Ave., Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Burns, Office of Combination

Products, Food and Drug Administration, 301–796–5616, *melissa.burns@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of an immediately in effect guidance for industry entitled ''Compliance Policy for Combination Product Postmarketing Safety Reporting.'' This guidance describes FDA's compliance policy for combination product applicants and constituent part applicants and activities under 21 CFR part 4, subpart B, which was published in the **Federal Register** of December 20, 2016 (81 FR 92603) and addresses postmarketing safety reporting for combination products. We are issuing this guidance consistent with our good guidance practices (GGP) regulation (§ 10.115 (21 CFR 10.115)). We are implementing this guidance without prior public comment, because we have determined that prior public participation is not feasible or appropriate (see section 701(h)(1)(C)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(h)(1)(C)(i)) and § 10.115(g)(2)). We made this determination because FDA needs to communicate its compliance policy in a timely manner given the upcoming compliance deadlines for certain provisions in 21 CFR part 4, subpart B, and the amount of time needed for firms to prepare for them. Although this guidance is immediately effective, it remains subject to comment in accordance with FDA's GGP regulation.

Published elsewhere in this issue of the **Federal Register,** FDA is announcing the availability of the draft guidance entitled ''Postmarketing Safety Reporting for Combination Products.''

This guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.80(c) and (e), as well as for 21 CFR 314.81(b) are approved under OMB control numbers 0910–0001, 0910–0230, and 0910–0291. The information collection provisions for 21 CFR 600.80 and 600.81 are approved under OMB control number 0910–0308. Those for 21 CFR 606.170 are approved under OMB control number 0910–0116. Those for 21 CFR 606.171 are approved under OMB control number 0910–0458. The information collection provisions for 21 CFR 803.50, 803.53, and 803.56 are approved under OMB control numbers 0910–0291 and 0910–0437. The information collection provisions for 21 CFR 806.10 and 806.20 are approved under OMB control number 0910–0359. The information collection provisions for §§ 4.102, 4.103, and 4.105 are approved under OMB control number 0910–0834.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov*.

Dated: March 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05688 Filed 3–20–18; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

CFR Correction

■ In Title 40 of the Code of Federal Regulations, Parts 50 to 51, revised as of July 1, 2017, on page 478, in Part 51, Appendix M, following *Reynolds Number.,* Equation 10 is reinstated to read as follows:

$$N_{re} = 8.64 \times 10^5 \left[\frac{P_s M_w}{T_s}\right]\left[\frac{Q_s}{\mu}\right] \qquad \text{(Eq. 10)}$$

[FR Doc. 2018–05798 Filed 3–20–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0639; FRL–9974–63]

Aluminum tris (O-ethylphosphonate); Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends a tolerance for residues of aluminum tris (O-ethylphosphonate) in or on Fruit, citrus, group 10. Fosetyl-al is the common name for aluminum tris (O-ethylphosphonate). Tessenderlo Kerley, Inc requested the amended tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 21, 2018. Objections and requests for hearings must be received on or before May 21, 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–2016–0639, 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 Goodis, 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–2016–0639 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 21, 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–2016–0639, 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 July 26, 2017 (82 FR 34664) (FRL–9963–50), 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 6F8517) by Tessenderlo Kerley, Inc, 2255 N. 44th St., Suite 300, Phoenix, AZ 85008. The petition requested that 40 CFR 180.415 be modified by amending tolerances for residues of the fungicide aluminum tris (O-ethylphosphonate), in or on fruit, citrus, group 10 from 5.0 parts per million (ppm) to 9.0 ppm. That document referenced a summary of the petition prepared by Tessenderlo Kerley, Inc, the registrant, which is available in the docket, *http://www.regulations.gov*. No comments were received on this notice of filing.

Because EPA does not issue group tolerances for groups that have been updated or superseded, the petitioner submitted a revised petition, clarifying that its request was to establish tolerances for residues of the fungicide aluminum tris (O-ethylphosphonate) in or on the updated crop group fruit, citrus, group 10–10 at 9.0 ppm. EPA published notice of this revised petition in the **Federal Register** on December 19, 2017 (82 FR 60167) (FRL–9971–11). That document referenced a summary of this updated petition, which is available in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

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 aluminum tris (O-ethylphosphonate) including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with aluminum tris (O-ethylphosphonate) follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The major target organs following repeated oral exposure to fosetyl-Al are the reproductive system in the dog (testicular degeneration: Spermatocytic and/or spermatidic giant cells in the lumen of the seminiferous tubules) and the urinary system in the rat (histopathological changes in the kidney, impairment of calcium/phosphorus metabolism, calculi and hyperplasia in the urinary tract, bladder tumors).

The prenatal developmental studies in rabbits and rats and the 3-generation reproduction study in rats showed no indication of increased susceptibility following *in utero* and/or postnatal exposure to fosetyl-Al. Developmental toxicity was not observed in the rat at the limit dose or in the rabbit at the highest dose tested (500 mg/kg/day). Reproductive toxicity was not observed

at the limit dose, and offspring toxicity (decreased pup body weight at 600 mg/kg/day) was observed at the same dose as maternal toxicity (decreased body weight gain and urinary tract changes). The toxicology database for fosetyl-Al does not show any evidence of neurotoxicity.

Fosetyl-Al is classified as not likely to be carcinogenic to humans since it was negative for carcinogenicity except at extremely high doses (>limit dose) in rats and mice, and it did not show any genotoxic potential. Fosetyl-Al is not acutely toxic *via* the oral, dermal, and inhalation routes, is not a skin irritant or dermal sensitizer, but is a severe eye irritant.

Specific information on the studies received and the nature of the adverse effects caused by aluminum tris (O-ethylphosphonate) as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document Fosetyl-Aluminum (Fosetyl-AI): Human Health Risk Assessment in Support of the Amended Registration for the Proposed 0-day Pre-Harvest Interval (PHI) for Citrus Fruit Group 10–10 at pages 9–14 in docket ID number EPA–HQ–OPP–2016–0639.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides*.

A summary of the toxicological endpoints for aluminum tris (O-ethylphosphonate) used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ALUMINUM TRIS (O-ETHYLPHOSPHONATE) FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations) ..	No appropriate endpoint was identified. There were no adverse effects observed in oral toxicity studies that could be attributed to a single-dose exposure.		
Chronic dietary (All populations)	NOAEL = 250mg/kg/day. UFA = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 2.5 mg/kg/day. cPAD = 2.5 mg/kg/day	Chronic oral toxicity (dog). LOAEL = 500 mg/kg/day based on an increased incidence of testicular degeneration (spermatocytic and/or spermatidic giant cells in the lumen of the seminiferous tubules).
Incidental oral (Short- and intermediate-term).	NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Residential LOC for MOE <100.	3-generation reproduction (rat). LOAEL = 600 mg/kg/day based on decreased body weight gains in the F2b generation and urinary tract changes in adults and decreased pup body weights.
Dermal (All durations)	No potential hazard *via* the dermal route, based on the lack of systemic effects following repeat dermal exposure of rabbits at dose levels up to 1,500 mg/kg/day, which is greater than the limit dose.		
Inhalation (Short- and intermediate -term).	NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Residential and Occupational LOC for MOE <100.	3-generation reproduction (rat). LOAEL = 600 mg/kg/day based on decreased body weight gains in the F2b generation and urinary tract changes in adults.
Cancer (Oral, dermal, inhalation).	Not likely to be carcinogenic to humans.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to aluminum tris (O-ethylphosphonate), EPA considered exposure under the petitioned-for tolerances as well as all existing aluminum tris (O-ethylphosphonate) tolerances in 40 CFR 180.415. EPA assessed dietary exposures from aluminum tris (O-ethylphosphonate) in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the

possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for aluminum tris (O-ethylphosphonate); therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA Nationwide Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA) conducted from 2003–2008. As to residue levels in food, the chronic dietary analysis was obtained from the Dietary Exposure Evaluation Model using the Food Commodity Intake Database (DEEM–FCID; version 3.16). The unrefined chronic analysis is based on tolerance-level residues and 100% crop treated assumptions. Default processing factors were used for all crops, except for citrus where processing studies showed no residue concentration; thus, the processing factor was set to one for processed citrus commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that aluminum tris (O-ethylphosphonate) does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for aluminum tris (O-ethylphosphonate). Tolerance-level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for aluminum tris (O-ethylphosphonate) in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of aluminum tris (O-ethylphosphonate). Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide*.

Environmental fate properties suggest that aluminum tris (O-ethylphosphonate) is not likely to reach ground or surface water under most conditions, and if it does reach surface water, it is expected to degrade rapidly. However, if aluminum tris (O-ethylphosphonate) reached groundwater, it could persist. Based on the Screening Concentration in Ground Water (SCI–GROW) model, the estimated drinking water concentration (EDWC) of aluminum tris (O-ethylphosphonate) for chronic exposures for non-cancer assessments is estimated to be 0.006 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 0.006 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Aluminum tris (O-ethylphosphonate) is currently registered for the following uses that could result in residential exposures: Turf and ornamental plants. EPA assessed residential exposure using the following assumptions: Inhalation exposure from the hose end sprayer for turf applications, and incidental oral exposure from post-application exposure to treated turf. Because no dermal endpoint was identified, non-occupational dermal exposures were not assessed. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found aluminum tris (O-ethylphosphonate) to share a common mechanism of toxicity with any other substances, and aluminum tris (O-ethylphosphonate) does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that aluminum tris (O-ethylphosphonate) does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no concern for increased quantitative or qualitative susceptibility of the young following *in utero* (rats and rabbits) and post-natal exposure (rats) to fosetyl-Al. Also, there is no evidence of developmental toxicity, reproductive toxicity, neurotoxicity, or immunotoxicity at dose levels that do not exceed the limit dose.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for aluminum tris (O-ethylphosphonate) is complete.

ii. There is no indication that aluminum tris (O-ethylphosphonate) is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that aluminum tris (O-ethylphosphonate) results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 3-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues and are not likely to underestimate risk. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to aluminum tris (O-ethylphosphonate) in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers.

These assessments will not underestimate the exposure and risks posed by aluminum tris (O-ethylphosphonate).

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, aluminum tris (O-ethylphosphonate) is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to aluminum tris (O-ethylphosphonate) from food and water will utilize 14% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of aluminum tris (O-ethylphosphonate) is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Aluminum tris (O-ethylphosphonate) is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to aluminum tris (O-ethylphosphonate).

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 3200 for male adults, 3300 for female adults and 480 for children 1–2 years old. Because EPA's level of concern for aluminum tris (O-ethylphosphonate) is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, aluminum tris (O-ethylphosphonate) is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for aluminum tris (O-ethylphosphonate).

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, aluminum tris (O-ethylphosphonate) is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, 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 aluminum tris (O-ethylphosphonate) residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (Pesticide Analytical Manual (PAM) II method, which uses diazomethane as the methylating agent and quantitation of aluminum tris (O-ethylphosphonate) by Gas Chromatography with Flame Photometric Detector (GC/FPD)) is available to enforce the tolerance expression.

B. 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 aluminum tris (O-ethylphosphonate) on citrus fruit.

C. Response to Comments

EPA received five comments on the second notice of filing. Two comments pertained to the general concern over addition of more chemicals to the daily diet and onset of autoimmune diseases but did not contain any specific information relevant to the potential risks from aluminum tris (O-ethylphosphonate). In response, the Agency explains that it has complied with the requirements of the FFDCA, which allow the Agency to establish or modify tolerances if the Agency determines they are safe. When new or amended tolerances are requested for the presence of the residues of a pesticide and its toxicologically significant metabolite(s) in food or feed, the EPA, as is required by section 408 of the FFDCA, estimates the risk of the potential exposure to these residues by performing an aggregate risk assessment. Such a risk assessment integrates the individual assessments that are conducted for food, drinking water, and residential exposures. Additionally, the Agency, as is further required by section 408 of the FFDCA, considers available information concerning what are termed the cumulative toxicological effects of the residues of that pesticide and of other substances having a common mechanism of toxicity with it. The Agency has concluded after this assessment that there is a reasonable certainty that no harm will result from exposure to the residues of interest. Therefore, the Agency may establish the tolerances requested in this petition.

Another citizen was concerned about the risk to pollinators. The commenter stated this use should be denied due to toxicity to pollinators and that keeping them healthy should be our top priority. The comment primarily appears directed to the registration of the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and are not relevant to the underlying safety finding made under the FFDCA; therefore, the EPA will consider impacts to the environment and non-target species under the authority of FIFRA. The remaining two comments were not

germane to this action; therefore, no further response from the Agency is required.

V. Conclusion

Therefore, tolerances are amended for residues of aluminum tris (O-ethylphosphonate), in or on fruit, citrus, group 10–10 at 9.0 ppm.

VI. Statutory and Executive Order Reviews

This action amends and expands an existing crop group 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) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). 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).

VII. 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 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 § 180.415,

■ a. Remove the entry for ''Fruit, citrus, group 10'' from the table in paragraph (a).

■ b. Add alphabetically an entry to the table in paragraph (a) for ''Fruit, citrus, group 10–10''.

The addition reads as follows:

§ 180.415 Aluminum tris (*O*-ethylphosphonate); tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Fruit, citrus, group 10–10	9.0
* * * * *	

* * * * *

[FR Doc. 2018–05642 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0817; FRL–9974–32]

Flutianil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of flutianil in or on multiple commodities that are identified and discussed later in this document and an exemption for indirect or inadvertent residues of flutianil on other crops rotated into fields previously treated with flutianil. OAT AGRIO Company, Ltd. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 21, 2018. Objections and requests for hearings must be received on or before May 21, 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–2015–0817, 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, 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–2015–0817 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 21, 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–2015–0817, 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 April 25, 2016 (81 FR 24044) (FRL–9944–86), 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 5F8408) by OAT AGRIO Company, Ltd, 1–3–1 Kanda Ogawa-machi, Chiyoda-ku, Tokyo 101–0052, Japan. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethyl)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile, in or on apple, fruit at 0.2 parts per million (ppm); apple, juice at 0.03 ppm; apple, wet pomace at 2 ppm; cantaloupe at 0.07 ppm; cherry, fruit at 0.4 ppm; cucumber at 0.02 ppm; grape, fruit at 0.7 ppm; grape, juice at 0.2 ppm; grape, raisins at 0.3 ppm; squash at 0.03 ppm; and strawberry, fruit at 0.3 ppm. That document referenced a summary of the petition prepared by OAT AGRIO Company Ltd., the registrant, which is available in the docket, *http://www.regulations.gov*. One comment was received on the notice of filing. EPA's response to this comments is discussed in Unit IV.C.

Following the publication of this notice, the petitioner revised its petition by revising commodity terms to be consistent with the terminology EPA uses for commodities, removing certain processed commodities for which specific tolerances are not needed, amending tolerance levels, and requesting an exemption to cover inadvertent residues. EPA published a notice in the **Federal Register** of October 12, 2017 (82 FR 47422) (FRL–9967–09), pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing OAT AGRIO Company's amended pesticide petition (PP 5F8408). Superseding the original petition, the revised petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide flutianil in or on apple at 0.15 parts per million (ppm); apple, wet pomace at 0.30 ppm; cantaloupe at 0.07 ppm; cherry at 0.40 ppm; cucumber at 0.20; ppm; grape at 0.70 ppm; squash at 0.05 ppm; and strawberry at 0.50 ppm. Additionally, OAT AGRIO Company requested that an exemption from the requirement of a tolerance be established in 40 CFR 180 for indirect or inadvertent residues of fungicide, flutianil in or on all food commodities for which tolerances are not separately established. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

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. . . .''

Similarly, FFDCA section 408(c)(2) authorizes EPA to establish an exemption from the requirement of a tolerance only if EPA determines the exemption is ''safe'', which has the same definition for exemptions as for tolerances and requires consideration of the same exposures and factors as for tolerances. 21 U.S.C. 346a(c)(2)(B).

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 flutianil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flutianil follows.

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

No single or repeated dose study performed by any route of exposure produced an adverse effect following flutianil exposure below, at, or above the limit dose (1,000 mg/kg/day). The only toxic effect of flutianil exposure in the rat 28-day, 90-day, or 104-day oral toxicity studies was associated with hyaline droplet formation in the renal proximal tubular cells of males. No toxicity was observed in the female rats dosed up to the limit dose for comparable time periods. An immunohistochemical staining demonstrated that the hyaline droplets in the proximal tubular cells were related to the presence of alpha-2μ-globulin, which is not relevant for human toxicity. Based on the link to alpha-2μ-globulin and the lack of any degenerative or other associated effects, the hyaline droplet was not considered biologically relevant to humans.

No toxicity was seen in the developmental, reproductive, neurotoxic, or immunotoxic studies for flutianil. No dermal or systemic toxicity was observed at the limit dose in the rat 28-day dermal toxicity study. Nevertheless, in the rat 28-day inhalation toxicity study, increased lung weights in females and histopathological findings of minimal nasal mucous cell hypertrophy/hyperplasia and minimal lung centriacinar inflammation in males and females were observed at the highest dose tested. These observations were consistent with response to aerosol exposure to an airway irritant. The nasal mucous cell hypertrophy/hyperplasia is considered the physiological response of these cells to irritant; however, the increased lung weights and cellular inflammation reflect some degree of edema in air spaces, and inflammation in the lung could affect airway responsiveness and pulmonary function. Therefore, the increased lung weights in females and lung lesions in both sexes were considered adverse effects. Flutianil is classified as ''Not Likely to be Carcinogenic to Humans'' based on lack of evidence of carcinogenicity in rats and mice and no evidence of mutagenicity. Flutianil produced no genotoxicity.

Specific information on the studies received and the nature of the adverse effects caused by flutianil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Flutianil. Draft Human Risk Assessment to Support New Uses for a New Active Ingredient, Flutianil on Apple, Cantaloupe, Cherry, Cucumber, Grape, Summer Squash, and Strawberry'' dated November 1, 2017 in docket ID number EPA–HQ–OPP–2015–0817.

Based on the analysis of the available flutianil toxicological studies, there is no adverse toxicity from oral exposures seen in any of the required submitted toxicology studies. No toxicity endpoint and point of departure for regulating dietary exposure is established for the human health risk assessment. There are no registered or proposed residential uses at this time for flutianil; therefore, residential handler and post-application exposure and risk were not assessed.

Flutianil is proposed for use on a variety of crops. Humans could potentially be exposed to flutianil residues in food because flutianil may be applied directly to growing crops. These applications can also result in flutianil reaching surface and ground water, both of which can serve as sources of drinking water. There are no proposed uses in residential settings; therefore, there are no anticipated residential exposures.

Based on the toxicological profile of flutianil, EPA has concluded that the FFDCA requirements to retain an additional safety factor for protection of infants and children and to consider cumulative effects do not apply. Section 408(b)(2)(C) of the FFDCA (21 U.S.C. 346a) requires an additional tenfold margin of safety in the case of threshold risks, which are not present in this case. Section 408(b)(2)(D)(v) of the FFDCA requires consideration of information concerning cumulative effects of substances that have a common mechanism of toxicity, which flutianil does not have.

Based on the available data indicating a lack of adverse effects from exposure to flutianil, 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 flutianil.

IV. Other Considerations

A. Analytical Enforcement Methodology

The gas chromatography-mass spectrometry detector (GC/MSD) is used to measure and evaluate the chemical flutianil on apples, cantaloupe, cherry, cucumber, squash, and strawberry. The high performance liquid chromatography with tandem mass spectral detection (LCMS/MS) is used to measure and evaluate the chemical flutianil and the metabolite OC–56635 in grapes.

Adequate enforcement methodology (gas chromatography) is available to enforce the tolerance expression.

B. 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 flutianil.

C. Response to Comments

Several comments were received, although many simply expressed concern about the use of pesticides on food generally. While EPA recognizes that some individuals oppose the use of pesticides in or on food, the FFDCA authorizes EPA to establish tolerances or exemptions where it determines that doing so is safe. As required by the FFDCA, EPA conducted a comprehensive assessment of flutianil, including its potential for carcinogenicity. Based on its assessment of the available data, the Agency believes that given the observed lack of toxicity of this chemical, no risks of concern are expected. Therefore, EPA concludes that the tolerances and exemption are safe and can be supported. The commenters did not provide any information to indicate otherwise.

Some comments (*i.e.,* comments from the Center for Biological Diversity (CBD)) were not relevant to this action because they raised issues concerning compliance with the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is not relevant to the determination needed to support tolerance actions under the FFDCA.

Comments were received on the potential of flutianil to harm humans based on the human health and environmental toxicity findings of the European Food Safety Authority (EFSA). Although concerns were raised in the EFSA report about the potential for carcinogenicity and reproductive toxicity of flutianil, EPA has received additional data on flutianil supporting the Agency's conclusions of a lack of carcinogenicity or reproductive toxicity. Therefore, EPA concludes that it has sufficient data to address the concerns raised by the EFSA assessment and support its safety finding for flutianil. For further information concerning these studies, see the ''Final Registration Decision for the New Active Ingredient Flutianil: A Fungicide for Use on Apples, Cantaloupes, Cherries, Cucumbers, Grapes, Squash, and Strawberries'' [Docket ID Number EPA–HQ–OPP–2015–0817].

V. Conclusion

Although the lack of toxicity supports a safety finding for an exemption from the requirement of tolerance for all crops. EPA is establishing numerical tolerances for residues resulting from direct applications to certain commodities because the petitioner requested them for international trade purposes. Therefore, tolerances are established for residues of flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethy)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile, in or on apple at 0.15 ppm; apple, wet pomace at 0.30 ppm; cantaloupe at 0.07 ppm; cherry at 0.40 ppm; cucumber at 0.20 ppm; grape at 0.70 ppm; squash at 0.05 ppm; and strawberry at 0.50 ppm.

Additionally, an exemption from the requirement of a tolerance is established for indirect or inadvertent residues of flutianil, (2Z)-2-[2-fluoro-5-(trifluoromethy)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile, in or on all food commodities, except for those commodities with tolerances established.

VI. Statutory and Executive Order Reviews

This action establishes tolerances and an exemption from the requirement of 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 tolerances and exemption 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).

VII. 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 8, 2018.

Richard P. Keigwin, Jr.,

Director, 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. Add § 180.697 to subpart C to read as follows:

§ 180.697 Flutianil; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide flutianil, including its metabolites and degradates in or on food commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only flutianil, (2*Z*)-2-[2-fluoro-5-(trifluoromethyl)phenyl]sulfanyl-2-[3-(2-methoxyphenyl)thiazolidin-2-ylidene]acetonitrile in or on the following commodities:

Commodity	Parts per million
Apple	0.15
Apple, wet pomace	0.30
Cantaloupe	0.07

Commodity	Parts per million
Cherry	0.40
Cucumber	0.20
Grape	0.70
Squash	0.05
Strawberry	0.50

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

■ 3. Add § 180.1354 to subpart D to read as follows:

§ 180.1354 Flutianil; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for indirect and inadvertent residues of the fungicide flutianil, including its metabolites and degradates, in or on all food commodities not listed in § 180.697(a), when residues are present therein as a result of uptake by crops rotated into fields containing the crops in § 180.697(a) that were previously treated with flutianil.

[FR Doc. 2018–05640 Filed 3–20–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0211; FRL–9973–11]

S-Metolachlor; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of S-metolachlor in or on sugarcane, cane and sugarcane molasses. Syngenta Crop Protection requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 21, 2018. Objections and requests for hearings must be received on or before May 21, 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–2017–0211, 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 Goodis, 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–2017–0211 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 21, 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–2017–0211, 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 September 15, 2017 (82 FR 43352) (FRL–9965–43), 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 6F8519) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide S-metolachlor in or on sugarcane at 0.4 parts per million (ppm) and sugarcane molasses at 1.5 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov*. A comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is

establishing a tolerance for sugarcane, cane below the level requested. The reason for this change is explained in Unit IV.D.

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 S-metolachlor including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with S-metolachlor follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The existing toxicological database is primarily comprised of studies conducted with metolachlor. However, bridging studies indicate that the metolachlor toxicology database can be used to assess toxicity for S-metolachlor. In subchronic (metolachlor and S-metolachlor) and chronic (metolachlor) toxicity studies in dogs and rats decreased body weight and body weight gain were the most commonly observed effects. No systemic toxicity was observed in rabbits when metolachlor was administered dermally. There was no evidence of neurotoxic effects in the available toxicity studies, and there is no evidence of immunotoxicity in the submitted mouse immunotoxicity study.

Prenatal developmental studies in the rat and rabbit with both metolachlor and S-metolachlor revealed no evidence of a qualitative or quantitative susceptibility in fetal animals. A 2-generation reproduction study with metolachlor in rats showed no evidence of parental or reproductive toxicity. There are no residual uncertainties with regard to pre- and/or postnatal toxicity.

Metolachlor has been evaluated for carcinogenic effects in the mouse and the rat. Although treatment with metolachlor did not result in an increase in treatment-related tumors in male rats or in male or female mice, metolachlor caused an increase in liver tumors in female rats. There was no evidence of mutagenic or cytogenetic effects *in vivo* or *in vitro.* Based on the information available in 1994, metolachlor was classified as a Group C possible human carcinogen, in accordance with the 1986 Guidelines for Carcinogen Risk Assessment. Based on that classification and consistent with the data available at that time, EPA determined that a non-linear approach (*i.e.,* reference dose (RfD)) would be protective for all chronic toxicity, including carcinogenicity, that could result from exposure to metolachlor.

In 2017, EPA re-assessed the cancer classification for metolachlor in order to take into account additional mechanistic studies on s-metolachlor that were submitted to assess a human relevance framework analysis for a mitogenic mode of action (MOA) for liver tumors in female rats. Based on comparable effects of S-metolachlor and metolachlor shown in several associative events supporting the mode of action hypothesis, the Agency concluded that the *in vitro* and *in vivo* data reasonably explains the tumorigenic effects of metolachlor and adequately demonstrates dose and temporal concordance to support key events for the MOA leading to liver tumors in female rats. Specifically, the Agency found that the development of liver tumors in rats orally administered metolachlor is initiated by activation of constitutive androstane receptor (CAR) in liver hepatocytes followed by altered gene expression, transient increased cell proliferation, increased hepatocellular foci, and hepatocyte toxicity (increased liver weight and liver hypertrophy).

Consequently, in accordance with the EPA's Final Guidelines for Carcinogen Risk Assessment (March 2005), EPA has reclassified metolachlor/S-metolachlor as ''Not Likely to be Carcinogenic to Humans'' at doses that do not induce cellular proliferation in the liver. This classification was based on convincing evidence of a CAR-mediated mitogenic MOA for liver tumors in female rats. Because the current chronic RfD is protective for any proliferative responses in the liver and the other key events in the MOA for the formation of liver tumors, a non-linear approach (*i.e.,* RfD) would adequately account for all the chronic toxicity, including carcinogenicity, that could result from exposure to metolachlor/S-metolachlor.

Specific information on the studies received and the nature of the adverse effects caused by S-metolachlor as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*S-metolachlor—Human Health Risk Assessment for the Establishment of Permanent Tolerances for Use of the Herbicide on Sugarcane (PP#6F8519)*'' on pages 36–42 in docket ID number EPA–HQ–OPP–2017–0211.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-*

assessing-pesticide-risks/assessing-human-health-risk-pesticides.

A summary of the toxicological endpoints for S-metolachlor used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR S-METOLACHLOR FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 300 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 3.0 mg/kg/day. aPAD = 3.0 mg/kg/day	Developmental Toxicity Study—Rat. Metolachlor LOAEL = 1,000 mg/kg/day based increased incidence of death, clinical signs (clonic and/or tonic convulsions, excessive salivation, urine-stained abdominal fur and/or excessive lacrimation) and decreased body weight gain.
Chronic dietary (All populations)	NOAEL = 9.7 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.097 mg/kg/day. cPAD = 0.097 mg/kg/day	One Year Chronic Toxicity—Dog. Metolachlor LOAEL = 33 mg/kg/day based decreased body weight gain in females.
Incidental oral short-term (1 to 30 days).	NOAEL = 50 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	Developmental Toxicity Study—Rat. S-metolachlor LOAEL = 500 mg/kg/day based on increased incidence of clinical signs, decreased body weight/body weight gain, food consumption and food efficiency seen in maternal animals.
Cancer (Oral, dermal, inhalation).	Classification: Metolachlor/S-metolachlor has been classified as "Not Likely to be Carcinogenic to Humans" at doses that do not induce cellular proliferation in the liver, with risk quantitated using a non-linear (RfD) approach.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = Lowest-observed-adverse-effect-level. LOC = Level of concern. mg/kg/day = Milligram/kilogram/day. MOE = Margin of exposure. NOAEL = No-observed-adverse-effect-level. PAD = Population adjusted dose (a = Acute, c = Chronic). RfD = Reference dose. UF = Uncertainty factor. UF_A = Extrapolation from animal to human (interspecies). UF_H = Potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to S-metolachlor, EPA considered exposure under the petitioned-for tolerances as well as all existing S-metolachlor and metolachlor tolerances in 40 CFR 180.368. EPA assessed dietary exposures from S-metolachlor and metolachlor in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for S-metolachlor. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture's (USDA) National Health and Nutrition Examination Survey/What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100 percent crop treated (PCT).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's NHANES/WWEIA. As to residue levels in food, EPA assumed tolerance-level residues and 100 PCT.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to S-metolachlor. Therefore, a separate quantitative cancer exposure assessment is unnecessary since the chronic dietary risk estimate will be protective of potential cancer risk.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for S-metolachlor. Tolerance-level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for S-metolachlor in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of S-metolachlor. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

The Agency assessed parent metolachlor, and the metabolites CGA–51202 (metolachlor-OA), CGA–40172, and CGA–50720 together in the drinking water assessment using a total toxic residues (TTR) approach where half-lives were recalculated to collectively account for the parent and the combined residues of concern.

Based on the Surface Water Concentration Calculator (SWCC), the Pesticide Root Zone Model Ground Water (PRZM GW), and the Screening Concentration in Ground Water (SCI–GROW), the estimated drinking water concentrations (EDWCs) of S-metolachlor and its metabolites for acute exposures are estimated to be 371 parts per billion (ppb) for surface water and 1,060 ppb for ground water, and for chronic exposures are estimated to be 43.70 ppb for surface water and 978 ppb in ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 1,060 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 978 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

S-metolachlor is currently registered for the following uses that could result in residential exposures: On commercial (sod farm) and residential warm-season turf grasses and other non-crop land including golf courses, sports fields, and ornamental gardens. EPA assessed residential exposure using the following assumptions: For residential handlers, in previous human health risk assessments for S-metolachlor inhalation exposure/risk to residential handlers was assessed and resulted in no risks of concern. However, all registered S-metolachlor labels with residential use sites require that handlers wear specific clothing (*e.g.,* long-sleeve shirt/long pants) and personal protective equipment (*e.g.,* gloves). Based on current policy, the Agency assumes these products are not intended for homeowner use and, therefore, a quantitative residential handler assessment was not conducted.

For residential post-application, there is the potential for short-term incidental oral exposure for individuals exposed as a result of being in an environment that has been previously treated with S-metolachlor. The quantitative exposure/risk assessment for residential post-application exposures is based on the following scenario: Hand-to-mouth incidental oral exposure of children 1–2 years old playing on turf treated with S-metolachlor.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found S-metolachlor to share a common mechanism of toxicity with any other substances, and S-metolachlor does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that S-metolachlor does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no evidence of increased quantitative or qualitative fetal susceptibility in the prenatal developmental studies in rats and rabbits or in the reproductive toxicity study in rats, with either metolachlor or S-metolachlor. In general, significant developmental toxicity was not seen in rats or rabbits with either compound. The only effects observed in fetal animals were in the rat prenatal developmental study and included slightly decreased number of implantations per dam, decreased number of live fetuses/dam, increased number of resorptions/dam and significant decrease in mean fetal body weight. These effects occurred at maternally toxic doses (1,000 mg/kg/day).

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X for all scenarios assessed as part of EPA's determination of safety for S-metolachlor. This decision is based on the following findings:

i. The toxicology database for metolachlor and S-metolachlor is complete, with the exception of a required subchronic inhalation study for metolachlor. Although the Agency has determined that a 10X database uncertainty factor should be retained to account for the lack of the subchronic inhalation study, the Agency does not expect inhalation exposures to result from the use of S-metolachlor.

ii. There is no indication that S-metolachlor is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that S-metolachlor results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to S-metolachlor in drinking water. EPA used similarly conservative assumptions to assess post-application incidental oral exposure of children 1 to less-than 2 years old. These assessments will not underestimate the exposure and risks posed by S-metolachlor.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to S-metolachlor will occupy 6.1% of the aPAD for all infants less than 1-year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to S-metolachlor from food and water will utilize 58% of the cPAD for all infants less than 1-year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of S-metolachlor is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account

short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

S-metolachlor is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to S-metolachlor.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 700 for children 1–2 years old, the only population group of concern. Because EPA's level of concern for S-metolachlor is a MOE of 100 or below, this MOE is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, S-metolachlor is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for S-metolachlor.

5. *Aggregate cancer risk for U.S. population.* As discussed in Unit III.A, the chronic dietary risk assessment is protective of any potential cancer effects. Based on the results of that assessment, EPA concludes that S-metolachlor is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, 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 S-metolachlor residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methodology is available for enforcing the established and recommended tolerances. PAM Vol. II, Pesticide Regulation Section 180.368, lists a gas chromatography with nitrogen-phosphorus detector (GC/NPD) method (Method I) for determining residues in/on plant commodities and a gas chromatography with mass selective detector (GC/MSD) method (Method II) for determining residues in livestock commodities. These methods determine residues of metolachlor and its metabolites as either CGA–37913 or CGA–49751 following acid hydrolysis.

B. 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 any MRLs for either S-metolachlor or metolachlor.

C. Response to Comments

One comment was received in response to the notice of filing. The commenter was against the establishment of any tolerances for S-metolachlor and stated in part ''allow zero tolerance. Allow zero residue'' and ''no animals or people should be eating any toxic chemicals.''

Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that these S-metolachlor tolerances are safe. The commenter has provided no information supporting a contrary conclusion.

D. Revisions to Petitioned-For Tolerances

Although the petitioner requested a tolerance on sugarcane at 0.4 ppm, EPA is establishing the tolerance at 0.20 ppm based on available field trial data and the use of average values in the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedure instead of every individual sample that the petitioner used. The Agency is also establishing the tolerance for ''sugarcane, cane'' to be consistent with its food and feed commodity vocabulary.

V. Conclusion

Therefore, tolerances are established for residues of S-metolachlor in or on sugarcane, cane at 0.20 ppm and sugarcane molasses at 1.5 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under 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).

VII. 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: February 28, 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 § 180.368, add alphabetically entries for ''Sugarcane, cane'' and ''Sugarcane, molasses'' to the table in paragraph (a)(2) to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

* * * * *

(a)(2) * * *

Commodity	Parts per million
* * * * *	
Sugarcane, cane	0.20
Sugarcane, molasses	1.5
* * * * *	

* * * * *

[FR Doc. 2018–05641 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–249; FCC 17–119]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in the Commission's Third Report and Order, FCC 17–119. This document is consistent with the Third Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the rules.

DATES: The rule amendments to 47 CFR 73.151(c)(1)(ix) and (x) and (c)(3), 47 CFR 73.154(a), and 47 CFR 73.155, published at 82 FR 51161, November 3, 2017, are effective on March 21, 2018.

FOR FURTHER INFORMATION CONTACT: Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on March 8, 2018, OMB approved information collection requirements contained in the Commission's Report and Order, FCC 17–119, published at 82 FR 51161. The OMB Control Number is 3060–0991. The Commission publishes this notice as an announcement of the effective date of those information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on March 8, 2018, for the information collection requirements contained in 47 CFR 73.151(c)(1)(ix) and (x) and (c)(3), 47 CFR 73.154(a), and 47 CFR 73.155, as amended, in the Commission's Report and Order, FCC 17–119. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0991. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0991.

OMB Approval Date: March 8, 2018.

OMB Expiration Date: March 31, 2021.

Title: AM Measurement Data.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,800 respondents; 3,135 responses.

Estimated Time per Response: 0.50 hours–25 hours.

Frequency of Response: Recordkeeping requirement, Third Party disclosure requirement, On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 151, 152, 154(i), 303, and 307 of the Communications Act of 1934, as amended.

Total Annual Burden: 20,200 hours.

Total Annual Cost: $1,131,500.

Nature and Extent of Confidentiality: There is no need for confidentiality treatment with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission revised this information collection to reflect the September 22, 2017, adoption of the Third Report and Order in MB Docket No. 13–249, FCC 17–119, *In the Matter of Revitalization of AM Radio*

Service (*AMR Third R&O*). Specifically, the *AMR Third R&O* removed certain requirements and associated burdens contained in 47 CFR 73.151, 73.154, and 73.155. To the extent the revisions affect reporting or record-keeping requirements, they reduce those burdens for AM broadcasters operating with directional antenna arrays. The Commission received approval for the revised information collection requirements contained under this collection from the Office of Management and Budget (OMB).

In the 2015 AM revitalization proceeding, the FCC proposed streamlining certain technical requirements to assist AM broadcasters in providing radio service to consumers. For example, almost 40 percent of all AM broadcast stations must employ directional antenna arrays during some or all of the broadcast day in order to avoid interference with other AM stations. Maintaining a directional signal pattern can be technically complex, time-consuming, and expensive. Such stations are subject to a variety of rules requiring signal strength measurements and other engineering analyses to ensure compliance with their authorizations.

In the *AMR Third R&O,* the FCC eliminated, clarified, or eased several of the rules governing AM stations using directional antenna arrays. First, the FCC revises 47 CFR 73.154(a) to relax the rule on submission of partial proofs of performance of directional AM antenna arrays by eliminating the requirement to take measurements on non-monitored radials adjacent to monitored radials. Next, the FCC modified several rules pertaining to AM stations that use Method of Moments (MoM) models of directional array performance. MoM modeling allows broadcasters to verify antenna system performance through computer modeling, as opposed to sending engineers into the field to take field strength measurements. Thus, a proof using a MoM model is less expensive than taking field strength measurements of an AM station's directional pattern. Specifically, the FCC: (1) Revised 47 CFR 73.151(c)(1)(ix) to eliminate the requirement of obtaining a registered surveyor's certification, provided that no new towers are being added to an existing AM array and the tower geometry is not changed; (2) added 47 CFR 73.151(c)(1)(x) to extend the exemption from having to file a new proof with the FCC to any AM tower modification that does not affect the modeled values used in the previously submitted license proof; (3) revised 47 CFR 73.151(c)(3) to retain the current requirement for submission of reference field strength measurements in the initial license application, but to eliminate the requirement to submit additional reference field strength measurements in subsequent license applications; and (4) revised 47 CFR 73.155 to eliminate the requirement for biennial recertification of the performance of a directional pattern licensed pursuant to a MoM proof, except when system components have been repaired or replaced.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–05741 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

[Docket No. FWS–HQ–MB–2015–0161; FXMB 12330900000//189//FF09M13200]

RIN 1018–BB23

Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is revising regulations governing the annual Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest, also known as the Federal Duck Stamp Contest (Contest). We are updating our contact information, updating the common and scientific names of species on our list of Contest design subjects, correcting minor grammar errors, making changes to recognize technological advances in stamp design and printing, and instituting changes to design elements and judging requirements specific to the 2018 Contest.

DATES: This rule is effective March 21, 2018.

ADDRESSES: You can view the 2018 Contest Artist Brochure by one of the following methods:

- *Duck Stamp Contest and Event Information: https://www.fws.gov/birds/get-involved/duck-stamp/duck-stamp-contest-and-event-information.php.*
- Request a copy by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Suzanne D. Fellows, Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Department of the Interior, MS:MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–2145; *suzanne_fellows@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 16, 1934, Congress passed, and President Franklin D. Roosevelt signed, the Migratory Bird Hunting Stamp Act. Popularly known as the Duck Stamp Act, it required all waterfowl hunters 16 years or older to buy a stamp annually. The revenue generated from the sale of the stamp is used to buy or lease waterfowl habitat.

Since its enactment, the Federal Duck Stamp Program has become internationally known as one of the most popular and successful conservation programs ever initiated. Today, some 1.5 million stamps are sold each year and, as of 2017, Federal Duck Stamps have generated more than $1 billion for the preservation of approximately 6 million acres of waterfowl habitat in the United States. Numerous other birds, mammals, fish, reptiles, and amphibians have similarly prospered because of habitat conservation made possible by the program. Many of the Nation's endangered and threatened species find food or shelter on refuges preserved by Duck Stamp funds. Moreover, protected wetlands help dissipate storm water runoff, purify water supplies, store flood water, and nourish fish hatchlings important for sport and commercial fishermen.

The first Federal Duck Stamp was designed by Jay N. ''Ding'' Darling, a nationally known political cartoonist for the Des Moines Register and a noted hunter and wildlife conservationist. In subsequent years, noted wildlife artists were asked to submit designs. The first Federal Duck Stamp Contest was opened in 1949 to any U.S. artist who wished to enter. Regulations governing the Contest appear at 50 CFR part 91.

To select each year's design, a panel of noted art, waterfowl, and philatelic authorities is appointed by the Secretary of the Interior (Secretary). Winners receive no compensation for their work except for a pane of their stamps signed by the Secretary. However, artists maintain the copyright to their artwork and may sell prints of their designs, which are sought by hunters, conservationists, and art collectors.

An annual rules brochure is published to announce the Contest and provide artists with official entry forms, a list of five or fewer eligible species that may be depicted, and instructions for submitting entries. Any changes to

the Contest regulations must be completed by going through the formal rulemaking process.

On February 11, 2016, we published a proposed rule (81 FR 7279) to revise the Duck Stamp Contest regulations. At that time, we proposed to update or correct contact information and other minor spelling or grammar errors, as well as specify a new requirement to include a second, appropriate, migratory bird species in the artwork design beginning with the 2016 Contest. However, we chose not to go forward with the proposed new Contest requirement.

On November 28, 2017, we published a revised proposed rule (82 FR 56201), which included further updates to the names of eligible species, updates to recognize technological advances in stamp design and printing, and a proposed requirement specific to the 2018 Contest. For the 2018 Contest, this proposed change would require the inclusion of waterfowl hunting-related accessories and/or themes in all qualified 2018 Contest entries; by portraying the theme ''celebrating our waterfowl hunting heritage,'' we would recognize the role of hunters in raising over $1 billion for waterfowl habitat conservation through the sale of Duck Stamps. The revised proposed rule opened a 30-day public comment period and invited comments on the proposed changes from artists, stamp collectors, and other members of the public.

Summary of Public Comments and Responses

We received 60 comments on the November 28, 2017, proposed rule (82 FR 56201). Several commenters simply expressed disapproval or support for the 2018 Contest rules. However, the majority had specific comments, which are grouped under appropriate subject-matter headings and addressed below.

Update to Eligible Species List

(1) *Comment:* One commenter thought that it was not necessary to include the scientific names of eligible species.

Service Response: We provide both common and scientific names of birds, as recognized by the American Ornithological Union, when publishing rules and when discussing species in official documents. This practice helps avoid confusion among readers who may use a different colloquial name for the species. These changes will be published in our final rule as proposed.

Proposed Requirements Specific to the 2018 Contest

(2) *Comment:* Several commenters indicated that they were in favor of the requirement that the 2019–20 Duck Stamp reference the theme ''celebrating our waterfowl hunting heritage''. Many believed that it was important and long over-due to recognize hunters' contributions to conservation and the waterfowl hunting heritage.

Several other commenters expressed that they were against the proposed change for the 2018 Contest. Most believed that the current Contest regulations worked well to ensure that the best artwork is selected each year for the Federal Duck Stamp. Several commenters stated their belief that the Federal Duck Stamp already celebrates hunting, as the inclusion of hunting-related accessories, hunters, and hunting scenes are already permitted as part of the stamp design. Several believed that making such inclusion mandatory would jeopardize the stamp's appeal to non-hunters who are interested in purchasing the stamp as a way of supporting conservation. Many of those against the change for the 2018 Contest did not want the inclusion of hunting-related items to detract from the primary waterfowl focus of the stamp.

Other commenters expressed no strong opinion on the proposed change but were not supportive of a permanent change.

Service Response: We recognize that responses to the change proposed for the 2018 Contest are mixed. However, we believe this one-time change to recognize the contributions of hunters and hunting to waterfowl conservation is appropriate and will not negatively impact the Stamp or the Contest; therefore, we are making that proposal, which is specific only to the 2018 Contest, final in this rule.

Inclusion of a Theme

(3) *Comment:* Two commenters urged that any changes to, or requirements for, a theme be done only with careful consideration of all aspects of the stamp program, artists, and purchasers of the stamp. There were also suggestions that art changes be ''recommended'' rather than mandatory. The suggestion was made that proposed themes should have an intrinsic biological or conservation message. Several other commenters expressed their opinion that an appropriate Contest theme could bring increased exposure to the program, while other commenters believed that the inclusion of an annual theme would make a poor quality stamp and would not significantly improve the resulting design. Several also suggested that the inclusion of objects (such as humans or dogs) to satisfy the requirement of addressing the theme would detract from the natural beauty of the depicted waterfowl.

Service Response: The concept of having a theme to the Contest is not new. Previous themes have included ''Retrievers Save Game,'' ''Wildlife Needs Water: Preserve Wetlands,'' ''Habitat Produces Ducks,'' and ''Ducks for Recreation.'' Different themes have also been used in marketing the annual stamp. The extent to which the 2019–20 theme and stamp increases exposure to the Federal Duck Stamp Program will be contingent upon the ability of the Service and its partners to share our message with traditional audiences and others.

Regarding the inclusion of objects in the stamps, there are several examples of previous stamps that contain objects such as decoys, dogs, and hunters that have made memorable stamps. The judges' mandate has been, and will remain, that they choose the design that will best make an attractive Federal Duck Stamp.

Hunter Recognition

(4) *Comment:* Several commenters approved of recognizing our hunting heritage and applauded the Service for recognizing the huge financial commitment hunters annually put toward wildlife conservation. Several other commenters believed that the best way to keep support for ethical hunting is to actively educate and show others that hunters also care about wildlife and healthy ecosystems.

Service Response: The recognition of waterfowl hunters' contributions to wildlife and habitat conservation will further the Department of the Interior's priorities of hunter retention and recruitment, and of increased sportsperson access on public lands. By focusing on the long heritage of waterfowl hunting on the 2019–20 Federal Duck Stamp, we acknowledge the contributions of other hunters, anglers, and shooters as conservationists.

Further, upon its conception in 1934, the proper name of the Federal Duck Stamp was the ''Migratory Bird Hunting Stamp.'' The name became ''Migratory Bird Hunting and Conservation Stamp'' with the 1977–78 stamp to reflect the broader conservation aspects and primary goal of the stamp. While the theme and inclusion of a hunting-related accessory and/or scene will be mandatory in the 2019–20 Federal Duck Stamp design, the central and dominant aspect is still a live portrayal of one of the five eligible waterfowl species.

Raising Funds for Wildlife Habitat Conservation

(5) *Comment:* Commenters questioned whether the proposed change would increase interest in the Duck Stamp Program and boost the annual sale of stamps. Several believed that recognizing the contributions of one group over others could be divisive, and the hunting theme could alienate non-consumptive buyers, such as stamp collectors or those expressing support for the National Wildlife Refuge System. Although these discretionary purchasers obtain the stamp for reasons other than ''because it is mandatory,'' their contribution also goes to the conservation of habitat. Lastly, several commenters mentioned the lack of a solid marketing strategy for Duck Stamps and the need for a marketing company to provide direction on boosting sales.

Service Response: The Federal Duck Stamp has been mandatory to hunt waterfowl for the past 85 years, and has been incredibly successful in conserving habitat for wildlife. By using the theme ''celebrating our waterfowl hunting heritage'' on the 2019–20 stamp, we are recognizing the conservation contributions (over $1 billion) made by millions of waterfowl hunters over this period.

We appreciate those who voluntarily help fund wildlife habitat conservation through their purchase of Federal Duck Stamps and will continue to encourage non-consumptive wildlife resource users, stamp collectors, and other conservationists to purchase Federal Duck Stamps to support migratory bird habitat conservation. Over the past several years, there has been a concerted effort to encourage purchase of the stamp by birders and other conservationists. We hope that current non-consumptive purchasers will recognize that hunting is part of the tradition behind the Federal Duck Stamp and will continue to support the conservation afforded by stamp sales. The inclusion of the ''celebrating our waterfowl hunting heritage'' theme provides the opportunity to present information on the history and tradition of waterfowl hunting in the United States. Lastly, comments regarding marketing the Duck Stamp are beyond the scope of this rule.

Artist Issues

(6) *Comment:* Several artists said that they will not be able to properly execute their designs between the time the rules are finalized for 2018 and the Contest due date. Most artists expressed resentment of changes that are not finalized more than 12 months ahead of the beginning of the Contest year and would prefer that we provide final Contest rules and each year's eligible species list at least 3 years ahead of the annual Contest open date. Adding mandatory elements with less than a year to research and gather reference materials, design, and then execute their entries will prevent some artists from entering the 2018 Contest.

Several commenters were upset with changing the waterfowl species previously advertised as being eligible.

Several artists felt that the mandatory ''inclusion of a hunting accessory'' would alienate or discourage many artists. By changing hunting elements from optional to mandatory, several artists stated that they will not enter the Contest on principle. Not all artists are waterfowl hunters or are part of the hunting culture, so they expressed the opinion that they would be at a severe disadvantage as to what qualifies as a hunting accessory. It was suggested that ''hunting accessories'' be kept as ''optional'' and the rules to read ''recommended but not mandatory.''

Service Response: We understand the artists' desire to have rules available to them as early as possible and appreciate the amount of preparation and research needed before artists can design and execute their entries. Unfortunately, we are unable to provide final rules 12 to 36 months ahead of the relevant Contest date.

Regarding the eligible species list, the five ''tentative'' species first listed for 2018, as advertised in September 2016, were not considered the most appropriate species for depiction in a stamp illustrating the proposed ''celebrating our waterfowl hunting heritage'' theme. Five new species were selected for the 2018 Contest and advertised in October 2017, well ahead of the publication of the annual rules brochure. Reference materials for these five relatively common, widespread waterfowl species are readily available to most wildlife artists.

The change in species was advertised on our Duck Stamp website, as well as communicated to individual artists who had participated in the previous years' Contests and who had provided an active email address. Future years' eligible species lists are considered and denoted as ''tentative'' until the publication of the annual Contest brochure (usually in January).

It is not our intention to alienate potential Duck Stamp Contest artists. We hope that the proposed theme will encourage both artists and stamp purchasers to learn more about the rich tradition of waterfowl hunting. Decoys and hunting dogs are among the examples of elements that can be included to satisfy this requirement.

Artist Recognition

(7) *Comment:* To increase artist participation in the Contest, several commenters suggested that small prizes such as ribbons or other recognition items of low monetary value be awarded to Contest finalists.

Service Response: We will consider recognizing all artists whose entry successfully enters the final round of Contest judging. We may provide a ribbon or other small recognition item. All artists who enter the Contest will continue to receive a letter of appreciation from the Duck Stamp Office with the return of their artwork.

Entry Fees and Entries

(8) *Comment:* Several artists suggested lowering the entry fee to encourage additional artists to enter. Others believed that we should limit the number of times a person can win to twice.

Service Response: At the current fee of $125 per entry, approximately 500 entries would be needed to run the Contest entirely from artist entry fees. Due to the costs associated with the Contest, we do not anticipate lowering entry fees. We remain committed to providing a prestigious, well-ordered Contest.

Regarding the limiting of entries, in the 85-year history of the Program, there have been 60 different artists whose work has graced the Federal Duck Stamp. Thirteen artists have illustrated two or more stamps (36 of 70 open competitions). We do not anticipate changing the number of times that an artist can participate in the Contest, but we will continue to require winning artists to wait 3 years before entering again.

Judging Requirement/Scoring Assessment for 2018 Contest

(9) *Comment:* Three commenters were in opposition to the following proposed change: In 2018 only, it will also be mandatory that all selected judges have an understanding and appreciation of the waterfowl hunting heritage and be able to recognize waterfowl hunting accessories. The commenters believe that only the ''best art for the stamp'' should be the basis for the judges' decision and further believe that while the judging panel overall should have the necessary qualifications, individual judge selection should not be limited by a single restrictive requirement. One commenter expressed strong support that the judges have an understanding

and appreciation for waterfowl hunting heritage.

Service Response: We will develop a slate of qualified nominees to be judges that will be forwarded to the Secretary of the Interior, or his designee, for concurrence. All potential judges will be deemed as qualified if they have one or more of the following qualifications: Recognized art credentials; knowledge of the anatomical makeup and the natural habitat of the eligible waterfowl species; an understanding of the wildlife sporting world in which the Duck Stamp is used; an awareness of philately and the role the Duck Stamp plays in stamp collecting; and demonstrated support for the conservation of waterfowl and wetlands through active involvement in the conservation community.

Duck Stamp Collectors

(10) *Comment:* Comments from those self-identifying as Duck Stamp collectors were mixed. Some believed that their collecting habits would decrease if the traditional Duck Stamp design was radically altered, while others believed that some variation from the standard design could be well accepted.

Service Response: As purchasers of the Federal Duck Stamp, collectors are valued customers and conservation partners. We do not believe that the winning artwork will create a stamp that will be radically different from historical stamps. We do not anticipate this rule will greatly impact whether or not collectors will purchase the 2019–20 Duck Stamp.

Eligible Species and Other Themes

(11) *Comment:* Several people commented on the species list of primary subjects eligible for selection each year, including a suggestion to rotate winning species to the bottom of the eligible species list since multiple stamps have featured the mallard, Canada goose, and wood duck. Another commenter suggested it was time to update the overall list from which each year's species are chosen, while one suggested different stamps for different flyways or U.S. territories might be a better way to increase funds for conservation.

Commenters also proposed several other themes with different required elements. A suggestion was also made that to require an ''old-style black-and-white'' version of the stamp for one year in order to highlight the history of the stamp and the role of collectors.

Service Response: Five or fewer species of waterfowl are chosen to be eligible for each year's Contest from a list of native North American waterfowl species. Artists are instructed to choose at least one of these eligible species as their dominant design feature. Canvasback and mallard have each appeared on six Federal Duck Stamps, wood duck on three. Twenty-four species have only been depicted once. Many of these 24 have been among the 5 eligible species provided annually as subjects and have been represented in the top three designs for many Contests.

Regarding the comment about using different stamps in different Flyways, while we agree that each Flyway may have preferred species for a Federal Duck Stamp, the cost and time required to produce four annual stamps would result in the loss of funds available for conservation. Likewise, the purpose of this rule is not to develop alternate themes, although we may consider some of these proposals in the future.

Carrier Design

(12) *Comment:* Several commenters indicated that providing recognition of and information on hunter contributions to wildlife conservation would be a positive thing for those who do not understand or who oppose hunting. Suggestions were made to include the proposed theme on the carrier or back of the stamp rather than as part of the stamp design itself.

Service Response: The carrier of the stamp—the area around the actual stamp on the pane of one, dollar-bill-size, pressure-sensitive adhesive stamp—is created by the stamp designer with input from the artist and the Federal Duck Stamp Office. It is the current practice of the Duck Stamp Office to include educational and celebratory information on the carrier of the stamp and on other products.

Depiction of Firearms

(13) *Comment:* Several commenters expressed negative opinions regarding hunting, as well as the possible representation of firearms as part of the stamp design.

Service Response: Issues regarding gun violence are beyond the scope of this rule. Hunting is a recognized wildlife management tool, and the Service supports the legal and ethical right of lawful hunters to use firearms to hunt wildlife. The 2018 Contest entry may include other appropriate items to fulfill the thematic requirement that a waterfowl hunting-related accessory and/or scene be included in a 2018 contestant's design.

Summary of Changes From the November 28, 2017, Proposed Rule

This rule includes no significant changes based on public comments to the proposed rule published on November 28, 2017 (82 FR 56201).

As an administrative update, this rule does newly specify the delivery address of artwork submitted to the Contest at 50 CFR 91.16(b).

Amendments to Existing Regulations

This rule contains the following changes to the regulations:

- We update contact information at §§ 91.1(b), 91.11, and 91.16(b).
- We update the common and scientific names and ordering of eligible species listed at § 91.4.
- We set forth the 2018 Contest restriction on subject matter for entries at § 91.14(b).
- We remove and reserve § 91.15.
- We set forth an additional judge qualification for the 2018 Contest at § 91.21(b)(2).
- We set forth language at § 91.23(b) to reflect the mandatory theme to be applied in the 2018 Contest.

Actions specific to the 2018 Contest will be valid only for the 2018 Contest; they will no longer be valid after September 16, 2018. We will engage in rulemaking sometime after September 16, 2018, to remove the requirements specific to the 2018 Contest from the regulations.

Required Determinations

For this final rule, we affirm the following required determinations provided in our November 28, 2017, proposed rule (82 FR 56201):

- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); and
- Executive Order (E.O.) 13771.

Further, for this final rule, we affirm the following required determinations provided in our February 11, 2016, proposed rule (81 FR 7279):

- Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2));
- Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*);
- Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*);
- National Environmental Policy Act (42 U.S.C. 4321 *et seq.*); and
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

List of Subjects in 50 CFR Part 91

Hunting, Wildlife.

Regulation Promulgation

For the reasons stated in the preamble, we amend 50 CFR part 91, as set forth below:

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

■ 2. Amend § 91.1(b) by revising the third sentence to read as follows:

§ 91.1 Purpose of regulations.

* * * * *

(b) * * * These documents can also be downloaded from our website at: *http://www.fws.gov/birds/get-involved/duck-stamp.php*.

* * * * *

■ 3. Revise § 91.4 to read as follows:

§ 91.4 Eligible species.

Five or fewer of the species listed below will be identified as eligible each year; those eligible species will be provided to each contestant with the information provided in § 91.1.

(a) *Whistling-Ducks.* (1) Fulvous Whistling-Duck (*Dendrocygna bicolor*).

(2) Black-bellied Whistling-Duck (*Dendrocygna autumnalis*).

(b) *Geese.* (1) Emperor Goose (*Anser canagicus*).

(2) Snow Goose (including ''white'' and ''blue'' morphs) (*Anser caerulescens*).

(3) Ross's Goose (*Anser rossii*).

(4) Greater White-fronted Goose (*Anser albifrons*).

(5) Brant (*Branta bernicla*).

(6) Cackling Goose (*Branta hutchinsii*).

(7) Canada Goose (*Branta canadensis*).

(c) *Swans.* (1) Trumpeter Swan (*Cygnus buccinator*).

(2) Tundra Swan (*Cygnus columbianus*).

(d) *Dabbling Ducks.* (1) Wood Duck (*Aix sponsa*).

(2) Blue-winged Teal (*Spatula discors*).

(3) Cinnamon Teal (*Spatula cyanoptera*).

(4) Northern Shoveler (*Spatula clypeata*).

(5) Gadwall (*Mareca strepera*).

(6) American Wigeon (*Mareca americana*).

(7) Mallard (*Anas platyrhynchos*).

(8) American Black Duck (*Anas rubripes*).

(9) Mottled Duck (*Anas fulvigula*).

(10) Northern Pintail (*Anas acuta*).

(11) Green-winged Teal (*Anas crecca*).

(e) *Diving Ducks.* (1) Canvasback (*Aythya valisineria*).

(2) Redhead (*Aythya americana*).

(3) Ring-necked Duck (*Aythya collaris*).

(4) Greater Scaup (*Aythya marila*).

(5) Lesser Scaup (*Aythya affinis*).

(f) *Sea-Ducks.* (1) Steller's Eider (*Polysticta stelleri*).

(2) Spectacled Eider (*Somateria fischeri*).

(3) King Eider (*Somateria spectabilis*).

(4) Common Eider (*Somateria mollissima*).

(5) Harlequin Duck (*Histrionicus histrionicus*).

(6) Surf Scoter (*Melanitta perspicillata*).

(7) White-winged Scoter (*Melanitta fusca*).

(8) Black Scoter (*Melanitta americana*).

(9) Long-tailed Duck (*Clangula hyemalis*).

(10) Bufflehead (*Bucephala albeola*).

(11) Common Goldeneye (*Bucephala clangula*).

(12) Barrow's Goldeneye (*Bucephala islandica*).

(g) *Mergansers.* (1) Hooded Merganser (*Lophodytes cucullatus*).

(2) Common Merganser (*Mergus merganser*).

(3) Red-breasted Merganser (*Mergus serrator*).

(h) *Stiff Tails.* (1) Ruddy Duck (*Oxyura jamaicensis*).

(2) [Reserved]

■ 4. Revise § 91.11 to read as follows:

§ 91.11 Contest opening date and entry deadline.

The contest officially opens on June 1 of each year. Entries must be postmarked no later than midnight, August 15. For the latest information on contest time and place as well as all deadlines, please visit our website at *http://www.fws.gov/birds/get-involved/duck-stamp.php* or call (703) 358–2145.

■ 5. Revise § 91.14 to read as follows:

§ 91.14 Restrictions on subject matter for entry.

(a) *General restrictions.* A live portrayal of any bird(s) of the five or fewer identified eligible waterfowl species must be the dominant feature of the design. The design may depict more than one of the eligible species. The judges' overall mandate is to select the best design that will make an interesting, useful, and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original hand-drawn creation. The entry design may not be copied or duplicated from previously published art, including photographs, or from images in any format published on the internet. Photographs, computer-generated art, or art produced from a computer printer or other computer/mechanical output device (airbrush method excepted) are not eligible to be entered into the contest and will be disqualified. An entry submitted in a prior contest that was not selected for a Federal or State stamp design may be submitted in the current contest if the entry meets the criteria set forth in this section.

(b) *The 2018 Contest.* In addition to the restrictions set forth in paragraph (a) of this section, in 2018 only, designs will also be required to include appropriate hunting-related accessories and/or scenes celebrating the Federal Duck Stamp's long-standing connection as part of our Nation's waterfowl hunting heritage and the contributions to conservation made by waterfowl hunters. Designs may include, but are not limited to, hunting dogs, hunting scenes, hunting equipment, waterfowl decoys, managed waterfowl areas as the background of habitat scenes, or other designs that represent our waterfowl hunting heritage. The design chosen will clearly meet the theme of ''celebrating our waterfowl hunting heritage.''

§ 91.15 [Removed and Reserved]

■ 6. Remove and reserve § 91.15.

■ 7. Revise § 91.16(b) to read as follows:

§ 91.16 Submission procedures for entry.

* * * * *

(b) Each entry should be appropriately wrapped to protect the artwork and then either hand-delivered or sent by registered mail, certified mail, express mail, or overnight delivery service to: Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041.

■ 8. In § 91.21, designate the text of paragraph (b) as paragraph (b)(1) and add a heading for newly designated paragraph (b)(1) and paragraph (b)(2) to read as follows:

§ 91.21 Selection and qualification of contest judges.

* * * * *

(b) *Qualifications*—(1) *General qualifications.* * * *

(2) *The 2018 Contest.* In 2018 only, it will also be mandatory that all selected judges have an understanding and appreciation of the waterfowl hunting heritage and be able to recognize waterfowl hunting accessories.

* * * * *

■ 9. Revise § 91.23 to read as follows:

§ 91.23 Scoring criteria for contest.

(a) *General criteria.* Entries will be judged on the basis of anatomical accuracy, artistic composition, and

suitability for reduction in the production of a stamp.

(b) *The 2018 Contest.* In 2018 only, entries will also be judged on how well they illustrate the theme of ''celebrating our waterfowl hunting heritage.''

Dated: February 27, 2018.

Jason Larrabee,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, exercising the authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2018–05588 Filed 3–20–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]

RIN 0648–XF971

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2018 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component's commercial quota on March 25, 2018. Therefore, NMFS closes the commercial longline component of golden tilefish in the South Atlantic EEZ on March 25, 2018. This closure is necessary to protect the golden tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, March 25, 2018, until 12:01 a.m., local time, January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Amendment 18B to the FMP established a longline endorsement program for the commercial golden tilefish component of the snapper-grouper fishery and allocated the commercial golden tilefish annual catch limit (ACL) between two gear groups, as commercial quota: The longline and hook-and-line components (78 FR 23858; April 23, 2013). On January 2, 2018, NMFS published a final temporary rule to implement interim measures to reduce overfishing of golden tilefish in Federal waters of the South Atlantic (83 FR 65). As a result of the interim measures, the total ACL for golden tilefish for the 2018 fishing year is 323,000 lb (146,510 kg), gutted weight, and the commercial ACL is 313,310 lb (142,115 kg), gutted weight. The current commercial quota for the 2018 fishing year for the longline component is 234,982 lb (106,586 kg), gutted weight. The interim measures implemented through the temporary final rule are effective through July 1, 2018. NMFS is evaluating extension of the interim measures for up to an additional 186 days.

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. After the commercial quota for the longline component is reached or projected to be reached, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. Based on projected landings, NMFS has determined that the commercial quota for the golden tilefish longline component in the South Atlantic will be reached on March 25, 2018. Accordingly, the commercial longline component of South Atlantic golden tilefish is closed effective 12:01 a.m., local time, March 25, 2018.

During the commercial longline closure, golden tilefish may still be harvested commercially using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m., local time, March 25, 2018. During the commercial longline closure, the recreational bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement. The sale or purchase of longline-caught golden tilefish taken from the EEZ is prohibited during the commercial longline closure. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, March 25, 2018, and those that were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase provisions of the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of South Atlantic golden tilefish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(a)(1)(v) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the commercial longline component for golden tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures for this temporary rule would be unnecessary and contrary to the public interest. Such procedures are unnecessary, because the regulations at 50 CFR 622.193(a)(1)(v) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment on this action are contrary to the public

interest, because there is a need to immediately implement this action to protect the golden tilefish resource since the capacity of the fishing fleet allows for rapid harvest of the commercial quota for the longline component. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial quota for the longline component.

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

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

Dated: March 16, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05714 Filed 3–16–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403320–4891–02]

RIN 0648–XG056

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; 2018–2019 Recreational Fishing Season for Black Sea Bass

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

ACTION: Temporary rule; recreational season length.

SUMMARY: NMFS announces that the length of the recreational fishing season for black sea bass in the exclusive economic zone (EEZ) of the South Atlantic will extend throughout the species' 2018–2019 fishing year. Announcing the length of recreational season for black sea bass is one of the accountability measures (AMs) for the recreational sector. This announcement allows recreational fishers to maximize their opportunity to harvest the recreational annual catch limit (ACL) for black sea bass during the fishing season while managing harvest to protect the black sea bass resource.

DATES: This rule is effective from 12:01 a.m., local time, April 1, 2018, until 12:01 a.m., local time, April 1, 2019, unless changed by subsequent notification in the **Federal Register**.

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

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery includes black sea bass and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP and the FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Regulatory Amendment 14 to the FMP revised the recreational fishing year for black sea bass to be April 1 through March 31 (79 FR 66316; November 7, 2014). The final rule also revised the recreational AMs for black sea bass. Prior to the April 1 start of each recreational fishing year, NMFS projects the length of the upcoming recreational fishing season based on when NMFS projects the recreational ACL will be met and announces the recreational season end date in the **Federal Register** (50 CFR 622.193(e)(2)). The purpose of this AM is to have a more predictable recreational season length while still constraining harvest at or below the recreational ACL to protect the stock from experiencing adverse biological consequences.

NMFS estimates that recreational landings for the 2018–2019 fishing year will be less than the 2018–2019 recreational ACL. To make this determination, NMFS compared landings in the last 3 fishing years to the recreational ACL for the 2018–2019 black sea bass fishing year of 848,455 lb (384,853 kg), gutted weight, 1,001,177 lb (454,126 kg), round weight. The recreational ACL was set through the final rule for Regulatory Amendment 19 to the FMP (78 FR 58249; September 23, 2013). Landings in each of the past 3 fishing years have been substantially below the 2018–2019 recreational ACL; therefore, recreational landings in 2018–2019 are projected to be below the 2018–2019 recreational ACL. Accordingly, the recreational sector for black sea bass is not expected to close as a result of reaching its ACL, and the season end date for recreational fishing for black sea bass in the South Atlantic EEZ south of 35°15.9′ N lat. is March 31, 2019.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic black sea bass and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(e)(2) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement the notice of the recreational season length constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary. Such procedures are unnecessary, because the rule establishing the AM has already been subject to notice and comment, and all that remains is to notify the public of the recreational season length.

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

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

Dated: March 16, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05703 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XF906

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Hook-and-Line Catcher/Processors in the Western Regulatory Area of 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 Pacific cod by hook-and-line

catcher/processors in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2018 Pacific cod total allowable catch apportioned to hook-and-line catcher/processors in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 16, 2018, through 1200 hours, A.l.t., June 10, 2018.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 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. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2018 Pacific cod total allowable catch (TAC) apportioned to hook-and-line catcher/processors in the Western Regulatory Area of the GOA is 607 metric tons (mt), as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2018 Pacific cod TAC apportioned to hook-and-line catcher/processors in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 595 mt and is setting aside the remaining 12 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 Pacific cod by hook-and-line catcher/processors in the Western Regulatory Area 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 directed fishing closure of Pacific cod by hook-and-line catcher/processors in the Western Regulatory Area 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 15, 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 16, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05756 Filed 3–16–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 55
Wednesday, March 21, 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 ELECTION COMMISSION

11 CFR Part 113

[NOTICE 2018–05]

Rulemaking Petition: Former Candidates' Personal Use

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition; notification of availability.

SUMMARY: On February 5, 2018, the Federal Election Commission received a Petition for Rulemaking, which asks the Commission to revise and amend the existing rules concerning the personal use of campaign funds, specifically to clarify the application of those rules to former candidates and officeholders. The Commission seeks comments on the petition.

DATES: Comments must be submitted on or before May 21, 2018.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at *http://www.fec.gov/fosers,* reference REG 2015–04. Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Robert M. Knop, Assistant General Counsel, 1050 First Street NE, Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, and state. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records Office. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social security number, or driver's license number, or any information that is restricted from disclosure, such as trade secrets or commercial or financial information that is privileged or confidential.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Mr. Sean J. Wright, Attorney, Office of General Counsel, 1050 First Street NE, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On February 5, 2018, the Commission received a Petition for Rulemaking from the Campaign Legal Center, asking the Commission to revise and amend 11 CFR 113.1(g) and 11 CFR 113.2, the regulations pertaining to the personal use of campaign funds, specifically to clarify the application of those rules to former candidates and officeholders.

The Federal Election Campaign Act, 52 U.S.C. 30101–46 (the ''Act''), and Commission regulations provide that a candidate's authorized committee may use its funds for several specific purposes, as well as for ''any other lawful purpose,'' so long as the use does not constitute the conversion of campaign funds to ''personal use.'' 52 U.S.C. 30114(b); 11 CFR 113.1(g), 113.2(e).

Campaign funds ''shall be considered to be converted to personal use if [the funds are] used to fulfill any commitment, obligation or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of [f]ederal office.'' 52 U.S.C. 30114(b)(2); *see also* 11 CFR 113.1(g). The Act and Commission regulations provide a non-exhaustive list of uses of campaign funds that are *per se* personal use. 52 U.S.C. 30114(b)(2); 11 CFR 113.1(g)(1)(i). For uses of campaign funds not on this list, the Commission determines, on a case-by-case basis, whether they constitute personal use. 11 CFR 113.1(g)(1)(ii).

The petition asks the Commission to open a rulemaking to clarify the permissible use of campaign funds for former candidates and officeholders. The petition raises two discrete questions for the Commission to resolve during its proposed rulemaking. The first question asks the Commission to identify the ''permissible and impermissible uses of campaign funds for an individual who is no longer a candidate or officeholder.'' The second question asks the Commission to determine whether there is ''a point at which a former candidate or officeholder's continued spending of leftover campaign funds becomes so attenuated from his or her candidate or officeholder status that the spending is presumptively personal use.''

The Commission seeks comments on the petition. The public may inspect the petition on the Commission's website at *http://www.fec.gov/fosers,* or in the Commission's Public Records Office, 1050 First Street NE, 12th Floor, Washington, DC 20463, Monday through Friday, from 9 a.m. to 5 p.m. Interested persons may also obtain copies of the petitions by dialing the Commission's Faxline service at (202) 501–3413 and following its instructions. Request document #280.

The Commission will not consider the petition's merits until after the comment period closes. If the Commission decides that the petition has merit, it may begin a rulemaking proceeding. The Commission will announce any action that it takes in the **Federal Register**.

On behalf of the Commission,

Dated: March 14, 2018.

Caroline C. Hunter,

Chair, Federal Election Commission.

[FR Doc. 2018–05644 Filed 3–20–18; 8:45 am]

BILLING CODE 6715–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

RIN 3133–AE86

Federal Credit Union Bylaws

AGENCY: National Credit Union Administration (NCUA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The NCUA Board (Board) is issuing this advance notice of proposed rulemaking to solicit stakeholder comments on ways to streamline, clarify, and improve the standard Federal Credit Union (FCU) bylaws. The standard FCU bylaws provide a comprehensive set of corporate governance procedures that are mandatory for any FCU that had not adopted bylaws as of November 30, 2007. The Board is considering a number of significant changes to the FCU bylaws to provide enhanced

operational flexibility to FCUs and to reduce regulatory compliance burdens on all FCUs.

DATES: Comments must be received on or before May 21, 2018.

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

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *NCUA Website: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx*. Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov*. Include ''[Your name]—Comments on Federal Credit Union Bylaws ANPR'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public inspection: You can view all public comments on NCUA's website at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314–3428, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov*.

FOR FURTHER INFORMATION CONTACT: Benjamin M. Litchfield, Staff Attorney, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

FCU incorporators must present proposed FCU bylaws along with an organization certificate to the Board for its approval prior to commencing business as an FCU.[1] To simplify the organization of FCUs, the Federal Credit Union Act (FCU Act) requires the Board to prepare ''from time to time'' a form of FCU bylaws to be used by FCU incorporators and to make that form available upon request.[2] The FCU Act grants the Board considerable discretion in drafting this form ''from time to time,'' provided that the FCU bylaws are consistent with basic corporate governance procedures set out in the FCU Act. Those corporate governance procedures are designed to protect fundamental FCU member rights that underpin the cooperative principles that serve as the cornerstone of the credit union movement.[3]

The FCU bylaws and accompanying guidance were not part of the NCUA's regulations for almost 25 years.[4] During that time, in consultation with the NCUA, FCUs had considerable discretion to adopt reasonable FCU bylaws provisions provided that they did not conflict with the FCU Act, the NCUA's regulations, established federal policy, or otherwise pose a safety and soundness risk to the FCU.[5] Accordingly, the Board did not view FCU bylaws disputes predominantly as a federal regulatory matter. Instead, the Board believed that state corporate law and state courts were the appropriate vehicles through which FCU officials and members could settle FCU bylaws disputes where state corporate law was not preempted by federal law.

However, the Board observed a number of troubling cases in which members were unable to enforce fundamental FCU member rights in state courts.[6] Moreover, the Board began to see troubling precedents developing in federal courts holding that FCUs do not have fiduciary duties to their members despite the clear status conferred by the FCU Act on a credit union member as a partial owner of the FCU.[7] Treating FCU bylaw disputes as largely matters of state corporate law also diminished the NCUA's ability to take proactive enforcement measures in this area. Accordingly, the Board incorporated the standard FCU bylaws as part of the NCUA's regulations and required all FCUs that had not adopted bylaws prior to November 30, 2007 to adopt the standard FCU bylaws.[8] FCUs that had adopted bylaws prior to that date were allowed to retain their then current bylaws. However, the Board strongly encouraged those FCUs to adopt the standard FCU bylaws.

Since incorporating standard FCU bylaws into the NCUA's regulations, the NCUA has periodically solicited comment from stakeholders on ways to streamline, clarify, and improve the standard FCU bylaws to provide FCUs with greater operational flexibility. For example, the NCUA's Office of General Counsel met with stakeholders in 2013 to discuss possible revisions to the standard FCU bylaws. Those stakeholders provided valuable input on particular provisions of the standard FCU bylaws. Their comments and recommended changes included: (1) Adding flexibility where consistent with law, regulation, and the protection of fundamental member rights; (2) removing outdated or obsolete provisions and terms; (3) conforming the standard FCU bylaws to plain English writing principles; (4) expanding the commentary section to provide additional information and guidance; (5) adding provisions related to member rights and responsibilities and clarifying the permissible actions FCUs can take to address members who are abusive or disruptive; and (6) addressing provisions pertaining to meeting procedures, quorums, and notice requirements. The Office of General Counsel has a record of these comments and continues to take them into account.

Recently, the NCUA's Regulatory Reform Task Force (Task Force), a group created by the NCUA Chairman to implement the NCUA's regulatory reform agenda, has suggested that more wholesale changes to the standard FCU bylaws may be necessary because they have not been significantly updated in nearly 10 years.[9] To ensure that the standard FCU bylaws are amended in a transparent manner that affords stakeholders enhanced opportunity to participate in the rulemaking process, the Task Force recommended that the Board issue an advance notice of proposed rulemaking to request comments on ways in which the FCU bylaws may be streamlined, clarified, and improved.

[1] 12 U.S.C. 1754, 1758.

[2] 12 U.S.C. 1758.

[3] Specifically, these rights include the right to: (1) Maintain a share account; (2) maintain FCU membership; (3) have access to credit union facilities; (4) participate in the director election process; (5) attend annual and special meetings; and (6) petition for removal of directors and committee members. *See* Federal Credit Union Bylaws, 72 FR 30984, 30986 (Aug. 6, 2007) (proposed rule).

[4] Federal Credit Union Bylaws, 72 FR 61495, 61496 (Oct. 31, 2007) (final rule) (codified at 12 CFR 701, App. A).

[5] *Id.*

[6] *See* 72 FR at 30985 (Aug. 6, 2007) (observing member difficulties obtaining redress in state courts); *see also Bruns* v. *Nat'l Credit Union Admin.,* 122 F.3d 1251, 1257 (9th Cir. 1997) (citing *Montford* v. *Robins Fed'l Credit Union,* 691 F. Supp. 347, 351–52 (M.D. Ga. 1988)) (NCUA appropriate body to hear FCU bylaw complaints).

[7] *Id.; see also. Miur* v. *Navy Fed'l Credit Union,* 529 F.3d 1100, 1107–8 (D.C. Cir. 2008) (applying the Virginia Commercial Code).

[8] 12 CFR 701, App. A, Instruction A.

[9] Regulatory Reform Agenda, 82 FR 39702, 39705 (Aug. 22, 2017). The Task Force's report was adopted by the Board and issued for public comment with a comment period ending on November 20, 2017.

II. Request for Comments on Specific Topics

In accordance with the Task Force's recommendation, the Board is issuing this advance notice of proposed rulemaking to solicit stakeholder comments on the standard FCU bylaws. In particular, the Board requests specific comments on the following questions:

1. How can the Board improve the FCU bylaws amendment process?

A perennial concern among stakeholders is that the process to amend the standard FCU bylaws is complicated and time consuming. An FCU's decision to amend its bylaws often results from a pressing operational concern. The FCU's ability to respond to that concern in a timely manner is not just a matter of convenience, but also an important safety and soundness issue. An FCU that wishes to amend its bylaws must request approval from the NCUA's Office of Credit Union Resources and Expansion (CURE) for many amendments to the standard FCU bylaws. While CURE processes bylaws amendment requests as expeditiously as possible, the standard FCU bylaws do not provide for any timeline by which CURE must arrive at its determination, except in the case of previously approved bylaws amendments.[10] Accordingly, the Board seeks specific stakeholder comments on ways to improve this process to provide a requesting FCU with a more timely response, greater transparency, and enhanced accountability.

2. How can the Board clarify the FCU bylaws provisions addressing limitation of service and expulsion of members?

In the past, stakeholders have asked for clarification on the FCU bylaws provisions addressing limitation of service policies. Article II, § 4 of the standard FCU bylaws permits an FCU to limit services or access to credit union facilities to ''a member who is disruptive to credit union operations.'' [11] The Office of General Counsel's longstanding interpretation of the phrase ''disruptive to credit union operations'' is that an FCU may limit services to an FCU member in a number of cases, including situations where a member is abusive to FCU staff or has caused a loss to the FCU. This is the case provided that members have received adequate notice of the limitation of service policy and there is some ''logical relationship between the objectionable conduct and the services to be suspended.'' [12]

However, the Office of General Counsel has also stated that contract provisions in account and other member service agreements, as well as federal and state laws, may affect an FCU's ability to implement a limitation of service policy.[13] For example, an FCU may not implement a limitation of service policy that has a disparate impact on a protected class, such as may be the case regarding defaults on consumer loans.[14] The ambiguity surrounding the use of limitation of service policies has led to some justifiable stakeholder confusion and enforcement issues.

Accordingly, the Board is particularly interested in specific stakeholder comments on ways to improve Article II, § 4 of the standard FCU bylaws to provide FCUs with the greatest possible clarity regarding the use and misuse of limitation of service policies. The Board is also interested in specific stakeholder comments on whether this regulatory text should be removed in its entirety and addressed as a separate regulation.

3. How can the Board improve the FCU bylaws to facilitate the recruitment and development of directors?

As the credit union movement continues to undergo significant changes, the Board is interested in ways that it can improve the FCU bylaws to facilitate the recruitment of FCU directors. Article V of the standard FCU bylaws sets out four distinct procedures that an FCU may choose to follow in order to select directors.[15] In each case, a nominating committee must appoint at least one member to each vacancy, including any unexpired term vacancy, for which elections are being held. However, these procedures do not provide guidance on how the nominating committee should proceed with identifying prospective candidates nor do they clarify the criteria that the nominating committee may use when selecting candidates.

While the Board believes that these matters fall squarely within the sound business judgment of each individual FCU, the Board is interested in ways that it can amend the standard FCU bylaws to facilitate effective business continuity planning. For example, should the Board include commentary to Article V of the standard FCU bylaws recommending certain non-binding factors that the nominating committee may consider when selecting a candidate to fill a particular vacancy? If so, what factors should the Board highlight? In addition, should the Board include commentary authorizing FCUs to establish standing advisory committees designed to recruit potential candidates to fill board vacancies? If so, which individuals within the FCU should be part of this advisory committee? What safeguards should be put in place to prevent conflicts of interest?

4. How can the Board improve the FCU bylaws to encourage member attendance at annual and special meetings?

A key difference ''between credit unions and other federally chartered financial institutions lies in the democratic control and management of credit unions.'' [16] Accordingly, the Board is interested in ways that it can improve the standard FCU bylaws to encourage active member participation in annual and special meetings. Article IV of the standard FCU bylaws sets out the procedures that must be followed when an FCU holds a meeting of members.[17] For an annual meeting, the secretary of the FCU must provide members with at least 30 but not more than 75 days written notice before the date of any annual meeting. For a special meeting, the written notice must be at least 7 days before the date of the special meeting. The Board seeks stakeholder input on whether these time periods are adequate to ensure that members have sufficient advanced notice to afford an actual opportunity to attend annual and special meetings.

In addition, with the rise of e-commerce and mobile banking, the Board is interested in stakeholder comments on ways that it may improve Article IV of the standard FCU bylaws to allow FCUs to harness new technologies, particularly social media and web-based conferencing solutions, to allow more members to attend annual and special meetings. For example, should the Board allow an FCU to conduct an annual or special meeting through teleconference? If so, what market solutions exist to allow members to debate issues brought to the floor or to securely vote on director nominations? Would the use of such a market solution be considered an

[10] 12 CFR 701, App. A, Instruction C.4.

[11] 12 CFR 701, App. A, Art. II, § 4.

[12] Suspension of Service Policy, OGC Op. Letter 08–0431 (Aug. 12, 2008); Request for Interpretation of Section 118 of the Federal Credit Union Act, OGC Op. Letter 96–0530 (June 10, 1996).

[13] *Id.*

[14] Regulation B, which implements the Equal Credit Opportunity Act, prohibits discrimination on the basis of a protected class. *See* 12 CFR 1002.

[15] 12 CFR 701, App. A, Art. V.

[16] *La Caisse Populaire Ste-Marie (St. Mary's Bank)* v. *U.S.*, 425 F. Supp. 512, 517 (D.N.H. 1976).

[17] 12 CFR 701, App. A, Art. IV.

impermissible proxy vote? What risks are associated with the use of these products? Would the use of these kinds of solutions encourage greater member participation from those individuals who largely rely on mobile financial services and avoid traditional brick-and-mortar branches? Could this technology be provided through a mobile application?

5. Should the Board eliminate overlaps between the NCUA's regulations and the FCU bylaws?

In reviewing the standard FCU bylaws, NCUA staff identified a number of the NCUA's regulations that overlap, to some extent, with the standard FCU bylaws. Many of the overlapping standard FCU bylaws provisions are located in Article XVI and address issues such as FCU member confidentiality, conflicts of interest, record retention, and the availability of books and records to FCU members. Do these duplicative regulatory and bylaws requirements increase compliance burden in a manner that outweighs any measurable member benefit? If so, the Board requests specific stakeholder comments on how to address these provisions.

If such overlap is problematic, a solution the Board could consider is to remove the overlapping provisions from the standard FCU bylaws to the greatest extent possible and make appropriate adjustments to the NCUA's regulations to maintain their substantive protections. For example, should the Board remove Article XVI, § 4 of the standard FCU bylaws, which governs conflicts of interests for institutional-affiliated parties? [18] If so, the Board could make appropriate amendments to its conflicts of interest rule, § 701.4,[19] to expand the scope of that rule to cover all institution-affiliated parties of an FCU rather than just FCU directors. Similarly, should the Board remove Article XVI, §§ 5 and 6 and make appropriate changes to the NCUA's rule governing FCU member access to FCU records, § 701.3,[20] and the rule governing record retention, part 749? [21]

III. Request for General Comments

In addition to requesting specific comments addressing the issues identified above, the Board also requests stakeholder comments on any aspect of the standard FCU bylaws that commenters wish to bring to the Board's attention to improve the standard FCU bylaws' usefulness and ease of use. Further, the Board invites stakeholders that have previously commented on proposed changes to the standard FCU bylaws to offer additional comments based on recent experiences.

The Board asks stakeholders, who are requesting a specific change to a provision of the standard FCU bylaws, to please provide a brief statement regarding whether the FCU Act would permit such a change. Some provisions of the standard FCU bylaws are drawn directly from the FCU Act and, therefore, may not be legally amended. For example, § 109 of the FCU Act provides that an FCU may not charge any other fee for FCU membership other than a ''uniform entrance fee if required by the board of directors.'' [22] This provision of the FCU Act prohibits FCUs from imposing monthly membership fees and other similar charges [23] and was codified in the standard FCU bylaws to simplify compliance obligations for FCUs.[24] Accordingly, any request to change this provision or any similar provisions that correspond to a statutory requirement set out in the FCU Act, regardless of how compelling the stakeholder's arguments, would be impermissible. In providing this brief supporting statement, the Board asks that stakeholders not only consider whether the statutory text would permit such a change but also whether the change fits within the spirit and intent of the FCU Act.[25]

By the National Credit Union Administration Board on March 15, 2018.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–05625 Filed 3–20–18; 8:45 am]

BILLING CODE 7535–01–P

[18] 12 CFR 701, App. A, Art. XVI, § 4.

[19] 12 CFR 701.4.

[20] 12 CFR 701.3.

[21] 12 CFR 749.

[22] 12 U.S.C. 1759.

[23] *See* Monthly Membership Fees, OGC Op. Letter 15–0902 (May 1, 2015).

[24] *See* 12 CFR 701, App. A, Art. II, § 2.

[25] It is a ''familiar rule that a thing may be within the letter of a statute and yet not within the statute, because not within its spirit nor within the intention of its makers.'' *Mova Pharmaceutical Corp.* v. *Shalala,* 140 F.3d 1060, 1068 (D.C. Cir. 1998) (citing *Holy Trinity Church* v. *U.S.,* 143 U.S. 457, 459–60 (1892)).

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0011]

12 CFR Chapter X

Request for Information Regarding the Bureau's Adopted Regulations and New Rulemaking Authorities

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Request for information.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Bureau in considering whether, consistent with its statutory authority to prescribe rules pursuant to the Federal consumer financial laws, the Bureau should amend those rules it has promulgated since its creation or issue certain new rules.

DATES: Comments must be received by June 19, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0011, by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov*. Include Docket No. CFPB–2018–0011 in the subject line of the message.
- *Mail:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the topic on which you are commenting at the top of each response (you do not need to address all topics). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov*. In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. eastern time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this request for information, including

attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Thomas L. Devlin and Kristin McPartland, Senior Counsels, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

SUPPLEMENTARY INFORMATION: Congress established the Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) and therein set forth the Bureau's purpose, objectives, and functions.[1] Pursuant to that Act, on July 21, 2011, the ''consumer financial protection functions'' previously vested in certain other Federal agencies transferred to the Bureau.[2] The term ''consumer financial protection function'' is defined to include ''all authority to prescribe rules or issue orders or guidelines pursuant to any Federal consumer financial law, including performing appropriate functions to promulgate and review such rules, orders, and guidelines.'' [3] The Dodd-Frank Act in turn defines Federal consumer financial law broadly to include ''the provisions of [title X of the Dodd-Frank Act], the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H, and any rule or order prescribed by the Bureau under [title X], an enumerated consumer law, or pursuant to the authorities transferred under subtitles F and H.'' [4]

Accordingly, Congress generally transferred to the Bureau rulemaking authority for Federal consumer financial laws previously vested in certain other Federal agencies, and the Bureau thereafter assumed responsibility over the various regulations that these agencies had issued under this rulemaking authority (the ''Inherited Regulations'').[5] The Dodd-Frank Act also provided new rulemaking authorities to the Bureau under the Federal consumer financial laws.[6] Since the Bureau's creation, it has prescribed a number of rules under Federal consumer financial law in rulemakings mandated by Congress, as well as in discretionary rulemakings. These Bureau-issued rules and the new authorities created under the Dodd-Frank Act are referred to collectively in this RFI as the ''Adopted Regulations.'' The Adopted Regulations have often amended the Inherited Regulations.

The Bureau's Rulemaking Authority. The Dodd-Frank Act states that the Bureau is authorized to ''exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law.'' [7] The Dodd-Frank Act further authorizes the Director of the Bureau to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, which include enumerated consumer laws as well as provisions of the Dodd-Frank Act, and to prevent evasions thereof.[8]

Existing Bureau Work to Examine Adopted Regulations. Section 1022(d) of the Dodd-Frank Act requires the Bureau to conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The Bureau must publish a report of the assessment not later than five years after the effective date of such rule or order. The assessment must address, among other relevant factors, the rule's effectiveness in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals stated by the Bureau. The assessment also must reflect available evidence and any data that the Bureau reasonably may collect. Before publishing a report of its assessment, the Bureau must invite public comment on recommendations for modifying, expanding, or eliminating the significant rule or order.[9] More generally, the Dodd-Frank Act also states that the Bureau is authorized to exercise its authorities under Federal consumer financial law for, among other objectives, ''ensuring that, with respect to consumer financial products and services . . . outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens.'' [10] As discussed further below, the Bureau has issued three Requests for Information to date announcing section 1022(d) assessments of specific Adopted Regulations and seeking comment on the assessments.

Overview of This Request for Information

The Bureau is using this request for information (RFI) to seek public input regarding the substance of the Adopted Regulations, including whether the Bureau should issue additional rules. The Bureau encourages comments from all interested members of the public. The Bureau anticipates that the responding public may include (among others) entities and their service providers subject to Bureau rules, trade associations that represent these entities, individual consumers, consumer advocates, regulators, and researchers or members of academia.

The Bureau previously issued an RFI regarding its rulemaking processes, and plans to issue an RFI about the Bureau's regulatory implementation and guidance functions. The Bureau also plans to issue an RFI regarding the Inherited Regulations. Accordingly, the purpose of this RFI is to seek feedback on the content of the Adopted Regulations, not the Bureau's rulemaking processes, implementation initiatives that occur after the issuance of a final rule, or the Inherited Regulations. Also please note that the Bureau is not requesting comment on any pending rulemaking for which the Bureau has issued a Notice of Proposed Rulemaking or otherwise solicited public comment.

The Adopted Regulations. The Adopted Regulations include rulemakings adopted under Federal consumer financial law and issued by the Bureau since the designated transfer date in 2011, including rules that were adopted pursuant to specific instructions from Congress.[11] The term

[1] Public Law 111–203, 124 Stat. 2081 (2010) (codified at 15 U.S.C. 1693a *et seq.*). Section 1021 of the Dodd-Frank Act states that the Bureau shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive. Section 1021 also authorized the Bureau to exercise its authorities under Federal consumer financial law for the purposes of ensuring that, with respect to consumer financial products and services, five specific objectives are met. 12 U.S.C. 5511.

[2] 12 U.S.C. 5581.

[3] 12 U.S.C. 5581(a)(1).

[4] 12 U.S.C. 5481(14).

[5] The Bureau generally restated these regulations first through a series of interim final rules published in the **Federal Register** and subsequently through a final rule. 81 FR 25323 (Apr. 28, 2016). Bureau rules are generally set forth in title 12, Chapter X of the Code of Federal Regulations.

[6] For example, section 1089 of the Dodd-Frank Act amended the Fair Debt Collection Practices Act to authorize the Bureau to ''prescribe rules with respect to the collection of debts by debt collectors,'' as defined in the Act. *See* 15 U.S.C. 1692*l*(d); 78 FR 67847, 67852 (Nov. 12, 2013).

[7] 12 U.S.C. 5512(a).

[8] 12 U.S.C. 5512(b)(1).

[9] 12 U.S.C. 5512(d).

[10] 12 U.S.C. 5511(b)(3).

[11] Examples of larger rules issued by the Bureau that would fall under the definition of ''Adopted

Continued

also includes new rulemaking authorities given to the Bureau by the Dodd-Frank Act under the Federal consumer financial laws. The Adopted Regulations generally include all final rulemakings that the Bureau issued after providing notice and seeking public comment, including any accompanying Official Interpretations (commentary) issued by the Bureau. However, the Bureau is not requesting feedback at this time on its 2015 rule under the Home Mortgage Disclosure Act (nor that rule's subsequent amendments) [12] or its 2017 rule entitled ''Payday, Vehicle Title, and Certain High-Cost Installment Loans,'' [13] because the Bureau has previously announced that it intends to engage in rulemaking processes to reconsider those rules.

The Bureau also previously has announced that it is conducting assessments, pursuant to section 1022(d) of the Dodd-Frank Act, of certain final Bureau rules concerning remittance transfers, mortgage servicing under the Real Estate Settlement Procedures Act, and ability-to-repay and qualified mortgage standards.[14] As part of those assessments, the Bureau previously solicited recommendations for modifying, expanding, or eliminating these rules in accordance with section 1022(d)(3). The Bureau will consider for purposes of this RFI, and to the extent relevant, all comments previously received in connection with the assessments. Although respondents to this RFI are free to comment on those rules currently under assessment, respondents should not feel any obligation to include in their responses to this RFI suggestions or observations previously made in the context of those assessments.

Suggested Topics for Commenters

To allow the Bureau to more effectively evaluate suggestions, the Bureau requests that, where possible, comments include:

• Specific suggestions regarding any potential updates or modifications to the Adopted Regulations, consistent with the laws providing the Bureau with rulemaking authority and the Bureau's regulatory and statutory purposes and objectives, and including, in as much detail as possible, the nature of the requested change, and supporting data or other information on impacts and costs of the Adopted Regulations and on the suggested changes thereto; and

• Specific identification of any aspects of the Adopted Regulations that should not be modified, consistent with the laws providing the Bureau with rulemaking authority and the Bureau's regulatory and statutory purposes and objectives, and including, in as much detail as possible, supporting data or other information on impacts and costs, or information related to consumer and public benefit resulting from these rules.

The following list represents a preliminary attempt by the Bureau to identify considerations relevant in determining where modifications of the Adopted Regulations or further exercise of the Bureau's rulemaking authorities may be appropriate. This non-exhaustive list is meant to assist in the formulation of comments and is not intended to restrict the issues that may be addressed. The Bureau requests that, in addressing these questions or others, commenters identify with specificity the Bureau rules at issue, providing legal citations to specific regulations or statutes where appropriate and available. The Bureau invites commenters to identify the products or services that would be affected by any recommendations made by those commenters. Please feel free to comment on some or all of the questions below and on some or all of the Adopted Regulations, but be sure to indicate on which area you are commenting. The Bureau encourages commenters to make their best efforts to limit their comments to the Adopted Regulations; however, the Bureau will consider all comments received under the Inherited Regulations and Adopted Regulations RFIs together.

From all of the suggestions, commenters are requested to offer their highest priorities, along with their explanation of how or why they have prioritized suggestions. Commenters are asked to single out their top priority. Suggestions should focus on revisions that the Bureau could implement consistent with its authorities and without Congressional action.

The Bureau is seeking feedback on all aspects of the Adopted Regulations, including but not limited to:

1. Aspects of the Adopted Regulations that:

a. Should be tailored to particular types of institutions or to institutions of a particular size;

b. Create unintended consequences;

c. Overlap or conflict with other laws or regulations in a way that makes it difficult or particularly burdensome for institutions to comply;

d. Are incompatible or misaligned with new technologies, including by limiting providers' ability to deliver, electronically, mandatory disclosures or other information that may be relevant to consumers; or

e. Could be modified to provide consumers greater protection from the incidence and effects of identity theft.

2. Changes the Bureau could make to the Adopted Regulations, consistent with its statutory authority, to more effectively meet the statutory purposes and objectives set forth in the Federal consumer financial laws, as well as the Bureau's specific goals for the particular Adopted Regulation.

3. Changes the Bureau could make to the Adopted Regulations, consistent with its statutory authority, that would advance the following statutory purposes and objectives as set forth in section 1021 of the Dodd-Frank Act:

a. The statutory purposes set forth in section 1021(a) are:

i. All consumers have access to markets for consumer financial products and services; and

ii. Markets for consumer financial products and services are fair, transparent, and competitive.

b. The statutory objectives set forth in section 1021(b) are:

i. Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

ii. Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

iii. Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

iv. Federal consumer financial law is enforced consistently in order to promote fair competition; and

v. Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

4. Pilots, field tests, demonstrations, or other activities that the Bureau could launch to better quantify benefits and costs of potential revisions to the Adopted Regulations, or to make compliance with the Adopted Regulations more efficient and effective.

5. Areas where the Bureau has not exercised the full extent of its rulemaking authority in connection with a specific Adopted Regulation or with regard to rulemaking authorities created by the Dodd-Frank Act under

Regulations'' include the rules the Bureau promulgated pursuant to the Dodd-Frank Act to govern mortgage servicing, mortgage origination, integrated mortgage disclosures, and remittance transfers, and also include discretionary rules the Bureau has adopted such as the rule governing prepaid accounts. This list is non-exclusive; a full list of final rules issued by the Bureau is available at *https://www.consumerfinance.gov/policy-compliance/rulemaking/final-rules/*.

[12] 80 FR 66127 (Oct. 28, 2015), as subsequently amended.

[13] 82 FR 54472 (Nov. 17, 2017).

[14] 77 FR 6194 (Feb. 7, 2012), 78 FR 10695 (Feb. 14, 2013), and 78 FR 6408 (Jan. 30, 2013), each as subsequently amended.

the Federal consumer financial laws, and where rulemaking would be beneficial and align with the purposes and objectives of the applicable Federal consumer financial laws.

Authority: 12 U.S.C. 5511(c).

Dated: March 14, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–05612 Filed 3–20–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0082; Airspace Docket No. 16–AWP–22]

Proposed Establishment of Class E Airspace; Pago Pago, American Samoa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Pago Pago International Airport, Pago Pago, American Samoa (AS), to accommodate the development of instrument flight rules (IFR) operations under standard instrument approach and departure procedures at the airport, and for the safety and management of IFR operations within the National Airspace System.

DATES: Comments must be received on or before May 7, 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–2018–0082 and Airspace Docket No. 16–AWP–22, 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: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at Pago Pago International Airport, Pago Pago, AS, 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 (FAA Docket No. FAA–2018–0082 and Airspace Docket No. 16–AWP–22) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov*.

Commenters 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–2018–0082, and Airspace Docket No. 16–AWP–22.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of 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 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 office of Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 S 216th Street, Des Moines, WA 98198.

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 establishing Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of Pago Pago International Airport, Pago Pago, AS. This airspace is necessary to accommodate IFR

operations in standard instrument approach and departure procedures at the airport.

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

Regulatory Notices and Analyses

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

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

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 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 AS E5 Pago Pago, AS [New]

Pago Pago International Airport, American Samoa
(Lat. 14°19′54″ N, long. 170°42′41″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pago Pago International Airport and within 4 miles either side of the 071° bearing of the Pago Pago International Airport, extending from the 7-mile radius to 10.6 miles northeast of the airport, and within 4 miles either side of the 240° bearing of the airport extending from the 7-mile radius to 10.4 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20 mile-radius of Pago Pago International Airport, excluding that airspace extending beyond 12 miles of the shoreline.

Issued in Washington, DC, on March 12, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–05585 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0195; Airspace Docket No. 17–AWP–15]

Proposed Amendment of Air Traffic Service (ATS) Route Q–5; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) route Q–5 in the western United States. The route will now terminate at a waypoint (WP) that connects to an Oakland International Airport (OAK), Standard Terminal Arrival Route (STAR) near Oakland CA.

DATES: Comments must be received on or before May 7, 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–2018–0195 and Airspace Docket No. 17–AWP–15 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: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to support the safe and efficient flow of air traffic within the National Airspace System.

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 (FAA Docket No. FAA–2018–0195 and Airspace Docket No. 17–AWP–15) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov*.

Commenters 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–2018–0195, and Airspace Docket No. 17–AWP–15.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of 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 **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 during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

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.

Background

Route Q–5 was one of the original RNAV routes developed ushering in performance based navigation (PBN) into the United States. Route Q–5 provided a high altitude route from Seattle into the bay area of San Francisco and Oakland, CA. Route Q–5 tied in OAK airport via the RAIDR STAR from STIKM WP, which is the current southern boundary point on the route. The STAR was removed in 2017 and Q–5 no longer tied into the bay area. The FAA proposes to add a new boundary point of SPAMY, CA, WP, which serves two STARs; WNDSR TWO ARRIVAL and the AANET ONE ARRIVAL, with both serving OAK. Lastly, policy states odd numbered ATS routes list points south to north. Currently Q–5 lists the route north to south. This proposal corrects the direction and will be in line with current policy.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify RNAV route Q–5. The proposed route changes are outlined below. Q–5: Route Q–5 currently extends from HAROB, WA to STIKM, CA. The FAA proposes to start the route at SPAMY, CA, WP, thereby eliminating the STIKM, CA, WP and the HUPTU, CA, WP, to support STARs into OAK. Additionally, ATS route policy states, odd numbered routes will be listed south to north. Route Q–5 was originally listed north to south, and is proposed south to north. The amended route would, therefore, extend from SPAMY, CA to HAROB, WA.

United States Area Navigation Routes are published in paragraph 2006 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 United States Area Navigation Routes listed in this document will be subsequently published 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 Department of Transportation (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.

List 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 FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017 and effective September 15, 2017, is amended as follows:

Paragraph 2006 United States Area Navigation Routes

Q–5 SPAMY, CA to HAROB, WA [Amended]

SPAMY, CA	WP	(Lat. 39°11′57.00″ N, long. 122°37′58.00″ W)
HOMEG, CA	WP	(Lat. 41°20′09.00″ N, long. 122°51′05.00″ W)
HARPR, OR	WP	(Lat. 42°28′50.00″ N, long. 122°53′01.54″ W)
HISKU, OR	WP	(Lat. 44°30′00.00″ N, long. 122°56′39.00″ W)
HAROB, WA	WP	(Lat. 47°14′36.00″ N, long. 123°02′27.00″ W)

Issued in Washington, DC, on March 13, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–05584 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 4

[Docket No. FDA–2008–N–0424]

Postmarketing Safety Reporting for Combination Products; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry and FDA staff entitled ''Postmarketing Safety Reporting for Combination Products.'' This draft guidance addresses certain means by which applicants may comply with the final rule on postmarketing safety reporting (PMSR) requirements for combination products that FDA issued on December 20, 2016. Combination products are products composed of two or more different types of medical products (drug, device, and/or biological product). Although the PMSR regulations for drugs, devices, and biological products share many similarities, each set of regulations establishes distinct postmarketing reporting requirements, standards, and timeframes. The final rule provides clarity on the PMSR requirements for combination products to ensure consistent and complete reporting while avoiding duplication. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by June 19, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit either electronic or written comments on any Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2008–N–0424 for ''Postmarket Safety Reporting for Combination Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidance to the Office of Combination Products, Food and Drug Administration, Bldg. 32, Rm. 5129, 10903 New Hampshire Ave., Silver Spring, MD 20993. Send two self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section

for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Burns, Office of Combination Products, Food and Drug Administration, 301–796–5616, *melissa.burns@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry and FDA staff entitled ''Postmarket Safety Reporting for Combination Products.'' This guidance addresses how to comply with the final rule on postmarketing safety reporting (PMSR) requirements for combination products that FDA issued on December 20, 2016 (81 FR 92603, hereafter referred to as the ''combination product PMSR final rule''). Combination products are products composed of two or more different types of medical products (drug, device, and/or biological product). Although the PMSR regulations for drugs, devices, and biological products share many similarities, each set of regulations establishes distinct reporting requirements, standards, and timeframes. The final rule provides clarity on the PMSR requirements for combination products to ensure consistent and complete reporting while avoiding duplication.

Elsewhere in this issue of the **Federal Register**, FDA is also publishing a compliance policy guidance for the combination product PMSR final rule.

The combination product PMSR final rule applies to combination products that are subject to premarket review by FDA. The entities subject to the final rule are ''Combination Product Applicants'' and ''Constituent Part Applicants.'' A Combination Product Applicant holds the only application for a combination product or all the applications for the separately marketed constituent parts of a combination product. A Constituent Part Applicant holds an application for a constituent part of a combination product the constituent parts of which are marketed under separate applications held by different applicants. Major provisions of the final rule are discussed in the guidance including:

- *Application Type-Based PMSR.* These requirements apply to both Combination Product Applicants and Constituent Part Applicants and are based on the application type under which the combination product or constituent part received marketing authorization.
- *Constituent Part-Based PMSR.* These requirements apply only to Combination Product Applicants and are based on the types of constituent parts included in the combination product. The rule provides mechanisms for Combination Product Applicants to submit a single report to satisfy multiple reporting requirements if all of the information to be reported can be submitted in the same manner and the report satisfies all applicable reporting requirements, including all submission timelines.
- *Information Sharing.* These requirements apply only to Constituent Part Applicants, mandating that these applicants share certain adverse event information with one another relating to their combination product.
- *Submission Process for Combination Product PMSR Information.* These requirements specify how Combination Product and Constituent Part Applicants must submit PMSR information to the Agency.
- *Records Retention.* These requirements specify what records Combination Product and Constituent Part Applicants must maintain and how long to maintain them.

II. Other Issues for Consideration

The combination product PMSR final rule allows FDA to receive complete, timely postmarketing safety information regarding combination products, which is necessary to assure the continued safety and effectiveness of such products, while minimizing unnecessary duplication and burdens on Combination Product Applicants and Constituent Part Applicants. In developing this guidance document to accompany the final rule, FDA has clarified ways in which Combination Product Applicants can streamline PMSR (see section V.A.3 of the guidance). The guidance clarifies under what circumstances the criteria for being able to submit a single report to FDA are met, *i.e.,* that: (1) The reports can be submitted in the same manner and (2) the combined report satisfies all applicable reporting requirements, including submission timelines (see section IV.C of the guidance). FDA encourages comments on guidance content and mechanisms to improve reporting efficiency while still ensuring complete and timely reporting or topics where additional detailed discussion may be helpful in the guidance. In particular, FDA requests feedback on the following issues for consideration to assist the Agency in determining whether additional streamlining of reports may be appropriate:

1. There may be events that would be reportable for a Combination Product Applicant as a malfunction and/or a Field Alert Report (FAR) and/or a Biological Product Deviation Report (BPDR), *e.g.,* a drug-device combination product that failed to meet specifications may trigger both a malfunction report and FAR. FDA requests feedback on circumstances under which such reporting may be redundant or otherwise unnecessary and, if so, alternative reporting approaches that will assure timely and complete reporting of information to FDA. FDA encourages the use of example scenarios to illustrate circumstances under which submitting one or a subset of such reports may be sufficient to ensure timely and complete reporting.

2. Although outside the scope of the combination product PMSR final rule, in response to comments to the combination product PMSR proposed rule, FDA has addressed certain reporting considerations for entities involved with the manufacture and distribution of combination products but that are not ''applicants'' subject to this rule (see Appendix 3 of the guidance). FDA requests feedback on what, if any, additional guidance would be helpful to such entities.

3. FDA is considering updating the Vaccine Adverse Event Reporting System (VAERS) with data elements similar to those described in section V.B.2 and Appendix 4 of the guidance for the FDA Adverse Events Reporting System (FAERS) and the Electronic Medical Device Reporting (eMDR) system. FDA is also evaluating what additional data elements to include in VAERS with respect to combination products and welcomes comments from combination product vaccine reporters on this topic.

4. FDA also received comments to the combination product PMSR proposed rule related to the safety reporting requirements for investigational combination products. Although investigational combination products are outside the scope of the combination product PMSR final rule and this guidance, we will consider comments from sponsors on the challenges and the need for additional transparency related to safety reporting for investigational combination products. FDA will consider these comments in determining the need for additional policy and guidance on this topic.

III. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA

on ''Postmarket Safety Reporting for Combination Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.80(c) and (e), as well as for 21 CFR 314.81(b) are approved under OMB control numbers 0910–0001, 0910–0230, and 0910–0291. The information collection provisions for 21 CFR 600.80 and 600.81 are approved under OMB control number 0910–0308. Those for 21 CFR 606.170 are approved under OMB control number 0910–0116. Those for 21 CFR 606.171 are approved under OMB control number 0910–0458. The information collection provisions for 21 CFR 803.50, 803.53, and 803.56 are approved under OMB control numbers 0910–0291 and 0910–0437. The information collection provisions for 21 CFR 806.10 and 806.20 are approved under OMB control number 0910–0359. The information collection provisions for 21 CFR 4.102, 4.103, and 4.105 are approved under OMB control number 0910–0834.

V. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/CombinationProducts/GuidanceRegulatoryInformation/ucm109110.htm* or *https://www.regulations.gov*.

Dated: March 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05687 Filed 3–20–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1100, 1140, and 1143

[Docket No. FDA–2017–N–6565]

RIN 0910–AH60

Regulation of Flavors in Tobacco Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing this advance notice of proposed rulemaking (ANPRM) to obtain information related to the role that flavors play in tobacco products. Specifically, this ANPRM is seeking comments, data, research results, or other information about, among other things, how flavors attract youth to initiate tobacco product use and about whether and how certain flavors may help adult cigarette smokers reduce cigarette use and switch to potentially less harmful products. FDA is seeking this information to inform regulatory actions FDA might take with respect to tobacco products with flavors, under the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). Potential regulatory actions include, but are not limited to, tobacco product standards and restrictions on sale and distribution of tobacco products with flavors.

DATES: Submit either electronic or written comments by June 19, 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 June 19, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of June 19, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–6565 for ''Regulation of Flavors in Tobacco Products.'' 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: Laura Rich or Katherine Collins, Center for Tobacco Products, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993, 1–877–CTP–1373, *ctpregulations@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Tobacco Control Act

The Tobacco Control Act (Pub. L. 111–31) was enacted on June 22, 2009, amending the FD&C Act and providing FDA with the authority to regulate tobacco products. Specifically, the Tobacco Control Act amends the FD&C Act by adding a new chapter that provides FDA with authority over tobacco products. Section 901(b) of the FD&C Act (21 U.S.C. 387a(b)), as amended by the Tobacco Control Act, states that the new chapter in the FD&C Act (chapter IX—Tobacco Products) (21 U.S.C. 387 through 387u) applies to all cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and any other tobacco products that the Secretary of Health and Human Services by regulation deems to be subject to chapter IX. In the **Federal Register** of May 10, 2016 (81 FR 28973), FDA issued a final rule deeming all products that meet the statutory definition of ''tobacco product'' in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), except accessories of deemed tobacco products, to be subject to FDA's tobacco product authority (the deeming rule). The products now subject to FDA's tobacco product authority include electronic nicotine delivery systems (ENDS), cigars, waterpipes, pipe tobacco, nicotine gels, dissolvables that were not already subject to chapter IX of the FD&C Act, and other products that meet the statutory definition of ''tobacco product'' (other than accessories) that may be developed in the future.

B. Flavors and Tobacco Product Standards

Section 907 of the FD&C Act (21 U.S.C. 387g) gives FDA the authority to establish tobacco product standards. To establish a tobacco product standard, FDA must find that the standard is appropriate for the protection of the public health, taking into consideration scientific evidence concerning the risks and benefits to the population as a whole, including users and nonusers of tobacco products; the increased or decreased likelihood that existing users of tobacco products will stop using such products; and the increased or decreased likelihood that those who do not use tobacco products will start using such products (section 907(a)(3)(A) and (B) of the FD&C Act). Thus, under section 907, FDA may issue product standards respecting the construction, components, ingredients, additives, constituents, and properties of tobacco products (section 907(a)(4)(B)(i)) and restricting their sale and distribution (section 907(a)(4)(B)(v)).[1]

The Tobacco Control Act includes a ''Special Rule for Cigarettes,'' which prohibits cigarettes from containing characterizing flavors other than tobacco or menthol (section 907(a)(1)(A)). The statute also authorizes the Agency to issue additional product standards, including to address flavors in tobacco products (see section 907(a)(3)) and preserves FDA's authority to act with respect to menthol (section 907(e)(3)). The deeming rule did not include provisions relating to flavors in tobacco products. Nevertheless, FDA explained that it did intend to consider the issues surrounding the role of flavors in tobacco products, including the role flavors play in youth and young adult use, as well as the existence of preliminary data that some adults may use flavored noncombusted tobacco products to transition away from combusted tobacco use. See 81 FR 28973 at 29014 and 29055.

C. The Role of Flavors in Tobacco Products Use

Adolescence (under 18, also referred to as youth) and young adulthood (age 18 through 24) represent a time of heightened vulnerability to both the initiation of tobacco product use and the development of nicotine dependence (Ref. 1). Furthermore, flavors in tobacco products increase the appeal of those tobacco products to youth, and promote youth initiation (Ref. 2). Thus, the availability of tobacco products with flavors at these developmental stages attracts youth to initiate use of tobacco products and may result in lifelong use (Ref. 2). Researchers examining the impact of the Special Rule for Cigarettes have concluded that, while the prohibition of characterizing flavors in cigarettes has reduced adolescent tobacco product use, the continued availability of menthol cigarettes and other flavored tobacco products likely diminish the effects (Ref. 3). Researchers estimated a 6 percent reduction in the probability of using any tobacco product after implementation of the Tobacco Control Act (2009–2013), and observed the reductions to be significantly associated with the Special Rule for Cigarettes (Ref. 3).

The adverse health effects associated with tobacco product use by youth have been well documented. Nicotine exposure and smoking during adolescence can have unique adverse consequences on brain development (Refs. 2 and 4). For example, smoking cigarettes during adolescence is associated with lasting cognitive and behavioral impairments, including effects on working memory in smoking teens (Ref. 5) and alterations in the prefrontal attentional network in young adult smokers (Ref. 6). Furthermore, the nonclinical data related to nicotine exposure and epidemiologic studies related to smoking cigarettes during adolescence taken together suggest an age-dependent susceptibility to nicotine (Ref. 1).

Use of tobacco products, which is facilitated by nicotine exposure and dependence, puts youth and young adults at greater risk for future health issues, such as coronary artery disease, cancer, and other known tobacco-related diseases (Refs. 1 and 4). Youth and

[1] As set forth above, section 907(a)(4)(B)(v) provides that product standards ''shall, where appropriate for the protection of the public health, include—. . . (v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).'' Section 906(d) gives FDA authority to require restrictions on the sale and distribution of tobacco products by regulation if the Agency determines that such regulations would be appropriate for the protection of the public health. See section 906(d)(1) of the FD&C Act.

young adult tobacco product users, particularly cigarette smokers, also are at increased risk for future marijuana and illicit drug use, developmental and mental health disorders, reduced lung growth and impaired function, increased risk of asthma, and early abdominal aortic atherosclerosis (Ref. 1).

Nicotine is highly addictive. The use of nicotine can lead to nicotine dependence, and makes quitting tobacco products very difficult (Ref. 1). Achieving tobacco cessation after nicotine addiction is a long and difficult process. Smokers may try quitting 30 or more times before succeeding (Ref. 7). According to data from the 2015 National Health Interview Survey, 68 percent of adult smokers in the United States wanted to quit smoking and 55.4 percent made at least one quit attempt in the past year; however, only 7.4 percent actually quit within the 6 to 12 months preceding the survey (Ref. 8).

1. The Appeal of Flavors Generally and in Tobacco Products Specifically

Flavor is a multisensory perception consisting of taste, aroma, and chemesthetic (*e.g.,* cooling, burning) sensations in the mouth and throat (Ref. 9). A robust body of literature in food consumer science demonstrates that flavors impact the appeal of consumable products (Refs. 10 and 11), and that flavor preferences drive food selection and vary across age groups (Refs. 12 and 13). Certain flavors are particularly appealing to children and youth; for example, youth have a heightened preference for sweet food tastes and greater rejection of bitter food tastes. These preferences generally diminish with age (Refs. 14 through 17). Flavor compounds, such as sugar, are used to enhance flavor or mask undesirable tastes (*e.g.,* bitter) in food. (Ref. 18).

Research on the appeal of flavors in food informs the understanding of the appeal and the public health impact of flavors in tobacco products. In fact, many of the same compounds that are added to food are also added to tobacco products to enhance flavor or mask undesirable tastes (Refs. 19, 27, and 28). As with food products, flavors are added to tobacco products to, among other things, improve flavor and taste, such as by reducing the harshness, bitterness, and astringency of tobacco during inhalation (Refs. 19 and 20). Studies involving cigarettes have shown that the addition of sweet flavors increases the appeal of these products, especially to youth (Refs. 19 to 21). In addition, the sensory qualities of menthol flavor produce an analgesic or ''cooling'' effect, which can reduce feelings of pain or discomfort (Refs. 22 and 23), or increase sensations of respiration ease (Refs. 22 through 26).

Documents from the tobacco industry show that food flavors, such as fruit and candy, were used to attract new users, primarily youth (Ref. 1). Laboratory research has confirmed that tobacco products contain flavor chemicals at the same level per serving as defined by the studies, or higher than, popular candy and drink products (Refs. 27 and 28). Flavors in food products can trigger reward pathways in the brain and influence decision-making (Ref. 29). Flavors in tobacco products can also trigger reward pathways in the brain and additionally enhance the rewards of nicotine (Refs. 30 and 31).

2. Tobacco Product Use Patterns by Youth

a. *Overall tobacco product use.* According to National Youth Tobacco Survey (NYTS) data, the current use of e-cigarettes among U.S. youth increased significantly between 2011 and 2015 (Ref. 32). While use dropped in 2016, e-cigarettes remain the most commonly used tobacco product by youth (Refs. 33 and 34). Current use of waterpipes among U.S. youth increased significantly between 2011 and 2014, but declined in 2015 and 2016 (Ref. 33). The use of cigarettes, cigars, and smokeless tobacco has generally declined among youth in recent years, although these products remain popular among certain youth subpopulations (Refs. 1, 33, and 35).

b. *Use of tobacco products with flavors.* Data regarding use of menthol cigarettes and non-cigarette tobacco products among youth from 2013–2014 show widespread appeal of flavored tobacco products [2] (Refs. 36 through 38). Results from the 2014 NYTS on flavored tobacco product use in the past 30 days among middle and high school students show that an estimated 3.26 million youth tobacco product users (12 percent of all youth) reported using a flavored tobacco product in the past 30 days (Ref. 39). By product, an estimated 1.58 million reported using a flavored e-cigarette, 1.02 million reported using flavored waterpipe tobacco, 910,000 reported using flavored cigars, 900,000 reported using menthol cigarettes, 690,000 reported using flavored smokeless tobacco (defined as chewing tobacco, snuff, dip, snus, or dissolvables), and 120,000 reported using flavored pipe tobacco (Ref. 39). Among youth (12–17 years) who participated in the Population Assessment of Tobacco and Health (PATH) Study in 2013–2014, 88.7 percent of youth who have ever used (*i.e.,* ever tried even one or two times) waterpipe tobacco, 81 percent of e-cigarette ever-users, and 65.4 percent of cigar ever-users reported that the first product they used in these categories was flavored (Ref. 36). Similarly, 79.8 percent of youth who reported being current tobacco product users in the PATH Study reported using a flavored tobacco product in the past 30 days, including 89 percent of waterpipe users, 85.3 percent of e-cigarette users, and 71.7 percent of cigar smokers (Ref. 36). Data regarding use of flavored little filtered cigars also demonstrate appeal to youth and young adults. For example, 2017 Monitoring the Future data show that among 8th, 10th, and 12th grade students, 60 percent of current little cigar users reported using flavored little cigars (Ref. 40). In addition, data from the PATH Study show that among current filtered cigar users, 79.3 percent of young adults aged 18–24 years and 56.2 percent of adults aged 25 years and older report current flavored use (Ref. 37). Moreover, both youth and young adults identified flavors as a major reason for their e-cigarette use (Refs. 36 through 38). In addition, youth consistently reported product flavoring as a reason for using waterpipes, cigars, and smokeless tobacco (including snus products) (Refs. 36 and 37).

While the prevalence of cigarette smoking among youth generally has declined, rates of menthol smoking among youth remained stable between 2004 and 2014 (Ref. 41). Youth and young adult smokers are disproportionately more likely to smoke menthol than nonmenthol cigarettes, as compared to older adult smokers; in 2014, 52.4 percent of youth smokers aged 12–17 years, 50.5 percent of young adult smokers aged 18–25 years, and 36.3 percent of adult smokers aged 26 years or older, reported smoking menthol cigarettes (Ref. 42). Multiple studies show a greater use of menthol cigarettes by younger smokers and less usage among older smokers (Refs. 42 through 45).

3. Flavors and Perceptions of Harm and Likelihood of Tobacco Product Use

Perceptions about tobacco harm (*i.e.,* beliefs about the health risks of tobacco) can influence tobacco product use behavior as research suggests that adolescents who perceive lower harms from using tobacco products are more likely to initiate use (Ref. 46). Two systematic reviews report findings from studies assessing participants'

[2] For the purposes of this ANPRM, the terms ''flavored tobacco product'' and ''flavors in tobacco products'' are used interchangeably.

(including youth, young adults, and adults) harm perceptions of flavored tobacco products. Some findings show that each age group perceived flavored tobacco products as less harmful than unflavored products (Refs. 47 and 48).

4. Flavors and Progression to Regular Use

The association between initiation with flavored tobacco products and current tobacco product use was examined in Wave 1 of the PATH Study data, which indicated that 81 percent of youth (12–17 years of age) and 86 percent of young adult (18–24 years of age) ever tobacco users (*i.e.,* those who have used a tobacco product even once or twice in their lifetimes) reported that the first tobacco product they used was flavored, compared to 54 percent of adults aged 25 years and older (Ref. 37). Controlling for other factors associated with tobacco product use, youth ever tobacco users who reported their first tobacco product was flavored had a 13 percent higher prevalence of current tobacco product use compared to youth whose first product was not flavored. Adult ever users reporting that the first tobacco product they used was flavored had a 32 percent higher prevalence of current established tobacco product use (Ref. 37).

In addition, a longitudinal examination of youth indicated that youth who initiate smoking with menthol cigarettes may be at greater risk for progression from experimentation to established smoking and nicotine dependence than youth who initiate with nonmenthol cigarettes (Ref. 49).

5. Youth and Young Adult Flavor Preferences

As mentioned in section I.C.1. of this document, youth generally prefer sweet flavors (Refs. 14 through 17). Researchers reviewed the flavor chemicals and levels in several brands of candy and Kool-Aid drink mix and concluded that the chemicals used in these products largely overlapped with those in similarly labeled ''cherry,'' ''grape,'' ''apple,'' ''peach,'' and ''berry'' tobacco products (Ref. 27).

Results from studies show that flavored e-cigarettes appeal to youth and young adults; however, these data may not reflect the flavor preferences among all U.S. youth and adults. In a survey conducted in four high schools and two middle schools in Connecticut in 2013, 70.7 percent of the lifetime e-cigarette users (adolescents who had tried an e-cigarette) interviewed reported having used sweet flavors and 22.1 percent reported having used menthol-flavored e-cigarettes. In terms of preferred flavors, 56.8 percent reported preferring sweet flavors, while 8.7 percent preferred menthol e-cigarettes (Ref. 50). Additional results from the same research found that the top three reasons for e-cigarette experimentation among ever e-cigarette users, regardless of cigarette smoking status and school level, were curiosity (54.4 percent), the availability of appealing flavors (43.8 percent), and friends' influence (31.6 percent) (Ref. 51). Another cross-sectional study, in which 1,567 young adults (18–34 years) were recruited through Facebook ads, reported that the most commonly used flavors among current e-cigarette users were fruit (66.9 percent), candy (35.1 percent), and caramel/vanilla/chocolate/cream (33.3 percent) (Ref. 38). E-cigarette flavor preferences also varied by cigarette smoking status with former or never cigarette smokers preferring flavors more frequently than current cigarette smokers (Ref. 38).

Qualitative findings reveal differences in e-cigarette flavor preferences as well. Research from a 2016 laboratory study of young adult cigarette smokers who used e-cigarettes for the study reported fruit flavored (green apple) and dessert flavored (chocolate) e-cigarettes were more satisfying and rewarding than unflavored e-cigarettes (Ref. 52). Furthermore, participants puffed flavored e-cigarettes approximately 40 times compared with approximately 23 times for unflavored e-cigarettes (Ref. 52). Similarly, other research has shown that sweet-flavored e-cigarettes produce higher appeal ratings among youth than non-sweet and flavorless e-cigarettes (Ref. 53).

For cigars/cigarillos/little cigars, waterpipe, and smokeless tobacco products, limited evidence exists that differentiates types of flavors preferred (*e.g.,* menthol, fruit) among young adults. Among young adults (18–24 years of age), the 2013–2014 National Adult Tobacco Survey (NATS) reported the top three flavor types used by product. Young adult flavored smokeless tobacco product users reported using menthol/mint (80.6 percent), fruit (13.9 percent), and clove/spice/herb (7.7 percent) (Ref. 54). Young adult flavored waterpipe users reported using fruit (73.5 percent), menthol/mint (18 percent), and candy/chocolate/other sweet (17.3 percent). Young adult flavored cigar/cigarillo/little cigar users reported using fruit (61.4 percent), alcohol (21.9 percent), and candy/chocolate/other sweet (20.8 percent) (Ref. 54).

6. Adults' Use of Flavors in Tobacco Products

Cross-sectional data from Wave 1 of the PATH Study (Ref. 37) indicate that adult (25 years or older) established tobacco product users also often use flavored products (44.8 percent). Specifically, 35.6 percent of cigarette smokers (menthol), 63.2 percent of ENDS users, 47.8 percent of cigar smokers, 68.7 percent of waterpipe users, and 48.7 percent of smokeless tobacco product users reported use of flavored products at Wave 1 (2013–2014). Among established users of cigarettes and other tobacco products (polyusers), 68.9 percent use at least one flavored product.

The 2013–2014 NATS study data (among adults aged 18 years or older) suggested that the tendency to use flavored e-cigarettes and flavored cigars differed by cigarette smoking status. Never cigarette smokers tended to use flavored e-cigarettes more than other groups. Specifically, findings indicated that, among users of non-cigarette tobacco products, never-cigarette smokers had the highest proportion of flavored e-cigarette use (84.8 percent), followed by 78.1 percent of recent quitters and 63.2 percent of current cigarette smokers. The study also indicated, among users of non-cigarette tobacco products, that 43.8 percent of current cigarette smokers reported smoking flavored cigars, with 30.8 percent of never smokers and 38.9 percent of recent former smokers reporting smoking flavored cigars (Ref. 54). The 2013–2014 NATS study also reported flavor types used by product among adults aged 18 and over. Users of flavored smokeless tobacco reported using menthol/mint (76.9 percent), clove/spice/herb (12.3 percent), fruit (10.8 percent), and candy/chocolate/other sweet (4.5 percent) (Ref. 54). Flavored waterpipe users reported using fruit (74 percent), menthol/mint (18.9 percent), candy/chocolate/other sweet (17.4 percent), clove/spice/herb (4.3 percent), alcohol (3.2 percent), and other flavored (3 percent). Flavored e-cigarette users reported using fruit (44.9 percent), menthol/mint (43.9 percent), candy/chocolate/other sweet (25.7 percent), clove/spice/herb (7 percent), other flavored (6.1 percent), and alcohol flavors (4 percent) (Ref. 54). Flavored cigar, cigarillo, and little cigar users reported using fruit (52.4 percent), candy/chocolate/other sweet (22 percent), alcohol (14.5 percent), menthol/mint (12.9 percent), clove/spice/herb (8.1 percent) and other flavors (2.9 percent). Flavored pipe smokers reported using fruit (56.6

percent), candy/chocolate/other sweet (26.5 percent), and menthol/mint (24.8 percent) (Ref. 54).

Among adult e-cigarette users, a study with experienced exclusive e-cigarette and dual (e-cigarette and cigarette) users (aged 18 years or older) found that bitterness and harshness are negatively associated with liking e-cigarettes, while sweetness and ''coolness'' are positively associated with liking them (Ref. 55). In addition, sweetness appeared to have a greater impact than coolness on liking (Ref. 55).

7. Flavors May Contain or Form Toxic Compounds

Evidence exists regarding the toxicity of flavors, specifically certain ingredients in those flavors that have been used in tobacco products. Of particular concern for combusted or heated tobacco products is that toxicity also may result from the chemicals formed when flavors are heated or burned (Refs. 56 through 60). Diacetyl and acetyl propionyl, which are flavor ingredients that have been found in e-liquids, are highly irritating volatile organic compounds (Refs. 56 and 60). There is scientific evidence showing a link between repeated inhalation exposures to these flavor ingredients and adverse respiratory health outcomes in humans (Ref. 60). Finally, we note that certain substances may be authorized as a food additive or may be considered ''generally recognized as safe'' (GRAS) for certain uses in food. However, being authorized as a food additive or being considered GRAS, in and of itself, does not mean that the substances are safe when used in a tobacco product. The food additive approval or GRAS status of a substance applies only to specific intended uses in food, and are not supported by studies that account for inhalation toxicity. Importantly, exposure to chemicals via the inhalation route can have very different effects from oral exposure, and most tobacco products are inhaled (Ref. 61). For example, direct ''portal of entry'' effects to the respiratory tract, which is relatively more sensitive than the gastrointestinal tract, can occur upon inhalation exposure. There are also important metabolic differences between the two routes of exposure: After oral ingestion, a substance can be detoxified through ''first-pass metabolism'' in the liver before reaching systemic circulation. By contrast, substances introduced into the body via inhalation go directly into systemic circulation without the same potential for detoxification (Ref. 61).

D. The Potential Role of Flavors in Facilitating Transition From Cigarettes to Tobacco Products That May Pose Less Risk

FDA also is aware of self-reported information suggesting that the availability of flavors in some noncombusted tobacco products (*e.g.,* ENDS) may help some adult users decrease their cigarette use and transition away from combusted products to potentially less harmful products (Refs. 62 and 63). Reports from a focus group of eleven e-cigarette users, nine of whom switched to e-cigarettes from smoking a half-pack per day or more of cigarettes, suggest that the ability of consumers to personalize their e-liquids by mixing and matching flavors could contribute to e-cigarette appeal among cigarette smokers (Ref. 62). In one survey using an online convenience sample (*i.e.,* self-selected respondents recruited from online vape forums), respondents indicated that flavor variety was ''very important'' in reducing or quitting smoking (Ref. 63). Almost half of the respondents in that survey indicated that a reduction in available flavors would ''increase craving[s] for tobacco cigarettes and would make reducing or completely substituting smoking less likely'' (Ref. 63).

The issues surrounding the use of flavors in tobacco products involve various considerations. While data show significant youth appeal and continued growth in youth and young adult use of flavored tobacco products, which can lead to lifelong tobacco product use, self-reported information from a study (Ref. 63) shows that some flavors in ENDS may play a positive role in helping some adults transition away from cigarettes to potentially less harmful products. In addition, we note that, currently, no ENDS have been approved as effective cessation aids. In the preamble to the deeming rule, FDA discussed the evidence available to date, and found that some systematic reviews found insufficient data to draw a conclusion about the efficacy of e-cigarettes as cessation aids (81 FR 28973 at 29037). A recent systematic review by the National Academies of Sciences, Engineering, and Medicine found ''limited evidence that e-cigarettes may be effective aids to promote smoking cessation,'' and that ''there is moderate evidence from observational studies that more frequent use of e-cigarettes is associated with increased likelihood of cessation,'' thus, the evidence remains inconclusive (Ref. 64).

II. Requests for Comments and Information

FDA is seeking comments (including comments on this document and the data presented), data, research results, and other information related to the following topics. Please explain your responses and provide any evidence or other information supporting them.

- For the purposes of the questions in this ANPRM, when seeking comments, data, research results, and other information on ''flavors,'' FDA is seeking information relating to the following (as applicable): (1) Artificial or natural flavor additives, compounds, constituents, or ingredients or any other flavoring ingredient in a tobacco product, including its components or parts; (2) the multisensory experience of a flavor during use of tobacco products; (3) flavor representations (including descriptors), either explicit or implicit, in or on the labeling, advertising, and packaging of tobacco products; and (4) any other means that impart flavor or represent that tobacco products are flavored. The foregoing is intended only to provide guidance to commenters and is not intended to limit or restrict the information they may submit. Additionally, for purposes of the questions in the ANPRM:
- ''Youth'' means under age 18; and
- ''Young adult'' means ages 18 through 24.

FDA intends to use the information submitted in response to this **Federal Register** document, its independent scientific knowledge, and other appropriate information to inform regulatory actions FDA might take with respect to flavors in tobacco products. When submitting information, provide evidence by product class (*e.g.,* cigarettes, cigars, pipes) for each topic, when available. If it exists, discuss the influence of flavors by flavor type/category (*e.g.,* fruit, candy, menthol) for each topic. Also, provide information regarding any positive or negative effects that may result from a regulatory action FDA might take with respect to flavors in tobacco products, including, but not limited to, health implications and economic impacts. We ask that commenters clearly identify the section and question number associated with their responsive comments and information.

A. The Role of Flavors (Other Than Tobacco) in Tobacco Products

1. Provide studies or information regarding the role of flavors (other than tobacco) generally in tobacco products. If the response relies on research in other areas (*e.g.,* consumer products),

discuss the appropriateness of extrapolating from such research to tobacco products.

B. Flavors (Other Than Tobacco) and Initiation and Patterns of Tobacco Product Use, Particularly Among Youth and Young Adults

2. Provide studies or information regarding the role of flavors (other than tobacco) in initiation and/or patterns of use of combusted tobacco products, particularly among youth and young adults.

3. Provide studies or information regarding the role of flavors (other than tobacco) in initiation and/or patterns of use of noncombusted tobacco products, particularly among youth and young adults.

4. Provide studies or information regarding the role of flavors (other than tobacco) in noncombusted tobacco products on initiation of tobacco product use or progression to use of other tobacco products (for example, from noncombusted to combusted tobacco products), particularly among youth and young adults.

C. Flavors (Other Than Tobacco) and Cessation, Dual Use, and Relapse Among Current and Former Tobacco Product Users

5. Provide studies or information regarding the role of flavors (other than tobacco) in helping adult cigarette smokers reduce cigarette use and/or switch to potentially less harmful tobacco products.

6. Provide studies or information regarding the role of flavors (other than tobacco) in noncombusted tobacco products on the likelihood of: (1) Cessation of combusted tobacco products use, (2) cessation of all tobacco product use, and (3) uptake of dual use of combusted and noncombusted tobacco products among current and former tobacco product users. Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

7. Provide studies or information regarding the role of flavors (other than tobacco) in noncombusted products on the likelihood of: (1) Delayed or impeded cessation among users who would have otherwise quit combusted tobacco product use, or (2) delayed or impeded cessation among users who would have otherwise quit all tobacco product use. Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

8. Provide studies or information regarding the role of flavors (other than tobacco) in noncombusted tobacco products on the likelihood that former combusted tobacco product users relapse. Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

D. Additional Public Health Considerations

9. Provide studies or information regarding the potential toxicity or adverse health effects to the user or others from any flavors (*e.g.,* flavor additives, compounds, or ingredients) in tobacco products. These adverse health outcomes may include, but are not limited to, cancer or adverse respiratory, cardiac, or reproductive/development effects. Of particular interest are studies or information on inhalation exposure to any flavor. Provide studies or information on what, if any, toxic chemicals might be formed from the heating or burning of tobacco products with flavors and the potential toxicity or health risks that might result from these formed chemicals.

10. Provide studies or information on the impact, whether intended or unintended, of public health efforts by local jurisdictions, States, and members of the international community to impose restrictions on the manufacture, marketing, sale or distribution of all or a subset of tobacco products with flavors (other than tobacco), including but not limited to cigars, ENDS, menthol cigarettes, and smokeless tobacco products.

11. Provide studies or information regarding consumer perceptions of the health risks of tobacco products with flavors (other than tobacco) when compared to other tobacco products, both with and without flavors. Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

12. Provide studies or information regarding consumer perceptions, if any, of the addictiveness of tobacco products with flavors (other than tobacco). Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

E. Tobacco Product Standards

13. All Flavors:

a. Are there any specific flavors for which FDA should establish a tobacco product standard? If so, which flavors (*e.g.,* flavor additives, compounds, or ingredients) and why?

b. With respect to your response to the previous question, what level (*e.g.,* maximum, minimum, prohibition) should FDA establish to protect the public health, and why?

14. If FDA were to establish a tobacco product standard prohibiting or restricting flavors, to which types of tobacco products should the standard apply (*e.g.,* combusted, noncombusted, both), and why?

15. Menthol Flavor:

a. FDA has carefully reviewed the data it received in response to the 2013 ANPRM on menthol in cigarettes (78 FR 44484, July 24, 2013). Provide any additional data or information about the role of menthol in cigarettes, particularly regarding the role menthol plays in smoking initiation and in the likelihood of smoking cessation for all populations (youth, young adult, adult).

b. What additional evidence exists on the likelihood that smokers would completely switch to another tobacco product, or start dual use with another product, in the event of a tobacco product standard prohibiting or limiting menthol in cigarettes?

c. What is the role, if any, that menthol plays in use of tobacco products other than cigarettes, including, but not limited to, cigars and ENDS?

F. Sale or Distribution Restrictions

16. FDA may consider restrictions on the sale and distribution of flavored tobacco products. Possible restrictions could include restrictions on the advertising and promotion of tobacco products with flavors; on access to tobacco products with flavors; and/or on the label, labeling, and/or packaging of tobacco products with flavors. These restrictions could include requirements to bear warnings or disclosure statements. What such restrictions, if any, should FDA consider and why?

G. Other Actions and Considerations

17. To the extent that flavors may pose both (1) potential benefits to adult smokers who might consider switching to a noncombusted flavored tobacco product with lower individual risk and (2) potential risks to nonusers who might initiate use of tobacco products through flavored tobacco products or to current users who might progress to flavored tobacco products with higher individual risks, how should FDA assess and balance these benefits and risks?

18. Provide studies or information on the role of tobacco flavor in tobacco products in initiation, patterns of use of tobacco products (particularly with respect to progression from non-combusted to combusted tobacco products or from combusted to non-combusted), reduction in use of

combustible tobacco products and cessation of tobacco products. Include information from, and define, all populations: Youth, young adults, and adults (and any subgroup thereof, if applicable).

19. Provide information on whether manufacturing process(es) affect product flavor. Describe any such manufacturing process(es), including the specific products that use the process(es), as well as specific flavors used in the process(es).

20. Provide analyses regarding any other tobacco product standard, regulatory action, or other action that FDA could implement that you believe would more effectively reduce the harms caused by flavors in tobacco products to better protect the public health than the tobacco product standards or other regulatory actions discussed in the preceding questions.

21. Discuss any other tobacco product standard, regulatory action, or other activity that FDA could pursue that would complement or increase the effectiveness of the potential tobacco product standards or other regulatory actions discussed in the preceding questions.

22. Are there any flavors that especially appeal to youth, young adults, or other specific age group? If so, how are such flavors distinguished from other flavors?

23. To the extent that you have identified a tobacco product standard or other regulatory action in response to the prior questions, provide additional information and comments on: (1) The technical achievability of compliance with the tobacco product standard or other regulatory action you identified; and (2) how FDA could maximize compliance and public health benefits.

24. If FDA were to establish a tobacco product standard prohibiting or restricting flavors in tobacco products, what evidence is there, if any, that consumers would start to flavor their own tobacco products?

25. What data may be used to assess and analyze the range and variety of flavored tobacco products that are currently available to consumers? How can available sources of information, such as manufacturer registrations and/or product listings with FDA, be used in this assessment?

III. 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.

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Dated: March 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05655 Filed 3–20–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189D0102DR/DS5A300000/DR.5A311.IA000118]

25 CFR Part 273

RIN 1076–AF24

Education Contracts Under Johnson-O'Malley Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would update one section of the regulation regarding when Indian students are eligible for benefits of education contracts under the Johnson-O'Malley Act (JOM), to codify past practice and a Federal District Court ruling by deleting the requirement that the Indian student must have ¼ or more degree of Indian blood.

DATES: Please submit comments by May 21, 2018.

ADDRESSES: You may submit comments by any of the following methods:

You may submit comments by any of the following methods:

—*Federal rulemaking portal: http://www.regulations.gov*. The rule is listed under the agency name ''Bureau of Indian Affairs.''

—*Email: comments@bia.gov*. Include the number 1076–AF24 in the subject line of the message.

—*Mail:* Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, U.S. Department of the Interior, 1849 C Street NW, MIB–4660–MS, Washington, DC 20240. Include the number 1076–AF24 in the subject line of the message.

—*Hand delivery:* Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action, U.S. Department of the Interior, 1849 C Street NW, MS 4660, Washington, DC 20240. Include the number 1076–AF24 in the subject line of the message.

We cannot ensure that comments received after the close of the comment period (see **DATES**) will be included in the docket for this rulemaking and considered. Comments sent to an address other than those listed above will not be included in the docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; *elizabeth.appel@bia.gov*.

SUPPLEMENTARY INFORMATION:

I. Summary of Rule
II. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866, 13563, and 13771)
B. Regulatory Flexibility Act
C. Small Business Regulatory Enforcement Fairness Act
D. Unfunded Mandates Reform Act
E. Takings (E.O. 12630)
F. Federalism (E.O. 13132)
G. Civil Justice Reform (E.O. 12988)
H. Consultation With Indian Tribes (E.O. 13175)
I. Paperwork Reduction Act
J. National Environmental Policy Act
K. Effects on the Energy Supply (E.O. 13211)
L. Clarity of This Regulation
M. Public Availability of Comments

I. Summary of Rule

This rule would revise a section of the regulations governing education contracts under the JOM. The JOM authorizes the Secretary of the Interior to enter into contracts with States, schools, and private organizations, and to expend appropriated funds in support of Indian students under those contracts. *See,* 25 U.S.C. 254. The regulations at 25 CFR part 273 implement this authority.

This rule would revise section 273.12 of the regulations to correctly reflect the requirements for students eligible for JOM funding. Currently, the regulations state that Indian students are eligible for benefits of a JOM contract if they are of ¼ or more degree Indian blood and are recognized by the Secretary as being eligible for Bureau services. Prior to the 1990's, the Department implemented this regulation to require ¼ or more degree Indian blood. In 1990, the United States District Court for the District of Nevada stated that this regulatory requirement was too restrictive. *See, Nevada Urban Indians, Inc.* v. *United States,* CV–N–90–238 BRT (September 12, 1990). Since that Court ruling, the Department has implemented this regulatory provision as requiring only membership in a federally recognized Tribe. The Department does not require a certain degree of Indian blood. As such, this rule would delete the requirement for a blood degree quantum. With this deletion, the rule codifies both the Court ruling and past practice.

II. Procedural Requirements

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

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

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

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. Therefore, E.O. 13771 does not apply to this proposed rule.

B. Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Small Business Regulatory Enforcement Fairness Act

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

(a) Does not have an annual effect on the economy of $100 million or more because it merely codifies eligibility requirements that were already established by past practice and a Federal District Court ruling.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions because this rule affects only individuals' eligibility for certain education contracts.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises because this rule affects only individuals' eligibility for certain education contracts.

D. Unfunded Mandates Reform Act

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

E. Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630 because this rule does not affect individual property rights protected by the Fifth Amendment or involve a compensable ''taking.'' A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because the rule affects only individuals' eligibility under certain education contracts. A federalism summary impact statement is not required.

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

This rule complies with the requirements of Executive Order 12988. Specifically, this rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policy is not required because the eligibility requirements established in this rule are already in effect and have been in effect for many years.

I. Paperwork Reduction Act

This rule does not contain any information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required.

J. National Environmental Policy Act

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

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

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

L. Clarity of This Regulation

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

(a) Be logically organized;

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

(c) Use clear language rather than jargon;

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

(e) Use lists and tables wherever possible.

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

M. Public Availability of Comments

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

List of Subjects in 25 CFR Part 273

Government contracts, Indians—education, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, proposes to amend part 273 in Title 25 of the Code of Federal Regulations as follows:

PART 273—EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

■ 1. The authority citation for part 273 continues to read as follows:

Authority: Secs. 201–203, Pub. L. 93–638, 88 Stat. 2203, 2213–2214 (25 U.S.C. 455–457), unless otherwise noted.

■ 2. Revise § 273.12 to read as follows:

§ 273.12 Eligible students.

Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian operated schools, shall be eligible for benefits provided by a contract pursuant to this part if they are recognized by the Secretary as being eligible for Bureau services. Priority shall be given to contracts:

(a) Which would serve Indian students on or near reservations; and

(b) Where a majority of such Indian students will be members of the Tribe(s) of such reservations (as defined in § 273.2(o)).

Dated: February 27, 2018.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–05749 Filed 3–20–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0154]

RIN 1625–AA08

Special Local Regulation; USS PORTLAND Commissioning, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary regulated area for certain waters of the Willamette River. This action is necessary to provide for the safety of life on these navigable waters near Port of Portland Terminal 2, Portland, OR during a naval vessel commissioning ceremony on April 14–23, 2018. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port

Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 5, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0154 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Laura Springer, MSU Portland Waterways; 503–240–9319, email *msupdxwwm@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On April 14–23, 2018 the U.S. Navy will be conducting ceremonial activities for the commissioning of the USS PORTLAND. The commissioning activities will take place at the Port of Portland Terminal 2, with a regulated area extending approximately 500 yards on each side of the naval vessel on the Willamette River in Portland, OR. To provide for the safety of participants, spectators, support and transiting vessels, the Coast Guard proposes to temporarily restrict vessel traffic during the commissioning activities.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the regulated area, during, and after the scheduled event and to prevent any disruption to the commissioning ceremonies. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a regulated area from 11:59 p.m. on April 14, 2018 to 11:59 p.m. on April 23, 2018. The regulated area would cover all navigable waters at Port of Portland Terminal 2 on the Willamette River. Specifically, the navigable waters bounded by the following points: 45°33.34′ N, 122°42.34′ W; 45°33.12′ N, 122°42.51′ W; 45°32.71′ N, 122°41.37′ W; and 45°32.58′ N, 122°41.54′ W. The duration of the regulated area is intended to ensure the safety of vessels, bystanders, and the navigable waters and to prevent any disruption of the events associated with the commissioning ceremony of the USS PORTLAND. The Coast Guard, at its discretion, would allow the passage of affected vessels. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the regulated area. Although this proposal would prevent traffic from transiting portions of the Willamette River, the effect of this regulation would not be significant due to the limited duration that the regulated area would be in effect and would allow waterway users to enter or transit through the zone when deemed safe by the on-scene patrol commander. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship

between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a regulated area lasting less than 10 days that would limit entry within approximately 500 yards of the USS PORTLAND. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Memorandum for Record supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T13–0154 to read as follows:

§ 100.T13–0154 Special Local Regulations; USS PORTLAND Commissioning, Portland, OR.

(a) *Regulated area.* The following area is designated as a regulated area: All navigable waters of the Willamette River within 500 yards of the USS PORTLAND while moored at the Port of Portland Terminal 2, specifically the navigable waters bounded by the following points: 45°33.34′ N, 122°42.34′ W; 45°33.12′ N, 122°42.51′ W; 45°32.71′ N, 122°41.37′ W; and 45°32.58′ N, 122°41.54′ W.

(b) *Special local regulations.* (1) The Coast Guard may patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (PATCOM). PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.'' Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Columbia River.

(2) Entrance into the regulated area is prohibited unless authorized by the PATCOM. The PATCOM may control the movement of all vessels in the regulated area. When hailed or signaled to stop by an official patrol vessel, a vessel must come to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(3) All vessels permitted to transit the regulated area must maintain a separation of at least 100 yards away from the USS PORTLAND.

(c) *Enforcement period.* This regulated area is subject to enforcement from 11:59 p.m. on April 14, 2018 to 11:59 p.m. on April 23, 2018.

D.G. Throop,

RADM, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2018–05685 Filed 3–20–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0128]

RIN 1625–AA09

Drawbridge Operation Regulation; Ebey Slough, Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Burlington Northern Santa Fe Railroad Bridge 38.3 across Ebey Slough, mile 1.5, at Marysville, WA. The modified schedule would change the operating schedule of the Burlington Northern Santa Fe Railway (BNSF) Railroad Bridge 38.3 from on-demand

opening to a four hours advance notice for an opening.

DATES: Comments and related material must reach the Coast Guard on or before May 7, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0128 using Federal eRulemaking Portal at *http://www.regulations.gov*.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code
BNSF Burlington Northern Santa Fe Railway

II. Background, Purpose and Legal Basis

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499. BNSF has requested a change to the operating schedule of the BNSF Railroad Bridge 38.3 across Ebey Slough, mile 1.5, in order to save on operating costs for the bridge. The proposed regulation will allow BNSF to not have a bridge operator attending the bridge until an opening request has been received. BNSF's proposal would allow a bridge operator to be able to open the swing span within four hours after receiving a request for an opening. Marine traffic on Ebey Slough consists of vessels ranging from small pleasure craft, small tribal fishing boats and occasionally medium size pleasure motor vessels. There has been a reduction in waterway usage following the City of Maryville's closure of the only upriver marina on Ebey Slough with very few bridge opening requests within the past three years. Only two marine vessel opening requests were received in 2017 and both were received longer than four hours prior to needing an opening.

The subject bridge currently operates in accordance in 33 CFR 117.5. This bridge provides a vertical clearance approximately 5 feet above mean high water and approximately 16 feet above mean low water when in the closed-to-navigation position.

III. Discussion of Proposed Rule

This proposed rule would amend 33 CFR 117.1059 to provide specific requirements for the operation of BNSF Railroad Bridge 38.3. These specific requirements are in addition to or vary from the general requirements that apply to all drawbridges across the navigable waters of the United States. This proposed rule reasonably accommodates waterway users while reducing BNSF's burden in operating the bridge. We have not identified any impacts on marine navigation with this proposed rule. An alternate route is available into Steamboat Slough via Union Slough at high tide.

IV. Regulatory Analyses

We developed this proposed rule considering numerous statutes and Executive order (s) related to rulemaking. Below we summarize our analyses based on these statutes and Executive order (s), and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

E.O. 12866 and E.O. 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a ''significant regulatory action,'' under Executive order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget. This regulatory action determination is based on the ability for the bridge to open on signal after receiving at least four hours advanced notice and not delay passage of any mariner. Vessels not requiring an opening may pass under the bridge at any time. An alternate route is available into Steamboat Slough via Union Slough at high tide.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

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

A preliminary Record of Environmental Consideration and a Memorandum for the Record not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.1059 add paragraph (i) to read as follows:

§ 117.1059 Snohomish River, Steamboat Slough, and Ebey Slough; Marysville, WA.

* * * * *

(i) The draw of the Burlington Northern Santa Fe Railroad Bridge across Ebey Slough, mile 1.5, near Marysville, shall open on signal if at least a four hour notice is given. The opening signal is one prolonged blast followed by one short blast. During freshets, a drawtender shall be in constant attendance, and the draw shall open on signal when so ordered by the District Commander.

David G. Throop,

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

[FR Doc. 2018–05701 Filed 3–20–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0198]

RIN 1625–AA00

Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its recurring safety zones regulations in the Captain of the Port Sault Sainte Marie Zone. This proposed rule would update eighteen safety zone locations, dates, and sizes, add three safety zones, remove two established safety zones, and reformat the regulations into an easier to read table format. These proposed amendments will protect spectators, participants, and vessels from the hazards associated with annual marine events and firework shows, and improve the clarity and readability of the regulation. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 20, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0198 using the Federal eRulemaking Portal at *http://www.regulations.gov*. Type the docket number (USCG–2018–0198) in the ''SEARCH'' box and click ''SEARCH.'' See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Sean V. Murphy, Chief of Waterways Management, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3223, email *Sean.V.Murphy@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On April 18, 2011 the Coast Guard published an NPRM in the **Federal Register** (76 FR 21677) entitled ''Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Sault Sainte Marie Zone.'' The NPRM proposed to establish 20 permanent safety zones for annually recurring events in the Captain of the Port Sault Sainte Marie Zone under § 165.918. The NPRM was open for comment for 30 days.

On June 2, 2011 the Coast Guard published the Final Rule in the **Federal Register** (76 FR 31839), after receiving no comments on the NPRM. Since that time there have been changes to the events that were listed in the Final Rule and additional annual events have been established. Through this proposed rule the Coast Guard seeks to update § 165.918 to reflect the current status of recurring marine events in the Captain of the Port Sault Sainte Marie Zone.

The legal basis for this proposed rulemaking is found at 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

III. Discussion of Proposed Rule

The Captain of the Port Sault Sainte Marie (COTP) has determined that an amendment to the recurring safety zones list as published in 33 CFR 165.918 will be necessary to: update the location, date, and size of eighteen existing safety zones (Marquette Fourth of July Celebration Fireworks, Munising Fourth of July Celebration Fireworks, Sault Sainte Marie Fourth of July Celebration Fireworks, Mackinac Island Fourth of July Celebration Fireworks, Harbor Springs Fourth of July Celebration Fireworks, Bay Harbor Yacht Club Fourth of July Celebration Fireworks, Petoskey Fourth of July Celebration Fireworks, Boyne City Fourth of July Celebration Fireworks, Alpena Fourth of July Celebration Fireworks, Charlevoix Venetian Festival Friday Night Fireworks, Charlevoix Venetian Festival Saturday Night Fireworks, Elk Rapids Harbor Days Fireworks, Jordan Valley Freedom Festival Fireworks, Canada Day Celebration Fireworks, Festival of Fireworks Celebration Fireworks, Grand Marais Splash In, National Cherry Festival Airshow, and National Cherry Festival Finale Fireworks), establish three safety zones (Mackinaw Area Visitors Bureau Friday Night Fireworks, Nautical City Fireworks, and Traverse City Fourth of July Celebration Fireworks), remove National Cherry Festival Fourth of July Celebration Fireworks and St. Ignace Fourth of July Celebration Fireworks safety zones, and format the existing regulations into a table format. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled events and to improve the overall clarity and readability of the rule. The regulatory text we are proposing appears at the end of this document.

The amendments to this proposed rule are necessary to ensure the safety of vessels and people during annual events taking place on or near federally maintained waterways in the Captain of the Port Sault Sainte Marie Zone. Although this proposed rule will be in effect year-round, the specific safety zones listed in Table 165.918 will only be enforced during a specified period of time.

When a Notice of Enforcement for a particular safety zone is published, entry into, transiting through, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Sault Sainte Marie, or his or her designated representative. The Captain of the Port Sault Sainte Marie or his or her designated representative may be contacted via VHF Channel 16 or telephone at 906–635–3319. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day for each safety zone. Vessel traffic will be able to safely transit around all safety zones which will impact small designated areas within the COTP zone for short durations of time. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the update of eighteen safety zone locations, dates, and sizes, the addition of three safety zones, the removal of two safety zones, and the reformatting of regulations into an easier to read table format. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.918 to read as follows:

§ 165.918 Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie.

(a) *Regulations.* The following regulations apply to the safety zones listed in Table 165.918 of this section:

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within any of the safety zones listed in this section is prohibited unless authorized by the Captain of the Port Sault Sainte Marie, or a designated representative.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Sault Sainte Marie or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When a safety zone established by this section is being enforced, all vessels must obtain permission from the Captain of the Port Sault Sainte Marie or a designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Sault Sainte Marie or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(b) *Suspension of Enforcement.* If the event concludes earlier than scheduled, the Captain of the Port Sault Sainte Marie or a designated representative will issue a Broadcast Notice to Mariners notifying the public that enforcement of the respective safety zone is suspended.

(c) *Exemption.* Public vessels, defined as any vessel owned or operated by the United States or by State or local

governments, operating in an official capacity are exempted from the requirements of this section.

(d) *Waiver.* For any vessel, the Captain of the Port Sault Sainte Marie or a designated representative may, at his or her discretion, waive any of the requirements of this section, upon finding that circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or environmental safety.

(e) *Contacting the Captain of the Port.* While a safety zone listed in this section is enforced, the Captain of the Port Sault Sainte Marie or a designated representative may be contacted via VHF Channel 16 or telephone at (906) 635–3319. Vessel operators given permission to enter or operate in a safety zone must comply with all directions given to them by the Captain of the Port Sault Sainte Marie, or a designated representative.

(f) *Notice of Enforcement.* The Coast Guard will provide advance notice of the enforcement including specific date, time, and size of the safety zone being enforced in Table 165.918, by issuing a Notice of Enforcement, as well as, a Broadcast Notice to Mariners.

TABLE 165.918

[Datum NAD 1983]

Event	Location	Event date
(1) Mackinaw Area Visitors Bureau Friday Night Fireworks; Mackinaw City, MI.	All U.S. navigable waters of the Straits of Mackinac within an approximate 1000-foot radius from the fireworks launch site located in position 45°46′35.48″ N, 084°43′16.20″ W.	Friday nights between late May and early September.
(2) Jordan Valley Freedom Festival Fireworks; East Jordan, MI.	All U.S. navigable waters of Lake Charlevoix, near the City of East Jordan, within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site in position 45°09′18″ N, 085°07′48″ W.	This event historically occurs in mid to late June.
(3) Grand Marais Splash In; Grand Marais, MI.	All U.S. navigable waters within the southern portion of West Bay bound within the following coordinates: 46°40′22.08″ N, 085°59′0.12″ W, 46°40′22.08″ N, 85°58′22.08″ W, and 46°40′14.64″ N, 85°58′19.56″ W, with the West Bay shoreline forming the South and West boundaries of the zone.	This event historically occurs mid to late June.
(4) Fireworks Over the Bay!; St. Ignace, MI.	All U.S. navigable waters of East Moran Bay within an approximate 1000-foot radius from the fireworks launch site at the end of the Starline Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W.	On or around July 4th and Saturdays beginning late June to early September.
(5) National Cherry Festival Airshow Safety Zone; Traverse City, MI.	All U.S. navigable waters of the West Arm of Grand Traverse Bay within a box bounded by the following coordinates: 44°46′51.6″ N, 085°38′15.6″ W, 44°46′23.4″ N, 085°38′22.8″ W, 44°46′30.00″ N, 085°35′42.00″ W, and 44°46′2.34″ N, 085°35′50.4″ W.	This event historically occurs late June or early July.
(6) National Cherry Festival Finale Fireworks; Traverse City, MI.	All U.S. navigable waters of the West Arm of Grand Traverse Bay within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W.	This event historically occurs late June or early July.
(7) Canada Day Celebration Fireworks; Sault Sainte Marie, MI.	All U.S. navigable waters of the St. Marys River within an approximate 1400-foot radius from the fireworks launch site, centered approximately 160 yards north of the U.S. Army Corp of Engineers Soo Locks North East Pier, at position 46°30′20.40″ N, 084°20′17.64″ W.	On or around July 1.
(8) Marquette Fourth of July Celebration Fireworks; Marquette, MI.	All U.S. navigable waters of Marquette Harbor within an approximate 1200-foot radius of the fireworks launch site, centered in position 46°32′23.0″ N, 087°23′13.1″ W.	On or around July 4th.
(9) Munising Fourth of July Celebration Fireworks; Munising, MI.	All U.S. navigable waters of South Bay within an approximate 800-foot radius from the fireworks launch site at the end of the Munising City Dock, centered in position: 46°24′50.08″ N, 086°39′08.52″ W.	On or around July 4th.
(10) Sault Sainte Marie Fourth of July Celebration Fireworks; Sault Sainte Marie, MI.	All U.S. navigable waters of the St. Marys River within an approximate 1000-foot radius around the eastern portion of the U.S. Army Corp of Engineers Soo Locks North East Pier, centered in position: 46°30′19.66″ N, 084°20′31.61″ W.	On or around July 4th.
(11) Mackinac Island Fourth of July Celebration Fireworks; Mackinac Island, MI.	All U.S. navigable waters of Lake Huron within an approximate 750-foot radius of the fireworks launch site, centered approximately 1000 yards west of Round Island Passage Light, at position 45°50′34.92″ N, 084°37′38.16″ W.	On or around July 4th.
(12) Harbor Springs Fourth of July Celebration Fireworks; Harbor Springs, MI.	All U.S. navigable waters of Lake Michigan and Harbor Springs Harbor within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site located on a barge in position 45°25′30″ N, 084°59′06″ W.	On or around July 4th.
(13) Bay Harbor Yacht Club Fourth of July Celebration Fireworks; Petoskey, MI.	All U.S. navigable waters of Lake Michigan and Bay Harbor Lake within the arc of a circle with an approximate 750-foot radius from the fireworks launch site located on a barge in position 45°21′50″ N, 085°01′37″ W.	On or around July 4th.
(14) Petoskey Fourth of July Celebration Fireworks; Petoskey, MI.	All U.S. navigable waters of Lake Michigan and Petoskey Harbor, in the vicinity of Bay Front Park, within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site located in position 45°22′40″ N, 084°57′30″ W.	On or around July 4th.

TABLE 165.918—Continued

[Datum NAD 1983]

Event	Location	Event date
(15) Boyne City Fourth of July Celebration Fireworks; Boyne City, MI.	All U.S. navigable waters of Lake Charlevoix, in the vicinity of Veterans Park, within the arc of a circle with an approximate 1400-foot radius from the fireworks launch site located in position 45°13′30″ N, 085°01′40″ W.	On or around July 4th.
(16) Alpena Fourth of July Celebration Fireworks; Alpena, MI.	All U.S. navigable waters of Lake Huron within an approximate 1000-foot radius of the fireworks launch site located near the end of Mason Street, South of State Avenue, at position 45°02′42″ N, 083°26′48″ W.	On or around July 4th.
(17) Traverse City Fourth of July Celebration Fireworks; Traverse City, MI.	All U.S. navigable waters of the West Arm of Grand Traverse Bay within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W.	On or around July 4th.
(18) Charlevoix Venetian Festival Friday Night Fireworks; Charlevoix, MI.	All U.S. navigable waters of Lake Charlevoix, in the vicinity of Depot Beach, within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site located on a barge in position 45°19′08″ N, 085°14′18″ W.	This event historically occurs in late July.
(19) Charlevoix Venetian Saturday Night Fireworks; Charlevoix, MI.	All U.S. navigable waters of Round Lake within the arc of a circle with an approximate 500-foot radius from the fireworks launch site located on a barge in position 45°19′03″ N, 085°15′18″ W.	This event historically occurs in late July.
(20) Elk Rapids Harbor Days Fireworks; Elk Rapids, MI.	All U.S. navigable waters within the arc of a circle with an approximate 750-foot radius from the fireworks launch site located on a barge in position 44°54′6.95″ N, 85°25′3.11″ W.	This event historically occurs in early August.
(21) Nautical City Fireworks; Rogers City, MI.	All U.S. navigable waters within the arc of a circle with an approximate 750-foot radius from the fireworks launch site located near Harbor View Road in position 45°25′04.72″ N, 83°47′51.21″ W.	Early August.

Dated: March 16, 2018.

M.R. Broz,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2018–05721 Filed 3–20–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0006; FRL–9974–76]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions 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 20, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown 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: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or 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 pesticide petition 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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

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 its receipt of several pesticide petitions 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 requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the 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 support granting of the pesticide petitions. 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 these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions 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 petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

Notice of Filing—Amended Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11082. (EPA–HQ–OPP–2018–0036). Pyxis Regulatory Consulting, Inc., 4110 136TH ST CT NW GIG Harbor, WA 98332, on behalf of Aceto Corporation, 4 Tri Harbor Court, Port Washington, NY 11050, requests to amend an exemption from the requirement of a tolerance for residues of 1,1-difluoroethane (CAS Reg. No. 75–37–6) when used as an inert ingredient (propellant) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest pre- and post-harvest under 40 CFR 180.910 and animals under 40 CFR 180.930 to include use in bird repellant pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Notice of Filing—Amended Tolerances for Non-Inerts

PP 7E8631. (EPA–HQ–OPP–2017–0694). The Interregional Research Project No. 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced above under ''New Tolerances'' to remove existing tolerances in 40 CFR part 180. 672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[((methylamino) carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on the following commodities in or on Brassica head and stem, subgroup 5A at 3.0 ppm; Brassica leafy vegetables, subgroup 5B at 30 ppm; and Vegetable, leafy, except Brassica, group 4 at 20 ppm. The high-pressure liquid chromatography with ESI—MS/MS detection is used to measure and evaluate cyantraniliprole. Contact: RD.

Notice of Filing—New Tolerance Exemptions for Inerts (Except PIPS)

1. PP IN–11005. (EPA–HQ–OPP–2017–0179). Acadia Regulatory Consulting, LLC, 331 W King Road, Ithaca, NY 14850, on behalf of Lidan, Inc., 30 Wall Street, 8th Floor, New York, NY 10005, requests to establish an exemption from the requirement of a tolerance for residues for lignosulfonic acid, calcium, comp. with 1,6 hexanediamine polymer with guanidine hydrochloride (1:1), (CAS Reg. No. 1905409–74–6) with a minimum number average molecular weight (in amu) of 10,000 Daltons, when used as a inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not t required for an exemption from the requirement of a tolerance. Contact: RD.

2. PP IN–11058. (EPA–HQ–OPP–2017–0614). Exponent, 1150 Connecticut Ave. NW, Washington, DC 20036, on behalf of Aceto Corporation, 4 Tri Harbor Court, Port Washington, NY 11050, requests to establish an exemption from the requirement of a tolerance for residues of tin oxide (CAS Reg. No. 18282–10–5) when used as an inert ingredient (colorant) in pesticide formulations applied to growing crops under 40 CFR 180.920 for seed treatment use only at a maximum concentration of 40% by weight in a pesticide formulation. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

3. PP IN–11077. (EPA–HQ–OPP–2017–0663). Spring Trading Comp., on behalf of Evonik Corp., P.O. Box 34628, Richmond, VA 23234, requests to establish an exemption from the requirement of a tolerance for residues of 2,4,7,9-tetramethyl-5-decyne-4,7-diol (CAS Reg. No. 126–86–3) and 2,5,8,11-tetramethyldodec-6-yne-5,8-diol (CAS Reg. No. 68227–33–8) under 40 CFR 180.910 and 180.930 when used an inert ingredient (surfactant) in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Notice of Filing—New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. PP 7E8560. (EPA–HQ–OPP–2017–0705). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201 W, Princeton, NJ

08540, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the microbial pesticide *Metschnikowia fructicola* strain NRRL Y–27328 in or on stone fruit, group 12–12; small fruit vine climbing, except fuzzy kiwifruit, subgroup 13–07F; and low growing berry, subgroup 13–07G. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. Contact: BPPD.

2. PP 7F8563. (EPA–HQ–OPP–2017–0748). Green Ravenna, Via Matteotti, 16–48121, Ravenna, Italy (in care of toXcel, LLC, 7140 Heritage Village Plaza, Gainesville, VA 20155), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Pseudomonas* sp. strain DSMZ 13134 in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. Contact: BPPD.

3. PP 7F8574. (EPA–HQ–OPP–2017–0703). OmniLytics, Inc., 9100 South 500 West, Sandy, UT 84070, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the bactericide bacteriophage active against *Xanthomonas citri* subsp. *citri* in or on citrus fruit, including orange, grapefruit, pummelo, mandarin, lemon, lime, tangerine, tangelo, and kumquat. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. Contact: BPPD.

4. PP 7F8621. (EPA–HQ–OPP–2017–0727). Andermatt Biocontrol AG, Stahlermatten 6, CH–6146 Grossdietwil, Switzerland (in care of SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the insecticide *Autographa californica* multiple nucleopolyhedrovirus (AcMNPV) strain FV#11 in or on all food commodities. The petitioner believes no analytical method is needed because AcMNPV strain FV#11 is naturally occurring and is not toxic or pathogenic; therefore, exposure to any residues of AcMNPV strain FV#11 should not be of concern for human health. Contact: BPPD.

Notice of Filing—New Tolerances for Inerts

PP IN–11030. (EPA–HQ–OPP– 2017–0591). Interregional Research Project No. 4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540 requests to amend a tolerance in 40 CFR part 180.560 for residues of cloquintocet-mexyl (acetic acid, [(5-chloro-8-quniolinyl)oxy]-, 1-methylhexyl ester) (CAS Reg. No. 99607–70–2) and its acid metabolite (5-chloro-8-quinlinoxyacetic acid), for use as an inert ingredient (safener) in combination with existing listed active ingredients to include use in or on the raw agricultural commodities Teff, forage at 0.2 ppm; Teff, grain at 0.1 ppm; Teff, straw at 0.1]ppm; Teff, hay at 0.5 ppm. The High Performance Liquid Chromatography with Ultraviolet Detection (HPLC–UV) method is used for the determination of cloquintocet-mexyl (parent) and the HPLC–UV method allows determination of its acid metabolite for the proposed uses. Contact: RD.

Notice of Filing—New Tolerances for Non-Inerts

PP 7E8631. (EPA–HQ–OPP–2017–0694). The Interregional Research Project No. 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[((methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on the following commodities in or on Berry, low growing, except strawberry, subgroup 13–07H, except blueberry, lowbush and lingonberry at 0.08 parts per million (ppm) (proposal to replace an existing tolerance at the same level that is only for imported Berry, low growing, except strawberry, subgroup 13–07H, with a tolerance supporting both domestic production and imported low growing berries, except strawberries); Brassica, leafy greens, subgroup 4–16B at 30 ppm; Caneberry subgroup 13–07A at 4.0 ppm; Celtuce at 20 ppm; Coffee, green bean at 0.05 ppm (proposal to replace an existing tolerance at the same level that is only for imported Coffee, green bean with a tolerance supporting both domestic production and imported coffee); Florence fennel at 20 ppm; Kohlrabi at 3.0 ppm; Leafy greens subgroup 4–16A at 20 ppm; Leaf petiole vegetable subgroup 22B at 20 ppm; and Vegetable, brassica, head and stem, group 5–16 at 3.0 ppm. The high-pressure liquid chromatography with ESI–MS/MS detection is used to measure and evaluate cyantraniliprole. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: February 27, 2018.

Hamaad Syed,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–05639 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 18–23; FCC 18–20]

Elimination of Obligation To File Broadcast Mid-Term Report (Form 397)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) proposes to eliminate the rules requiring certain broadcast television and radio stations to file Form 397, the EEO Broadcast Mid-Term Report. This proposal will continue the Commission's efforts to modernize regulations and reduce unnecessary requirements that no longer serve the public interest.

DATES: Comments are due on or before May 21, 2018; reply comments are due on or before June 19, 2018.

ADDRESSES: You may submit comments, identified by MB Docket No. 18–23, by any of the following methods:

- *Federal Communications Commission's website: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's
- Secretary, Office of the Secretary, Federal Communications Commission.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Jonathan Mark, *Jonathan.Mark@fcc.gov,* of the

Media Bureau, Policy Division, (202) 418–3634. Direct press inquiries to Janice Wise at (202) 418–8165.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 18–20, adopted and released on February 22, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *http://fjallfoss.fcc.gov/edocs_public/* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://fjallfoss.fcc.gov/ecfs2/*. (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

I. Notice of Proposed Rulemaking

1. In the NPRM, we propose to eliminate the requirement in § 73.2080(f)(2) of the Commission's rules that certain broadcast television and radio stations file the Broadcast Mid-Term Report (Form 397). In response to a Public Notice launching the Commission's Modernization of Media Regulation Initiative, a number of parties have asked the Commission to consider eliminating this reporting obligation because it is unnecessary and unduly burdensome. By proposing to eliminate Form 397, we continue our efforts to modernize our regulations and reduce unnecessary requirements that no longer serve the public interest.

2. Section 334(b) of the Communications Act of 1934, as amended (the Act), directed the Commission to revise its regulations to require a mid-term review of broadcast stations' employment practices. Although section 334(b) only applies to TV stations, the Commission currently conducts mid-term reviews for both broadcast TV and radio stations. Pursuant to this direction, and as specified in § 73.2080(f)(2), Commission staff reviews the equal employment opportunity (EEO) practices of all broadcast television stations in station employment units [1] with five or more full-time employees, and all radio stations in employment units with eleven or more full-time employees, around the midpoint of broadcasters' eight-year license terms. After completing a mid-term review, staff informs licensees of any necessary improvements in recruitment practices to ensure that they are in compliance with the Commission's EEO rules.

3. To facilitate mid-term reviews, the Commission adopted the current Form 397 in 2002. Stations subject to mid-term reviews must file Form 397 at least four months prior to the four-year anniversary of the station's most recent license expiration date. Form 397 consists of three sections and requires stations to provide information that, with one exception, also is available in stations' public inspection files. First, stations must certify whether they have the requisite number of full-time employees to be subject to a mid-term review. Stations that do not have the requisite number of full-time employees are not required to file Form 397, but may do so if they choose. Second, stations must identify, by name and title, ''a particular official with overall responsibility for equal employment opportunity at the station.'' This question is also asked in Form 396, Broadcast Equal Employment Opportunity Program Report, which must be included in a station's public file.

4. Third, all stations subject to mid-term reviews must attach to Form 397 copies of their two most recent annual EEO public file reports. Separately, pursuant to § 73.2080(c)(6) of the Commission's rules, each broadcast station must place its EEO public file report both in its public inspection file and on its website, if it has one, on an annual basis.[2] The report must be retained in the public file until the station's next license renewal is granted.

5. We tentatively conclude that eliminating Form 397 will advance the Commission's goal of reducing unnecessary regulatory burdens without undermining our statutorily-required mid-term reviews of broadcaster compliance with the EEO rules. As mentioned above, nearly all the information in Form 397, such as the name of a station official with responsibility for compliance with the Commission's EEO rules and copies of a station's annual public file reports, is also available in stations' public inspection files. The only piece of information required by Form 397 that is not, to date, available in the public inspection file is whether the station has enough full-time employees to trigger a mid-term review. As discussed below, however, we do not believe that the filing of the Form 397 is the only means available by which to obtain this information. We therefore agree with NAB and other commenters that, in light of the nearly-complete transition to online public inspection files, Form 397 is no longer needed to facilitate implementation of the Commission's mid-term review obligations. We therefore tentatively agree with commenters who assert that requiring broadcasters to file Form 397 has become ''redundant and unnecessarily burdensome.''

6. We also tentatively conclude that eliminating Form 397 is consistent with section 334 of the Act. As an initial matter, because section 334 applies expressly to ''television broadcast station licensees,'' it does not implicate Commission regulation of radio licensees. Specifically, Section 334(a) only limits changes to certain Commission EEO regulations governing television; it prohibits revisions to EEO rules ''in effect on September 1, 1992 (47 CFR 73.2080) as such regulations apply to television broadcast station licensees and permittees'' and to the forms ''used by such licensees and permittees to report pertinent employment data to the Commission.'' The legislative history identifies those forms as FCC Forms 395–B and 396. Indeed, as noted above, the Commission originally adopted Form 397 in 2000, eight years after Congress enacted section 334 of the Act. Accordingly, based on the statutory language and legislative history, we tentatively conclude that Form 397 is not subject to the statutory limitation on revisions found in section 334(a) of the Act.

7. As discussed above, Section 334(b) directed the Commission to revise its regulations to ''require a midterm review of television broadcast station licensees' employment practices'' and to ''inform such licensees of necessary improvements in recruitment practices identified as a consequence of such review.'' However, this provision does not require the Commission to adopt Form 397 and does not prohibit the

[1] A station employment unit is a station or a group of commonly owned stations in the same market that share at least one employee.

[2] We note that under 47 CFR 73.2080(d), stations in small employment units with fewer than five employees are exempt from this requirement.

Commission from revising or eliminating it. Because, among other reasons, the Commission will continue to conduct mid-term reviews of broadcast licensees' employment practices even if we eliminate Form 397, we tentatively conclude that section 334(b) does not bar the Commission from modifying or eliminating the Form. We also tentatively conclude that section 334(c) does not preclude the Commission from eliminating Form 397. Considered in context, subsection (c) is most reasonably read as an exception to subsection (a)'s limitation prohibiting the Commission from revising the 1992 EEO rules. While subsection (a) prohibits the Commission from revising the 1992 EEO rules, subsection (c) permits the Commission ''to make nonsubstantive technical or clerical revisions'' to those rules as are ''necessary to reflect changes in technology, terminology, or Commission organization.'' Because the limitation in (a), by its terms, does not apply to Form 397, neither does the exception to (a) that Congress carved out, as reflected in subsection (c). We seek comment on the tentative conclusions related to these statutory interpretations.

8. We also seek comment on how the Commission should identify which stations are subject to a mid-term review, absent Form 397. Commission staff currently conducts mid-term reviews of stations that self-identify as subject to the mid-term review rule by filing Form 397. NAB proposes two possible solutions to identify stations subject to mid-term review, and we seek comment on these suggestions as well as any other approach that would allow such stations to be identified with the least necessary expenditure of resources by both regulatees and the Commission. NAB's first proposal is to require all subject stations to indicate whether they are subject to a mid-term review on their annual EEO public file report. We note that this proposal would not provide information in a format that easily could be aggregated by Commission staff and potentially would require staff to manually review each station's EEO public file reports prior to the mid-term review period to determine which stations are subject to mid-term review. These reports do not follow a prescribed uniform structure, so this information could appear in different locations and in different formats in each report. Although it appears that the costs of including this information on the annual EEO report would likely be *de minimis,* we seek comment on the scope of any potential costs to licensees. Would this approach constitute an overall reduction in the costs incurred by licensees with respect to mid-term reviews?

9. Alternatively, NAB suggests modifying the online public file database itself to require all stations to indicate whether they are subject to a mid-term review as a prerequisite to filing their annual EEO public file report. If we modify the online public file database to include this information, should we adopt NAB's proposed prerequisite approach, such as by adding questions regarding staff size to each station's public file that must be answered before the station can upload its EEO public file report, or should we make some other change? Any such modification to the online file would impose information technology resource costs on the Commission and new burdens on broadcast licensees. What would be the scope of these costs for licensees? Would this approach constitute an overall reduction in the costs incurred by licensees with respect to mid-term reviews? In proposing alternatives to Form 397, commenters should keep in mind that our goal is to reduce the regulatory burden on regulatees while at the same time minimizing the administrative burden and costs on the Commission in its effort to satisfy the statutory objectives of section 334 of the Act.

10. Additionally, we seek comment on whether we should require stations to designate a point of contact responsible for a station's EEO compliance on a more routine basis, if we eliminate Form 397. As noted above, point-of-contact information will continue to be provided through a station's Form 396. Given that Form 396 is filed only once every eight years, however, should we specify a means for stations to update their EEO points of contact more frequently? For example, should we require this information to be included in a station's annual EEO public file report? Are there other options we should consider, such as requiring this information to be included in a station's online public file? Alternatively, should we conclude that the requirement to include a specific EEO point of contact in Form 396 is sufficient?

11. We also seek input on the relative costs and benefits of Form 397 as a means to facilitate mid-term reviews. We ask that parties explain how any benefits derived from the Form compare with the costs. Finally, we seek comment on the FCC's track record on EEO enforcement and how the agency can make improvements to EEO compliance and enforcement. Beyond the mid-term review, would elimination of Form 397 impact the FCC's ability to ensure compliance and enforcement of EEO rules, and if so, how? Similarly, if Form 397 were eliminated, what other mechanisms will the FCC have to monitor and enforce its EEO rules?

II. Procedural Matters

A. Initial Paperwork Reduction Act Analysis

12. This document contains new information collection requirements. It seeks comment on whether and how Commission rules would need to be revised if Form 397 is eliminated, so that Commission staff would be able to determine which broadcast stations are subject to the mid-term review of employment practices, and the name and title of station employees responsible for EEO compliance. The Commission, as part of its continuing efforts to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

B. Initial Regulatory Flexibility Analysis

13. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA) the Commission has prepared this Initial Regulatory Flexibility Act Analysis (IRFA) concerning the possible significant economic impact on small entities by the rules proposed in this Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. Pursuant to the requirements established in 5 U.S.C. 603(a), The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

14. *Need for, and Objectives of, the Report and Order.* The proposed rule changes stem from a Public Notice issued by the Commission in May 2017 launching an initiative to modernize the Commission's media regulations. Numerous parties in that proceeding argued for elimination of the

recordkeeping requirement at issue as redundant and unnecessary. The NPRM proposes to eliminate a provision of the Commission's rules that obligate certain broadcasters to file a Broadcast Mid-Term Report documenting their compliance with the Commission's EEO requirements, without eliminating the mid-term review of employment practices.

15. Specifically, the NPRM proposes to eliminate the requirement in 47 CFR 73.2080(f)(2) that broadcast television stations in station employment units (SEUs) with five or more full-time employees, and radio stations in SEUs with 11 or more full-time employees, file Form 397 four months prior to the date four years after their most recent license expiration date. This proposal is intended to reduce outdated regulations and unnecessary regulatory burdens that can impede competition and innovation in media markets. The NPRM also seeks comment on whether it will be necessary to make other changes to § 73.2080 or the rules governing the online public file in order for Commission staff to determine which stations are subject to the statutory mid-term review of employment practices and the name and title of station employees responsible for EEO compliance.

16. *Legal Basis.* The proposed action is authorized pursuant to sections 1, 4(i), 4(j), and 334 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 334.

17. *Description and Estimates of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, 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.[3] 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.[4] The rules proposed herein will directly affect certain small television and radio broadcast stations, and cable entities. Below is a description of these small entities, as well as an estimate of the number of such small entities, where feasible.

18. *Television Broadcasting.* This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound.'' These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of $25,000,000 or less. Based on this data, we estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

19. In addition, the Commission has estimated the number of licensed commercial television stations to be 1,384. Of this total, 1,264 stations had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017. Such entities, therefore, qualify as small entities under the SBA definition. The Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 394. The Commission, however, does not compile and does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

20. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations[5] must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules would apply does not exclude any television station from the definition of a small business on this basis and therefore could be over-inclusive.

21. There are also 417 Class A stations. Given the nature of this service, we will presume that all 417 of these stations qualify as small entities under the above SBA small business size standard.

22. *Radio Stations.* This economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public.'' The SBA has created the following small business size standard for this category: Those having $38.5 million or less in annual receipts. Census data for 2012 shows that 2,849 firms in this category operated in that year. Of this number, 2,806 firms had annual receipts of less than $25,000,000. Because the Census has no additional classifications that could serve as a basis for determining the number of stations whose receipts exceeded $38.5 million in that year, we conclude that the majority of television broadcast stations were small under the applicable SBA size standard.

23. Apart from the U.S. Census, the Commission has estimated the number of licensed commercial AM radio stations to be 4,486 stations and the number of commercial FM radio stations to be 6,755, for a total number of 11,241. Of this total, 9,898 stations had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) in October 2014. In addition, the Commission has estimated the number of noncommercial educational FM radio stations to be 4,111. NCE stations are non-profit, and therefore considered to be small entities.[6] Therefore, we estimate that the

[3] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). 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**.'' 5 U.S.C. 601(3).

[4] 15 U.S.C. 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission's statistical account of television stations may be over-inclusive.

[5] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.'' 13 CFR 21.103(a)(1).

[6] 5 U.S.C. 601(4), (6).

majority of radio broadcast stations are small entities.

24. We note again, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations [7] must be included. Because we do not include or aggregate revenues from affiliated companies in determining whether an entity meets the applicable revenue threshold, our estimate of the number of small radio broadcast stations affected is likely overstated. In addition, as noted above, one element of the definition of ''small business'' is that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio broadcast station is dominant in its field of operation. Accordingly, our estimate of small radio stations potentially affected by the proposed rules includes those that could be dominant in their field of operation. For this reason, such estimate likely is over-inclusive.

25. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* In this section, we identify the reporting, recordkeeping, and other compliance requirements proposed in the NPRM and consider whether small entities are affected disproportionately by any such requirements.

26. *Reporting Requirements.* The NPRM does not propose to adopt reporting requirements.

27. *Recordkeeping Requirements.* The NPRM does not propose to adopt recordkeeping requirements.

28. *Other Compliance Requirements.* The NPRM does not propose to adopt other compliance requirements. It does seek comment on whether and how Commission rules would need to be revised if Form 397 is eliminated, so that Commission staff would be able to determine which broadcast stations are subject to the mid-term review of employment practices and the name and title of station employees responsible for EEO compliance.

29. The proposed rule revisions, if adopted, will reduce the compliance burden on all affected Commission regulatees, including small entities, by eliminating the requirement to file Form 397. No party in the proceeding has opposed the proposals set forth in the NPRM. We thus find it reasonable to conclude that the benefits of eliminating the rules at issue will outweigh any costs.

30. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed 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 small entities.[8]

31. The NPRM proposes to eliminate the obligation, imposed on certain broadcasters, to file a Broadcast Mid-Term Report on employment practices. Eliminating this requirement is intended to modernize the Commission's regulations and reduce costs and recordkeeping burdens for affected entities, including small entities. Under the current rules, affected entities must expend time and resources gathering and filing consolidated information that is largely already otherwise supplied to the Commission. As noted, the proposed rule revisions are unopposed in the media modernization docket. Thus, we anticipate that affected small entities only stand to benefit from such revisions, if adopted.

32. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule.* None.

C. Ex Parte Rules

33. *Permit-But-Disclose.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

D. Filing Requirements

34. *Comments and Replies.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325,

[7] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.''

[8] 5 U.S.C. 603(c)(1)–(c)(4).

Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

35. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

36. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

III. Ordering Clauses

37. *It is ordered* that, pursuant to the authority found in sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), this Report and Order *is* hereby adopted.

38. *It is further ordered* that, pursuant to the authority found in sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), the Commission's rules *are amended* as set forth in Rules Appendix A of the NPRM, effective as of the date of publication of a summary in the **Federal Register**.[9]

39. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

40. *It is further ordered* that the Commission *shall send* a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

41. *It is further ordered* that, should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 17–231 shall be TERMINATED and its docket closed.

List of Subjects in 47 CFR Part 73

Equal employment opportunity, Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

■ 2. Amend § 73.2080 by revising paragraph (f)(2) to read as follows:

§ 73.2080 Equal Employment Opportunities (EEO).

* * * * *

(f) * * *

(2) The Commission will conduct a mid-term review of the employment practices of each broadcast television station that is part of an employment unit of five or more full-time employees and each radio station that is part of an employment unit of 11 or more full-time employees four years following the station's most recent license expiration date as specified in § 73.1020. If a broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the period that is to form the basis for the mid-term review, that review will cover the licensee's EEO recruitment activity during the period starting with the date it acquired the station.

* * * * *

[FR Doc. 2018–05726 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

[9] These rules serve to ''reliev[e] a restriction.'' 5 U.S.C. 553(d)(1).

NATIONAL CREDIT UNION ADMINISTRATION

48 CFR Part 9

RIN: 3133–AE85

NCUA Suspension and Debarment Procedures

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed Suspension and Debarment Procedures with request for comments.

SUMMARY: The NCUA Board (Board) proposes to adopt suspension and debarment procedures to establish an administrative process protecting the Federal Government's interest in only doing business with presently responsible contractors. This proposal sets forth the NCUA's proposed policies for suspension and debarment and establishes administrative proceedings for contractors subject to the policies.

DATES: Comments must be received on or before May 21, 2018.

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

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *NCUA website: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx.* Follow the instructions for submitting comments.

• *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Proposed Suspension and Debarment Procedures'' in the email subject line.

• *Fax:* (703) 518–6319. Use the subject line described above for email.

• *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

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

Public Inspection: You can view all public comments on the NCUA's website at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those that cannot be posted for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments at the NCUA's headquarters at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin Tuininga, Associate General Counsel for Administrative Law, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6543.

SUPPLEMENTARY INFORMATION:

I. Background
II. The Proposed Procedures
III. Regulatory Procedures

I. Background

The NCUA is updating and modernizing its procurement processes to ensure it implements best practices in spending funds available to it, including those in the agency's Operating Fund and the National Credit Union Share Insurance Fund. Although the NCUA is not required to follow government-wide acquisition laws and regulations, it believes those laws and regulations include best practices developed over years of seeking public comment on expenditure processes. Suspension and debarment remedies have proven to be an important component of government procurement processes. Thus, the NCUA believes it should adopt suspension and debarment procedures to protect both itself and other Executive Branch agencies.

II. The Proposed Rule

This proposed rule sets forth standards and procedures governing suspension and debarment of NCUA contractors, including subcontractors, management officials, key employees and affiliated business entities of such contractors, to protect the Federal Government's interest in only doing business with presently responsible contractors. The NCUA is not required to follow the Federal Acquisition Regulation (FAR) but uses its principles for best practice guidance. The FAR section on suspension and debarment is located at 48 CFR part 9, subpart 9.4.

This proposed rule is similar to the suspension and debarment procedures other federal entities use, which have been developed after extensive public comment and withstood judicial scrutiny. However, the rule may depart in certain respects from the procedures used by other federal entities. With respect to due process provisions, the NCUA seeks to provide at least the same protections to contractors that other agencies have provided in developing their suspension and debarment procedures.

II. Summary of the Proposed Rule

The proposed rule is comprised of eight sections. Section A describes the purpose of the proposed procedures, which is to ensure the NCUA solicits offers from and awards contracts to only presently responsible contractors. While not precisely defined, the proposed procedures use the term ''presently responsible'' in a manner consistent with its traditional use in the suspension and debarment context: A contractor must be able to ''contract with the government in a responsible manner on a going-forward basis.'' [1] In other words, based on available evidence, ''the contractor [must] be trusted to perform in accordance with contract requirements, governing law, and overall, to conduct itself ethically.'' [2] In addition to requiring this standard of its prime contractors, the NCUA will apply the present responsibility threshold in determining whether to consent to subcontracts.

Section A also specifies in footnote 2 that the procedures apply to both the NCUA in its agency capacity and the NCUA Board in its capacity as conservator or liquidating agent for an insured credit union. While the NCUA is not required to follow the FAR in any capacity, the Board believes the purpose of suspension and debarment remedies are important for all of its work, regardless of context. In liquidations, for example, contracting expenses are paid as administrative expenses, the most senior position in the claims priority of 12 CFR 709.5(b). The National Credit Union Share Insurance Fund, uninsured shareholders, and pre-liquidation contractors, on the other hand, are lower priority creditors that only receive funds to the extent they remain after administrative expenses are paid. Thus, the Board believes it is equally important to protect the integrity of the contracting process in the conservatorship and liquidation contexts. The procedures would not apply to any legal services contracts, whether provided on behalf of the NCUA as agency or the NCUA Board as conservator or liquidating agent, as those contracts are managed through separate procedures administered by the NCUA's Office of General Counsel.

Applying suspension and debarment remedies to a conservator or liquidating agent is a departure from the general rule in the NCUA's Acquisition Policy Manual. Although the Board may follow many principles of its Acquisition Policy Manual as conservator or liquidating agent, those activities are not expressly subject to the Manual to avoid any hindrance of special rights the Federal Credit Union Act (FCU Act) grants to the liquidating agent or conservator, including contract repudiation rights. The Board does not have similar concerns with respect to suspension and debarment processes because they are, in effect, remedial, and will not materially restrict the Board's statutory contracting rights as conservator or liquidating agent. However, as with any other aspect of these proposed procedures, the Board welcomes public comment on this bifurcated approach.

Section B sets forth the NCUA's authority for proposing and adopting agency-specific suspension and debarment procedures. This section identifies the FCU Act generally and, specifically, 12 U.S.C. 1766(i)(2) as relevant authority. Other provisions of the FCU Act, including 12 U.S.C. 1789, also directly support the Board's action.

Section C covers the definitions of terms used in the proposed procedures. Among other key terms, Section C defines ''affiliates'' and ''imputation'' for purposes of the procedures and describes the ''present responsibility'' concept. The definitions are based on commonly accepted definitions for similar terms in the FAR and in federal contracting generally.

In addition, Section C sets forth the circumstances that warrant a fact-based debarment, a conviction-based debarment, and a suspension. Fact-based debarments would require the NCUA to establish relevant circumstances by a preponderance of the evidence. Suspensions, in contrast, are permitted under an ''adequate evidence'' standard, meaning information sufficient to support a reasonable belief that a particular act or omission has occurred. The adequate evidence standard amounts to a minimal standard of proof, akin to probable cause and requiring some degree of corroboration but not to a preponderance level. Although they can be imposed under a lesser evidentiary standard, suspensions are generally of shorter duration than debarments.

Section D lists the responsibilities of various NCUA employees in implementing the proposed procedures. Pursuant to this section, the Deputy General Counsel serves as the suspending and debarring official (SDO) who has responsibility to make final decisions under the procedures. Locating this responsibility outside of the NCUA's Office of the Chief Financial Officer (OCFO) protects objectivity and contractor due process by separating suspension and debarment decisions from the division

[1] Robert F. Meunier, Trevor B. A. Nelson, IS IT TIME FOR A SINGLE FEDERAL SUSPENSION AND DEBARMENT RULE? 46 Pub. Cont. L.J. 553, 587 n.176 (2017).

[2] *Id.*

that generally awards and administers contracts.

The procedures require all NCUA offices to refer circumstances that may warrant suspension and debarment to the NCUA contracting officer and the Office of General Counsel attorney assigned to coordinating suspension and debarment proceedings (SDO Admin). However, the NCUA expects most referrals to originate with NCUA contracting officers, who are responsible for overseeing the bulk of the NCUA's contracting activities. The procedures require that circumstances involving potential criminal activity also be referred to the NCUA's Office of Inspector General.

The proposed procedures identify a non-exhaustive list of circumstances that should be referred to the NCUA contracting officer, the SDO Admin, and the OIG (as applicable). These circumstances include the following:

1. Contractor fraud, dishonesty or unethical behavior;
2. repeated or severe contract performance issues;
3. unmitigated or undisclosed conflicts of interest; and
4. improper invoicing or questionable costs.

These general referral criteria are in addition to circumstances where an NCUA office might discover evidence of more specific circumstances that may support fact-based or conviction-based debarments or suspensions, as identified in Section C.

Even after a referral results in suspension or debarment, the proposed procedures give the Executive Director authority to approve the award of a contract or subcontract to an ineligible contractor for ''compelling reasons'', documented in writing. This provision does not expressly limit the Executive Director's discretion, as such circumstances are difficult to anticipate. However, the NCUA expects to encounter such compelling reasons on rare occasions, if ever.

Section E explains the impact of a suspension or debarment. A suspended or debarred contractor or subcontractor will be ineligible to receive contract solicitations, awards, or subcontracting consents from Executive Branch agencies. The FAR permits other agencies to proceed with an award only if the agency's head determines there is a compelling reason for an exception.[3] The proposed procedures would subject the NCUA to this same limitation with respect to contractors suspended or debarred by other Executive Branch agencies. Thus, the NCUA in any capacity, subject only to the Executive Director's authority discussed above, will not solicit, award, or consent to contracts or subcontracts involving suspended or debarred contractors, regardless of the agency that issued the suspension or debarment.

In general, the FAR permits agencies to continue contracts or subcontracts entered into before the NCUA initiates suspension or debarment proceedings. A proceeding is deemed initiated when entered into the System for Award Management,[4] which provides notice to other agencies. As with prime contractors, when another agency has debarred, suspended, or proposed for debarment a subcontractor for any subcontract that requires the NCUA's consent, the NCUA's contracting officers may not consent unless the NCUA's Executive Director provides compelling reasons in writing.

Section F recites the process for NCUA offices to refer matters to the SDO Admin and the SDO for a determination. It specifies the contents of action referral memorandums and periods for referrals to the SDO Admin. The general referral period within which an NCUA office should refer a matter to the SDO Admin is 30 days but, for referrals based on convictions (defined to include criminal convictions or civil judgments), the procedures impose a shorter, 10-day, referral period. Section F also lists pertinent documents that should be included with an action referral memorandum, which together comprise the referral materials.

Section G describes the decision-making process the NCUA proposes to use once a matter has been presented to the SDO. This section requires the SDO Admin to coordinate any proposed action with the Interagency Suspension and Debarment Committee, composed of suspension and debarment representatives from federal agencies. The Board believes this coordination process will ensure the NCUA works with other agencies and is fully informed of circumstances that may affect ongoing or pending procurements.

Section G includes a list of potential actions the SDO can take after considering a presented matter and action referral memorandum, including rejecting the memorandum, issuing a show cause letter or notice of suspension, or issuing a notice of proposed debarment. Each option lists requirements and the contents to be included in related notices to contractors. For notices of suspension or proposed debarment, the contractor will receive the action referral memorandum and may have access to the entire administrative record, on request, unless the law or parallel proceedings warrant its partial or complete redaction or withholding.

The procedures provide a maximum of 30 days from receipt of a notice for a contractor to respond. In the case of a notice of suspension or notice of proposed debarment, the contractor may respond with a presentation of matters in opposition (PMIO). The PMIO can be presented in person or in writing and may occur through a representative. The contractor may also request meetings with the SDO. The SDO may transcribe meetings and conference calls at the SDO's discretion. The proposed procedures require the SDO to consider all matters in the PMIO in the SDO's final decision. If a contractor fails to respond to notices the SDO issues, the existence of the basis for suspension or debarment is deemed admitted.

The proposed procedures provide for a fact-finding proceeding only for fact-based actions (those not based on a conviction or civil judgment) where the SDO determines one or more genuine issues of material fact exist. In such a case, the SDO will appoint an individual to oversee the proceeding, generally scheduled within 60 days of receiving the PMIO, at which the contractor can appear with counsel, submit evidence, and examine agency witnesses. The procedures set recommended timeframes and requirements for fact-finding proceedings, including the form of a final decision and composition of the administrative record.

Fact-finding proceedings are transcribed unless otherwise mutually agreed upon, and the contractor can obtain a transcript of the proceedings at its request and at its cost. The standard of proof for determining the disputed facts is preponderance of the evidence. These processes and requirements are consistent with the long-established due process FAR-based agencies have established in suspension and debarment procedures.

From the point of referral through a final determination, the NCUA will maintain and document all information considered by the SDO to include the action referral memorandum, the PMIO (including mitigating factors) and transcripts of any fact-finding proceedings. This is the administrative record.

The SDO's final determination is issued in writing, based on the administrative record. Decisions will

[3] 48 CFR 9.405(a).

[4] The System for Award Management is the General Services Administration's government-wide support system for contract awards, which includes a list of parties excluded from Executive Branch contracts.

generally be issued within 30 or 45 working days after closing the administrative record, depending on whether the proceeding is conviction based or fact based. The administrative record will be deemed closed when the SDO Admin submits all evidence to the SDO for a final decision. The SDO Admin will advise the contractor in writing promptly after the administrative record has been closed, including the date it was closed.

The final decision may reflect a determination (i) not to debar the contractor; (ii) to terminate a suspension; or (iii) to debar the contractor. Further, the SDO and the contractor are free to negotiate an administrative agreement resolving all or some issues at any point in the proceedings. Other than as limited by law, the proposed procedures set no limitations on the parties' discretion with respect to the terms and conditions of administrative agreements.

Section G also specifies the contractor's right to seek judicial review of an adverse decision from the SDO. On this issue, the Board invites comment on whether to permit additional administrative appeal rights within the NCUA. Although Interpretive Ruling and Policy Statement 11–1 provides that ''the NCUA Board serves as the final administrative decision maker for major disputes that are not otherwise covered by this IRPS or Parts 709, 745, 792 or 747'' of NCUA regulations, the Board does not intend at this time for this general appeal right to apply to suspension and debarment procedures.[5] Nevertheless, the Board is open to providing some further level of appeal within the agency, based on the administrative record. While additional appeal rights can require additional resources and significantly extend final determinations, they could also strengthen the administrative record against challenges in court. If the Board were to grant additional administrative appeals, it would adopt processes within the final procedures that are similar to those permitted for creditor claim appeals and insurance determination appeals in 12 CFR 709.8(c)(1) and 745.202, respectively.

Section H specifies permitted activities after imposition of a suspension or debarment. Until such condition is removed, a contractor may continue to perform current contracts (unless an agency terminates or voids them), subject to the following conditions (except as otherwise provided in the procedures):

1. New work may not be added.
2. Options may not be exercised.
3. Duration may not be otherwise extended.
4. New task orders may not be issued (except up to a guaranteed minimum).
5. New orders may not be placed.

The procedures would apply to actions initiated by the NCUA on or after the effective date of a final rule adopting the procedures, regardless of the date of the activities or circumstances that give rise to subsequent NCUA action under the procedures. Once the Board adopts a final version, the procedures will be posted on the NCUA's website, in addition to being published in the **Federal Register**. The Board invites comment on any and all of the matters discussed above and on any additional matters addressed in the draft procedures included at the end of this notice.

III. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires the NCUA to prepare an analysis to describe any significant economic impact a proposed rule may have on a substantial number of small entities (currently defined by the NCUA as federally insured credit unions with under $100 million in assets). In this case, the NCUA does not expect that the proposed Suspension and Debarment Procedures would ever apply to a federally insured credit union. In addition, the NCUA does not expect that the Procedures would apply to a substantial number of small businesses, as defined in the RFA and as further established by the Office of Advocacy of the Small Business Administration.

The proposed rule closely follows the suspension and debarment procedures of the Federal Acquisition Regulation, which already applies to government contractors, without imposing any additional economic burden. To the extent of any variation from the Federal Acquisition Regulations, the proposed Procedures contain no recordkeeping or substantive regulatory requirements, varying only in adjudication processes. The proposed rule therefore will not have a significant economic impact on a substantial number of federally insured credit unions under $100 million in assets or on other small entities as defined by the Small Business Administration. Accordingly, the NCUA has determined and certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. No regulatory flexibility analysis is required.

Notwithstanding the NCUA's determination that this rule will not have a significant economic impact on a substantial number of small entities, the NCUA Board invites comments regarding less burdensome alternatives to this rule that will meet the NCUA's objectives as described in the preamble.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden.[6] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. The proposed rule will not create any new paperwork burden that meets the definition of an information collection. Thus, the NCUA has determined that the terms of this proposed rule do not increase the paperwork requirements under the PRA and regulations of the Office of Management and Budget.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. This proposed rule would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

D. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

By the National Credit Union Administration Board on March 15, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the Board proposes to adopt the following

[5] *https://www.ncua.gov/Legal/Documents/IRPS/IRPS2011-1.pdf.*

[6] 44 U.S.C. 3507(d).

NCUA Suspension and Debarment Procedures:

NCUA Suspension and Debarment Procedures

A. Purpose

The purpose of these suspension and debarment procedures is to establish an administrative process to protect the Government's interest in only doing business with presently responsible contractors. The NCUA [1] shall only solicit offers from, award contracts to, and consent to subcontracts with presently responsible contractors. These procedures implement the NCUA's policies for suspension and debarment and establish administrative proceedings for contractors subject to the policies.

B. Authority

The NCUA's suspension and debarment authority derives from the Federal Credit Union Act 12 U.S.C. 1751 *et seq.,* and 12 U.S.C. 1766(i)(2), specifically. The NCUA is not required to follow the Federal Acquisition Regulation but uses the principles therein for best practice guidance. The Federal Acquisition Regulation (FAR) section on suspension and debarment is located at 48 CFR part 9, subpart 9.4. The NCUA also has its own Acquisition Policy Manual.

C. Definitions

1. Action Referral Memorandum (ARM). The investigative report developed and compiled by an NCUA office recommending that the Suspending and Debarring Official (SDO) take a suspension or debarment action against a contractor.

2. Administrative Agreement. Administrative Agreements are usually entered into in lieu of suspension or debarment actions. Typically the agreements include acceptance of responsibility, voluntary exclusion by the contractor, some provision of restitution, any contractor responsibilities with respect to codes of conduct, training, and the contractor's promise to report progress to the NCUA, and generally include consequences for breach of the agreement. The terms of the Administrative Agreement and contents will be determined on a case-by-case basis.

3. Administrative Record. The entire record of information and proceedings. This includes all information considered by the SDO that is the basis of the final decision.

4. Affiliates. Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, (1) either one controls or has the power to control the other, or (2) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor that has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment.

5. Civil Judgement. A judgement or finding of a civil offense by a court of competent jurisdiction.

6. Contractor. Contractor means any individual or other legal entity that: (1) Directly or indirectly (for example, through an affiliate), submits offers for, or is awarded, or reasonably may be expected to submit offers for, or be awarded, a Government contract or a subcontract under a Government contract; or (2) conducts business, or reasonably may be expected to conduct business, with the Government as an agent or representative or another contractor.

7. Debarment. A final decision made by the SDO to exclude a contractor from Government contracting and Government-approved subcontracting or covered transactions for a reasonable, specified period (usually not exceeding three years). A contractor is first proposed for debarment and afforded an opportunity to present its defenses and mitigating factors.

a. Fact-Based Debarment. The cause for the debarment is based on factual circumstances (for example, history of poor performance or willful misconduct). The NCUA must be able to prove the action by a ''preponderance of the evidence.'' Preponderance of the evidence means that the fact(s) at issue are more likely than not (over 50%) to be true. A contractor, based upon a preponderance of the evidence, can be debarred for any of the following:

i. Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as:

1. Willful failure to perform in accordance with the terms of one or more contracts; or

2. a history of failure to perform, or of unsatisfactory performance of, one or more contracts.

ii. Violations of a Drug-Free Workplace, as indicated by:

1. Failure to comply with the requirements of a Drug-Free Workplace; or

2. such a number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace.[2]

iii. Intentionally affixing a label bearing a ''Made in America'' inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States, when the product was not made in the United States.[3]

iv. Commission of an unfair trade practice.[4]

v. Delinquent Federal taxes in an amount that exceeds $3,500. Federal taxes are considered delinquent for purposes of this provision if the *tax liability is finally determined (i.e. assessed) and the taxpayer is delinquent in making payment.*

vi. Knowing failure by a principal, until 3 years after final payment on any Government contract awarded to the contractor, to timely disclose to the Government, in connection with the award, performance, or closeout of the contract or a subcontract thereunder, credible evidence of:

1. Violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations; [5]

2. violation of the civil False Claims Act; [6] or

3. significant overpayment(s) on the contract, other than overpayments resulting from contract financing payments.

vii. A contractor, based on a determination by the Secretary of Homeland Security or the Attorney General of the United States, not in compliance with Immigration and Nationality Act employment provisions.[7] Such determination is not reviewable in the debarment proceedings.

viii. A contractor has miscertified its status as a minority- and/or women-owned business.

[1] Throughout these procedures, unless otherwise noted, the ''NCUA'' refers the NCUA in its agency capacity and also to the NCUA Board as conservator or liquidating agent for an insured credit union. Legal services contracts the NCUA enters into in any capacity, through the Office of General Counsel, are not subject to these suspension and debarment procedures.

[2] 41 U.S.C. Chapter 81.

[3] Section 202 of the Defense Production Act; Public Law 102–558.

[4] Section 201 of the Defense Production Act; Public Law 102–558.

[5] Title 18 U.S.C.

[6] 31 U.S.C. 3729–3733.

[7] Executive Order 12989, as amended by Executive Order 13286.

ix. Any other cause of so serious or compelling a nature that it affects the present responsibility of the contractor or subcontractor.

b. Conviction-Based Debarment. A debarment action based on a conviction or civil judgement. A contractor can be debarred for a conviction or civil judgement based on one or more of the following circumstances:

i. Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract.

ii. Violation of Federal or State antitrust statutes relating to the submission of offers.

iii. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property.

iv. Intentionally affixing a label bearing a ''Made in America'' inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States, when the product was not made in the United States.[8]

v. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

8. Imputation. Attributing the misconduct of an individual or organization to another individual or organization by virtue of the latter's knowledge or implied knowledge of the misconduct. An agency may impute the basis of a suspension or debarment through the following relationships: Individual to organization; organization to individual; individual to individual; and joint ventures.

9. Indictment. An indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense is given the same effect as an indictment.

10. Presentation of Matters in Opposition (PMIO). The contractor may submit matters in opposition to the suspension or proposed debarment. The contractor may submit matters in person, in writing, or through a representative. The contractor may also use a combination of those methods.

11. Present Responsibility. A contractor is presently responsible if the contractor is ethical, honest, competent, and has not acted in any way that reveals a lack of business integrity or business honesty, or an inability to satisfactorily perform Government contracts.

12. System for Award Management (SAM). SAM is the exclusion database that applies across the Executive Branch. SAM is an official U.S. Government system.

13. Suspension. A suspension is an immediate, but temporary (usually 12 months), measure imposed by the SDO, rendering a contractor ineligible to receive new Government contracts or subcontracts, pending the outcome of a legal proceeding or investigation that could give rise to a debarment.[9]

a. Adequate Evidence for Suspension. The NCUA must have adequate evidence and an immediate need to suspend a contractor. Adequate evidence is information sufficient to support a reasonable belief that a particular act or omission has occurred. A contractor can be suspended upon adequate evidence of one or more the following:

i. Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract.

ii. Violation of Federal or State antitrust statutes relating to the submission of offers.

iii. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property.

iv. Violations of a Drug-Free Workplace, as indicated by:

1. Failure to comply with the requirements of a Drug-Free Workplace; or

2. Such a number of contractor employees convicted of violations of criminal drug statutes occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace.[10]

v. Intentionally affixing a label bearing a ''Made in America'' inscription (or any inscription having the same meaning) to a product sold in or shipped to the United States, when the product was not made in the United States.[11]

vi. Commission of an unfair trade practice.[12]

vii. Delinquent Federal taxes in an amount that exceeds $3,500. Federal taxes are considered delinquent for purposes of this provision if the *tax liability is finally determined (i.e. assessed) and the taxpayer is delinquent in making payment.*

viii. Knowing failure by a principal, until three years after final payment on any Government contract awarded to the contractor, to timely disclose to the Government, in connection with the award, performance, or closeout of the contract or a subcontract thereunder, credible evidence of:

1. Violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations; [13]

2. violation of the civil False Claims Act; [14] or

3. significant overpayment(s) on the contract, other than overpayments resulting from contract financing payments.

ix. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

An indictment for any of the foregoing will be considered adequate evidence for suspension.

D. Responsibilities

1. NCUA Executive Director. The Executive Director has the authority to approve the award of a contract or subcontract to an ineligible contractor for compelling reasons. Decisions to award a contract or subcontract to ineligible contractors must be documented in writing in advance of an award.

2. The Suspending and Debarring Official (SDO). The Deputy General Counsel serves as the SDO. The SDO decides whether to impose a suspension and debarment action. The decision whether to suspend or debar is a business decision and, unless mandated by statute or executive order, is discretionary. The SDO decides whether to send out a Notice of Suspension or a Notice of Proposed Debarment, issue a Show Cause Letter, or take no action. Upon commencing a formal action, the SDO reviews the ARM, considers any PMIO submitted or presented by the

[8] Section 202 of the Defense Production Act; Public Law 102–558.

[9] If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests an extension, in which case it may be extended for six months. Suspensions cannot extend beyond 18 months unless legal proceedings have been initiated within that period. The NCUA shall notify the Department of Justice of the proposed termination of the suspension, at least 30 days before the 12-month period expires to give the Department of Justice an opportunity to request an extension.

[10] 41 U.S.C. Chapter 81.

[11] Section 202 of the Defense Production Act; Public Law 102–558.

[12] Section 201 of the Defense Production Act; Public Law 102–558.

[13] Title 18 U.S.C.

[14] 31 U.S.C. 3729–3733.

contractor, and determines whether a fact-finding proceeding is necessary. The SDO may negotiate an Administrative Agreement with the contractor. The SDO's final decision is based on the ARM and the entire Administrative Record.

3. Office of the General Counsel (OGC). OGC provides legal advice regarding the suspension and debarment program to the NCUA. OGC reviews the ARM, any other notices and correspondence, the Administrative Record, the SDO decision, any Administrative Agreement and other documents for legal sufficiency. OGC also reviews and concurs in any decision from the OCFO, to terminate or void contracts held by suspended, debarred, or proposed-for-debarment contractors.

4. SDO Admin. The SDO Admin is a procurement attorney in OGC. The SDO Admin receives referral packages and coordinates with the OCFO, the SDO, and other interested NCUA parties. The SDO Admin also coordinates suspension and debarment actions with other agencies and enters ineligible contractors into SAM. The SDO Admin coordinates with the OIG, when necessary and appropriate.

5. Office of the Chief Financial Officer (OCFO). OCFO contracting officers shall evaluate the responsibility of prospective contractors before award, to include checking SAM. Contracting officers shall also ensure contractor compliance with contract terms and conditions and shall coordinate appropriately with any NCUA office and the SDO Admin on a suspension and debarment action.

6. Office of Inspector General (OIG). The OIG's work may form the basis for a referral for suspension or debarment. The OIG shall raise any matters of concern resulting from audits, evaluations and investigations. Other NCUA offices may refer areas of concern to the OIG for investigation.

7. All NCUA Offices. All NCUA offices must report misconduct that may give rise to a suspension and debarment action to the NCUA contracting officer and the SDO Admin upon any indication of a cause for suspending and debarring contractors. Situations that involve possible criminal or fraudulent activities must also be referred to the OIG. Along with more specific bases for debarments and suspensions listed in Section C, the following general matters may be grounds for suspension and debarment and should be referred: Contractor fraud, dishonesty, or unethical behavior; repeated or severe contract performance issues; unmitigated or undisclosed conflicts of interest; and improper invoicing and/or questionable costs.

E. Effect of Listing [15]

1. Contractors debarred, suspended, or proposed for debarment are excluded from receiving contracts, and the FAR provides that agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors, unless the agency head determines there is a compelling reason for such action. Subject to any exceptions in this policy, the NCUA shall not award new contracts, place orders exceeding the guaranteed minimum on indefinite delivery contracts, place orders under schedule contracts, add new work, exercise options, or extend the duration of a contract with any contractor debarred, suspended, or proposed for debarment. Except as otherwise provided in applicable law, a suspension and debarment action taken by the NCUA will exclude the contractor from all awards of other contracts within the Executive Branch.

a. Current contracts. Any NCUA decision to terminate or void a current contract shall be subject to review and concurrence by OGC.

b. Restrictions on subcontracting. When a contractor debarred, suspended or proposed for debarment is proposed as a subcontractor for any subcontract subject to NCUA consent, contracting officers shall not consent unless the Executive Director states in writing the compelling reasons to do so.[16]

F. Procedures for Referring Matters to the SDO

1. General. The referring office shall provide any and all facts and information giving rise to the possible suspension and debarment, including any available documentation to the SDO Admin. Conviction-based debarment matters should be referred within 10 working days of discovery and, to the extent practicable, all other matters should be referred within 30 calendar days. The referring office shall submit an ARM to the SDO Admin. The SDO Admin will coordinate the ARM with the SDO, the NCUA contracting officer and any other necessary party.

2. Contents of the ARM. The ARM must include the following information, if applicable:

a. Information on the contractor:

i. Identity of respondents (contractors/affiliates/business entities).

ii. Position(s) held by individuals within the business entity.

iii. Fictitious names or aliases.

iv. Current mailing addresses of named parties and/or last known business address.

v. Current telephone and fax numbers for named parties.

vi. Dun and Bradstreet identifier and/or the Commercial and Government Entity Code.

vii. SSN and/or birthdates of individuals.

viii. Listing of subsidiaries, affiliates, and parent companies.

b. Pertinent Documents.

i. NCUA-affected contract numbers and copies of the contract(s).

ii. Listing of any other contracts the entity has with other Government agencies.

iii. Invoices and other cost and pricing information.

iv. Any indictment, legal documents, sentencing transcripts or memoranda, any judgement and conviction, settlement agreement or final order.

v. Explanation of current business corporate structure, if known.

vi. Any business-related documents (articles of incorporation).

vii. Emails and communication between the NCUA and the contractor.

c. Business activity of the contractor and nexus statement. The ARM must contain a narrative explaining the relationship between the conduct of the contractor and the NCUA's mission and/or activities and include a statement of the grounds for suspension and debarment. The narrative should focus on the contractor's integrity and present responsibility and why the NCUA needs protection. The narrative should show the SDO what happened in clear and concise terms. Mitigating factors that can be addressed are whether the individual(s) cooperated with any investigation, whether behavior was repetitive, and whether any individuals self-disclosed. Time critical events should be addressed (for example, whether the contractor is being considered for new award or an option is about to be exercised).

d. Recommended course of action. The ARM shall recommend a suspension, proposal for debarment, or show cause letter. The ARM can also

[15] The nonprocurement common rule is a model rule published in the **Federal Register** and used by agencies to suspend, debar, or exclude contractors from participation in nonprocurement activities. Nonprocurement activities include grants, cooperative agreements, scholarships, fellowships, loans, loan guarantees, subsidiaries, insurance, payments for specified use, and donation agreements. FAR and NCR-based suspension and debarment actions are recognized equally by agencies regardless of which regulations they follow.

[16] Also, contractors shall not enter into any subcontract in excess of $35,000, other than a subcontract for a commercially available off the-shelf item, with a party that is debarred, suspended, or proposed for debarment.

propose a period for the suspension or debarment.

G. Decision-Making Process

a. Upon receipt of a referral, the SDO Admin will ensure that the file has all of the required elements. The SDO Admin will coordinate with the referring office, the OIG, the NCUA contracting officer and any other necessary party if more information is needed. The SDO Admin will coordinate any proposed action with the Interagency Suspension and Debarment Committee (ISDC). The ISDC is an organization composed of suspension and debarment representatives from agencies and coordinates lead agency status among agencies. The lead agency is usually the agency with the highest amount of contracting dollars with the vendor.

b. The SDO Admin will then forward the ARM to the SDO. Upon the receipt of a referral, the SDO will decide the appropriate action to take. After consultation with OGC, the SDO may take any of the following actions:

i. Reject the ARM and take no action. The SDO may determine there is not enough evidence to initiate an action. The SDO will document the decision not to take action and tell the SDO Admin. The SDO Admin will coordinate this decision within the NCUA. Continuous monitoring of the contractor may be recommended.

ii. Issue a Show Cause Letter. The SDO may issue a Show Cause Letter to the contractor rather than initiating a formal suspension or debarment action. The SDO Admin will send the Show Cause Letter to the contractor through USPS certified mail, return receipt requested, and forward a copy to the NCUA contracting officer and the OIG if necessary. The letter must include all of the following:

1. A description of the alleged misconduct.

2. Notice that the misconduct may form the basis for a suspension and debarment action.

3. A request for the contractor to admit, deny, or explain the alleged misconduct.

4. A time for a contractor to respond (no more than 30 calendar days from the date of receipt).

5. Notice of consequences for failure to respond to the letter or adequately address the allegations of misconduct.

iii. Issue a Notice of Suspension or Notice of Proposed Debarment. The SDO may begin formal proceedings by issuing a Notice of Suspension or a Notice of Proposed Debarment. Issuance of either, immediately renders the contractor (and any named affiliates) ineligible to receive Executive Branch contracts and the SDO Admin will enter the contractor's name into SAM. Notice shall be sent by USPS certified mail, return receipt requested to the last known address of the contractor.

1. Notice of Proposed Debarment. The notice shall inform the contractor (and any named affiliates):

a. That it is being considered for debarment;

b. of the reasons/causes for the proposed debarment;

c. of the effect of the proposed debarment;

d. of the potential effect of a debarment (including scope of ineligibility);

e. that the contractor has 30 calendar days from receipt of the notice to respond with its PMIO in person, in writing, or through a representative with information and arguments opposing the proposed debarment; and

f. that the NCUA may conduct a fact-finding proceeding.

A copy of the ARM will be sent with the notice. A copy of the entire Administrative Record will be made available to the contractor upon request, unless applicable law or parallel proceedings warrant the SDO's partial or complete redaction or withholding of the Administrative Record.

2. Notice of Suspension. The notice shall inform the contractor (and its affiliates) of the following circumstances:

a. That it has been suspended;

b. whether the suspension is based on indictment or other adequate evidence that the contractor has committed misconduct warranting immediate action;

c. that the suspension is for a temporary period, pending the completion of an investigation (if the suspension is based on indictment there is no time limit);

d. the cause(s) for imposing the suspension;

e. the effect of the suspension (including the scope of ineligibility);

f. that the contractor has 30 calendar days from receipt of the notice to respond with its PMIO in person, in writing, or through a representative with information and argument opposing the suspension; and

g. that the NCUA may conduct a fact-finding proceeding if the SDO finds that material facts are in dispute.

A copy of the ARM will be sent with the notice. A copy of the entire Administrative Record will be made available to the contractor upon request, unless applicable law or parallel proceedings warrant the SDO's partial or complete redaction or withholding of the Administrative Record.

iv. Contractor's PMIO.

After receiving notice of a suspension or debarment, the contractor has 30 calendar days from receipt of the notice to respond with its PMIO in person, in writing, or through a representative with information and argument opposing the proposed suspension or debarment. There is no set format for how the PMIO must be submitted. The contractor may request a meeting with the SDO. The SDO will decide whether to transcribe meetings and conference calls on a case-by-case basis. The PMIO should raise all contractor defenses, contested facts, admissions, remedial actions taken and any mitigating factors. Mitigating factors can include explaining whether the contractor (a) has effective standards of internal control systems or adopted of such controls; (b) brought the misconduct to the attention of the NCUA in a timely manner; (c) internally investigated the misconduct; (d) cooperated fully with any NCUA investigation; (e) paid or agreed to pay restitution; (f) took appropriate disciplinary actions against individuals responsible for misconduct; (g) implemented or agreed to implement new remedial measures; (h) instituted or agreed to issue new training or ethics programs; (i) has had adequate time to eliminate the circumstances in the organization that led to the misconduct; and (j) whether management recognizes the seriousness of the misconduct and has implemented programs to prevent recurrence. The SDO must consider all matters in the PMIO in rendering a final decision. A contractor's failure to respond to the notices sent by the SDO shall be deemed an admission of the existence of the cause for suspension or debarment. In that case, the SDO may proceed to a final decision without further proceedings.

A fact-finding proceeding occurs if actions are not based upon a conviction or civil judgement and when, after receipt of the PMIO, the SDO determines there is a genuine dispute over material fact(s). A fact-finding proceeding is called to consider the fact(s). A fact-finder can be any individual appointed by the SDO to oversee the proceeding. The contractor shall be afforded the opportunity to appear with counsel, submit documentary evidence and confront agency witnesses. The proceeding shall be transcribed unless otherwise mutually agreed upon, and the contractor can obtain a transcript of proceedings at its request and at its cost. The SDO shall attempt to schedule this proceeding within 60 calendar days of the PMIO. If there are numerous grounds for suspension and debarment,

the proceeding can be limited to the grounds in dispute having a genuine issue of material fact. The disposition of the fact-finding proceeding will be documented by the SDO. The standard of proof for determining the disputed facts is preponderance of the evidence.

c. Compiling the Administrative Record. During the process, the NCUA shall maintain and document all information considered by the SDO to include the ARM, the PMIO (including mitigating factors) and transcripts of any fact-finding proceedings. This is the Administrative Record. The following records, in addition to any other similar materials, shall also be included if considered by the SDO: Emails; notes; contract documents; newspaper articles; and summaries of oral briefings and contractor submissions. Any information not relied on by the SDO should not be included. Once the SDO issues a final decision, the contractor may request a copy of the Administrative Record. The SDO may deny the request or withhold or redact part of the Administrative Record if warranted under applicable law or because of parallel proceedings.[17] In any circumstance where the SDO redacts or withholds all or part of the Administrative Record, the SDO will provide the reasons for doing so to the contractor in writing.

d. Final Decision. The SDO shall issue a written final decision based on the Administrative Record. The SDO shall issue a conviction-based debarment within 30 working days after closing the Administrative Record and within 45 working days of closing the Administrative Record for a fact-based suspension or debarment. The SDO has discretion to extend these deadlines. The Administrative Record will be deemed closed when the SDO Admin submits all evidence to the SDO for a final decision. The SDO Admin will advise the contractor in writing promptly after the Administrative Record has been closed, including the date it was closed. All correspondence shall be sent USPS certified mail, return receipt requested, by the SDO Admin. The SDO can take the following actions in a final decision:

i. Not Debar the Contractor. The SDO may decide not to debar the contractor. The decision shall include, if applicable, referral to the Notice of Proposed Debarment; a summary of proceedings; the identities of affiliates or imputed conduct; and the reasons for not debarring (for example, an Administrative Agreement; mitigating factors; or remedial measures taken by the contractor). The decision shall notify the contractor that it may request a copy of the Administrative Record and give notice of the effective date of the decision. The SDO Admin will remove the contractor's name from SAM.

ii. Terminate the Suspension. The SDO may decide to terminate the suspension. The decision shall include, if applicable, referral to the Notice of Suspension; a summary of proceedings; the identities of affiliates or imputed conduct; and the reason for terminating the Suspension (for example, an Administrative Agreement; mitigating factors; or remedial measures taken by the contractor). The decision shall notify the contractor that it may request a copy of the Administrative Record and give notice of the effective date of the decision. The SDO Admin will remove the contractor's name from SAM.

iii. Debar the Contractor. The SDO may decide to debar the contractor. This decision must be based on the preponderance of the evidence. The decision shall include, if applicable, referral to the Notice of Proposed Debarment; a summary of proceedings; identities of affiliates or imputed conduct; the information considered by the SDO; the reasons for debarring; the scope of ineligibility; the consequences of debarment (application across the Executive Branch); and the effective dates of debarment. The decision shall notify the contractor that it may request a copy of the Administrative Record. The SDO Admin will enter the debarred contractor into SAM.

iv. Enter into an Administrative Agreement. At any time during the proceedings, the SDO may negotiate an Administrative Agreement with the contractor. An Administrative Agreement applies across the Executive Branch when entered into SAM. The terms of the Administrative Agreement and contents of the Agreement will be determined on a case-by-case basis.

e. Contractor's Remedy. After a decision is made, a suspended or debarred contractor may seek judicial review. OGC (in coordination with the Department of Justice, as appropriate or required) will work with the referring office, the SDO, and OCFO to litigate these claims.

H. NCUA Action after a Decision. If a suspension or debarment is imposed, NCUA offices must take steps to ensure the contractor does not receive any new contracts. Upon the effective date of SAM listing, the NCUA must not solicit offers from, award contracts to, or consent to contracts with ineligible contractors. Suspended or debarred contractors may continue performing current contracts (unless those contracts are terminated or voided) but cannot (a) add new work, exercise options, or otherwise extend the duration of the contract or order; (b) issue task orders exceeding the guaranteed minimum under indefinite quantity contracts; or (c) place orders under blanket purchase agreements or basic ordering agreements. The NCUA must review any current contracts held by the contractor to determine whether to terminate or void those contracts. A decision to terminate or void a contract requires OGC concurrence.

[17] Parallel proceedings occur when two or more contemporaneous legal actions are initiated by different Government entities against the same contractor, and involving the same material facts. Often these arise when an agency has suspended or proposed a contractor for debarment and the Department of Justice is investigating or prosecuting the contractor for the same misconduct.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170413393–8178–01]

RIN 0648–BG83

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Modifications to Individual Fishing Quota Programs

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Amendment 36A to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf) (Amendment 36A), as prepared by the Gulf of Mexico Fishery Management Council (Council). This proposed rule would require owners or operators of federally permitted commercial Gulf reef fish vessels landing any commercially harvested, federally managed reef fish from the Gulf to provide notification prior to landing and to land at approved locations; require shares from the red snapper individual fishing quota (IFQ) (RS–IFQ) program and the groupers and tilefishes IFQ (GT–IFQ) program that are in non-activated IFQ accounts to be returned to NMFS for redistribution; and allow NMFS to withhold a portion

of IFQ allocation at the start of a fishing year equal to an anticipated commercial quota reduction. The purpose of this proposed rule is to improve compliance and increase management flexibility in the RS–IFQ and GT–IFQ programs, and increase the likelihood of achieving optimum yield (OY) for Gulf reef fish stocks managed under these programs.

DATES: Written comments must be received by April 20, 2018.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2017–0060'' 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-2017-0060,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

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

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, 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).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirement contained in this proposed rule may be submitted to Adam Bailey, NMFS Southeast Regional Office (see mailing address above), by email to *OIRA_Submission@omb.eop.gov,* or by fax to 202–395–5806.

Electronic copies of Amendment 36A, which includes an environmental assessment, a fishery impact statement, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis may be obtained from the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2017/A36A_comm_IFQ/am36Aindex.html.*

FOR FURTHER INFORMATION CONTACT: Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *peter.hood@noaa.gov*; IFQ Customer Service, telephone: 1–866–425–7627, Monday through Friday from 8 a.m. to 4:30 p.m., eastern time.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

Background

There are two commercial IFQ programs in the Gulf. Amendment 26 to the FMP established the RS–IFQ program, and Amendment 29 to the FMP established the GT–IFQ program. The RS–IFQ program manages commercial harvest of red snapper and was implemented on January 1, 2007 (71 FR 67447, November 22, 2006). The GT–IFQ program manages commercial harvest of multiple species of groupers and tilefishes, as specified in 50 CFR 622.22(a), and was implemented on January 1, 2010 (74 FR 44732, August 31, 2009). Both IFQ programs share a single Web-based accounting and reporting system.

The Council began the development of Amendment 36 to the FMP in response to a 5-year review of the RS–IFQ Program completed in 2013. This review evaluated the progress of the RS–IFQ program towards achieving the stated program goals of reducing overcapacity in the fishery and eliminating problems associated with race-to-fish (derby) fishing. The Council also received input on the program from some of their advisory panels as well as from the public. As a result, the suggested modifications to the RS–IFQ program became complex, and the Council split the numerous potential actions into two FMP amendments, Amendments 36A and 36B. The scope of the actions was also expanded to include revisions to the GT–IFQ program because management, as well as the goals and objectives, of this program are similar to the RS–IFQ program. Amendment 36A addresses compliance and program flexibility issues, while Amendment 36B addresses program participation and the distribution of IFQ shares and allocation in the programs.

Management Measures Contained in This Proposed Rule

This proposed rule would require that the owner or operator of a commercial reef fish permitted vessel landing any commercially harvested Gulf reef fish, or Florida Keys/East Florida hogfish harvested in the Gulf, to notify NMFS between 3 and 24 hours in advance of landing and to land at approved locations. In addition, the proposed rule would permanently return to NMFS any IFQ shares contained in RS–IFQ or GT–IFQ accounts that have not been activated since the current Web-based system was put in place on January 1, 2010. Finally, the proposed rule would allow NMFS to withhold distribution of IFQ allocation on January 1, the beginning of the fishing year, if a reduction in the commercial quota for any IFQ species or multi-species group is expected to be implemented in that same fishing year.

Landing Notification

Currently, to improve compliance with the IFQ programs, vessel owners or operators with commercial Gulf reef fish permits are required to notify NMFS between 3 and 24 hours in advance of landing any commercially harvested species managed under the IFQ programs (IFQ species). The advance landing notification must provide the vessel identification number, the landing date and time, the approved landing location, the name and address of the IFQ dealers where the species will be landed, and the estimated weight of IFQ species to be landed. Although the advance landing notifications help with the enforcement of the IFQ programs, one of the conclusions from a 5-year review of the RS–IFQ Program was additional enforcement efforts may be necessary to deter IFQ landing violations.

The proposed rule would expand the requirement for an advance landing notification to all commercial trips that land Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf even if no IFQ species are on board. Note that the single hogfish stock in the Gulf was recently split into a West Florida stock and a Florida Keys/East Florida stock, separated at 25°09′ N lat. in Gulf Federal waters off the west coast of Florida (82 FR 34574 and 82 FR 34584, July 25, 2017). The management measures for the Florida Keys/East Florida stock are developed by the South Atlantic Fishery Management Council, but commercial vessels fishing

for this stock in Gulf Federal waters are required to have a Federal commercial permit for Gulf reef fish and are required to follow the reporting requirements associated with this permit.

The vessel owner or operator would notify NMFS at least 3 hours, but no more than 24 hours, in advance of landing on each trip. The landing notification would report the vessel identification number, the date and time of landing, and the approved landing location. This notification would be submitted via the vessel's existing onboard vessel monitoring system (VMS), but could also be submitted by other NMFS approved methods (*e.g.,* by phone) if they are developed at a later time. Requiring notification in advance of landing any federally managed reef fish from the Gulf is expected to help deter fishermen from illegally landing IFQ species or reporting IFQ species as another species (*e.g.,* red snapper reported as vermilion snapper) because law enforcement and port agents would be informed in advance of all reef fish trips returning to port and can meet vessels to inspect landings. If any IFQ species are to be landed, all regulations under the applicable IFQ program must be followed, including the more extensive advance notice of landing. Only one IFQ advance landing notification covering both IFQ and non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf would be required on such a trip.

Additional information about approved landing locations and submitting additional landing locations to NMFS for approval is described later in this proposed rule.

Non-Activated IFQ Shareholder Accounts

This proposed rule also addresses RS–IFQ and GT–IFQ shareholder accounts that received shares through the initial apportionment when each IFQ program began, but the accounts have never been accessed by the shareholder since January 1, 2010, the initiation of the current IFQ system. NMFS and the Council have attempted to notify account holders with these non-activated IFQ accounts through phone calls, certified letters, and discussion at public meetings. Although shares in the non-activated accounts represent a small fraction of the total shares, annual allocation assigned to these non-activated IFQ accounts is not landed, and therefore, may prevent achieving OY if not made available for use. The proposed rule would return the shares from non-activated RS–IFQ and GT–IFQ accounts to NMFS for redistribution. The Council intends to redistribute these shares to IFQ program participants through a mechanism determined in Amendment 36B.

For more information on how to activate an existing non-activated IFQ account, persons may call the IFQ Customer Service line at 1–866–425–7627, and select option 2 during weekday business hours of 8 a.m. to 4:30 p.m., eastern time. NMFS will also attempt to notify holders of the non-activated IFQ accounts via certified mail to advise them of the potential action and provide an opportunity for those individuals to activate their accounts.

Allocation

Finally, this proposed rule addresses how to distribute allocation to IFQ shareholders in years in which there is an anticipated reduction of the commercial quota. Due to the time involved to develop documents, consider alternatives, and solicit public feedback, this situation would generally occur if the Council approved an action to reduce the commercial quota of any IFQ species or multi-species share category but NMFS could not complete the associated rulemaking before January 1, the start of the fishing year. Under the IFQ programs, annual allocation is distributed to IFQ shareholders on January 1, and most IFQ program participants begin to use or transfer their allocation early in each year. After shareholders begin transferring or landing allocation, NMFS is not able to retroactively withdraw allocation from shareholder accounts if a quota decrease became effective after the beginning of the fishing year. This proposed rule would allow NMFS to anticipate a decrease in the quota of any IFQ species or multi-species share categories after the start of a fishing year and withhold distribution of quota equal to the amount of the expected decrease in commercial quota. NMFS would distribute the remaining portion of the annual allocation to shareholders on January 1. If a final rule to implement the associated commercial quota reduction is not effective by June 1 in the same fishing year, then NMFS would distribute the withheld quota back to the current shareholders, as determined based on the date the withheld IFQ allocation was distributed.

Approved Landing Locations

As explained previously, this proposed rule would require vessel owners or operators on commercial trips who harvest non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf to land at an approved landing location. In anticipation of this potential requirement, NMFS is encouraging current and potential participants to submit additional landing locations to NMFS now for approval. Landing locations can be submitted by calling IFQ Customer Service at any time (see contact information above). A list of currently approved landing locations for the IFQ programs can be found at the IFQ website (*portal.southeast.fisheries.noaa.gov/cs/main.html*), under View Landing Locations. Any landing locations that have been approved for use in the IFQ programs would also be approved to land non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf. Therefore, NMFS suggests persons check the list to determine if desired landing locations are currently in use prior to submitting a landing location for approval.

New landing locations are approved only at the end of each calendar-year quarter (end of March, June, September, and December). To have a landing location approved by the end of the quarter, it would have to be submitted at least 45 days before the quarter ends. Landing locations can be submitted at any time as described above.

Approved landing locations must be publicly and freely accessible by land and water, and must have a street address or, if a particular landing location has no street address on record, global positioning system (GPS) coordinates for an identifiable geographic location provided in degrees and decimal minutes. Other criteria used by NOAA's Office of Law Enforcement (OLE) when approving locations are listed at 50 CFR 622.21(b)(5)(v) and 622.22(b)(5)(v), and would be added by reference to new paragraph 622.26(a)(2)(v) through this proposed rule.

Once OLE approves new landing locations, updates to the landing notification screen on vessel monitoring system VMS units are constrained by programming requirements by the VMS vendors. Unless this changes, approved landing locations may not appear on the VMS screen immediately after approval.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 36A, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

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

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows.

This proposed rule, if implemented, would expand the current requirement for vessels with a Federal commercial reef fish permit in the Gulf to notify NMFS in advance of landing reef fish species managed under an IFQ program. Commercial vessels landing Gulf reef fish not managed under an IFQ program or Florida Keys/East Florida hogfish harvested in the Gulf would also be required to notify NMFS prior to landing these species on each trip, although information reported (*i.e.,* date, time, approved location of landing, and vessel identification number) would be more limited than reports for IFQ species. This proposed rule would also return shares from non-activated IFQ accounts in the RS–IFQ and GT–IFQ programs to NMFS for future redistribution; and provide NMFS with the authority to withhold annual allocation of red snapper, or IFQ-managed groupers and tilefishes before distribution at the beginning of a fishing year (January 1) in which a commercial quota reduction is expected to be implemented in that same fishing year. The amount of IFQ allocation withheld from distribution would equal the amount of the expected commercial quota reduction. If a final rule to implement a commercial quota reduction is not effective by June 1 during a fishing year, NMFS would release the withheld allocation to shareholders. The purposes of this proposed rule are to increase management flexibility and improve compliance in the RS–IFQ and GT–IFQ programs, and increase the likelihood of achieving OY for reef fish stocks managed under these programs. The objectives of this proposed rule are to prevent overfishing; to achieve, on a continuing basis, the OY from federally managed reef fish stocks; and to rebuild the red snapper stock that has been determined to be overfished.

This proposed rule is expected to directly regulate businesses that harvest non-IFQ Gulf reef fish species in the Gulf or Florida Keys/East Florida hogfish harvested in the Gulf, but do not harvest IFQ species on the same commercial fishing trips in the Gulf, and businesses that possess non-activated share accounts in the RS–IFQ and GT–IFQ programs. There were 731 vessels that landed at least 1 lb (0.5 kg) of species managed under the RS–IFQ or GT–IFQ program from 2011 through 2015. These vessels were already subject to existing advance notice of landing requirements on trips for which they landed IFQ species. There were 1,020 vessels that landed at least 1 lb (0.5 kg) of Gulf reef fish species (*i.e.,* IFQ and non-IFQ species) managed under the FMP. Thus, 289 vessels that land non-IFQ Gulf reef fish but do not land IFQ Gulf reef fish on commercial fishing trips would be directly regulated by the proposed expansion of the advance notice of landing requirements.

Although NMFS possesses complete ownership data regarding businesses and commercial vessels that land IFQ species, ownership data regarding businesses that possess Gulf reef fish permits but do not land IFQ species is incomplete. Therefore, it is not currently feasible to accurately determine affiliations between these particular businesses. While it will result in an overestimate of the actual number of businesses directly regulated by the extension of the advance notice requirement, for the purposes of this analysis, it is assumed that each vessel is independently owned by a single business. In addition, the 81 non-activated IFQ accounts with shares are held by 81 different businesses. Based on available data, these businesses are separate and distinct from the 289 businesses directly regulated by the expanded advance notice of landing requirement.

Thus, NMFS expects this proposed rule, if implemented, to directly regulate 289, or about 28 percent, of the 1,020 businesses that harvested Gulf reef fish species from 2011 through 2015 and 81 businesses that possessed shares in 81 non-activated IFQ accounts, or about 11 percent, of the 750 IFQ accounts that existed on December 14, 2016.

NMFS has established a small business size standard of $11 million in annual gross receipts (revenue) for all businesses primarily engaged in the commercial fishing industry (NAICS code 11411) for RFA compliance purposes only (50 CFR 200.2). In addition to this gross revenue standard, a business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, and is not dominant in its field of operations (including its affiliates).

Of the 1,020 vessels that harvested Gulf reef fish from 2011 through 2015, the maximum average annual gross revenue earned by a single vessel was approximately $4.65 million, while the average annual gross revenue across all commercial Gulf reef fish vessels was $130,574. Further, of the 81 businesses that possess shares in a non-activated IFQ account, only 1 of these businesses has been active in the commercial fishing industry during this time period. Because the other 80 businesses have not been active in the commercial fishing industry during this time, they have no known gross revenues. Although the one business that has been active owns six commercial fishing vessels, none of these vessels have been active in the industry since 2012. The average annual revenue for this business is confidential and therefore cannot be released, but it was significantly below the $11 million threshold.

Based on the information above, all businesses directly regulated by this proposed rule are determined to be small businesses for the purpose of this analysis. Therefore, NMFS has determined that this proposed rule will affect a substantial number of small businesses.

This proposed rule would establish new reporting requirements for vessels that harvest reef fish species in the Gulf that are not managed under the RS–IFQ or GT–IFQ programs. Specifically, the expansion of the advance notice of landing requirement would require commercially permitted Gulf reef fish vessels to contact NMFS prior to landing if they are landing non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf on a trip where no IFQ species are being landed. The expanded advance notification requirement would cause these vessels to incur some minor additional communication costs and an additional time burden associated with reporting the required information (*i.e.,* date, time, approved location of landing, and vessel identification number). The additional communication costs would not only vary by VMS vendor, but also by the communication plan chosen by each vessel owner. Under plans where the owner pays a fixed amount up to some specific level of data use, there would be no additional cost as a result of having to submit the required information. Conversely, the vessel owner would incur a cost if the owner

chose a plan where communication costs are directly based, and therefore vary, depending on the size and number of messages being transmitted. The expanded advance notice of landing requirement would apply to an additional 1,042 trips per year on average by 289 additional vessels, or approximately 3.6 trips per vessel per year. Based on available information regarding VMS vendors and communication plans, vessel owners are expected to incur additional communication costs of up to about $0.33 per trip. For the 1,042 trips affected by the advance notice of landing requirement, additional communication costs across the fleet are expected to total $343.86. Thus, the average annual communication costs for each of the 289 vessel owners affected by this requirement is expected to be about $1.20, which is trivial relative to the average annual gross revenue for a commercial Gulf reef fish vessel.

In addition to the communication cost, there is an opportunity cost associated with any time burden created by additional reporting requirements. Typically, opportunity cost is approximated using the average wage or salary of those covered by the requirement. Vessel owners or operators would be responsible for submitting the advance notice of landing, and thus it is appropriate to use the average wage of first line supervisors and managers in the fishing, forestry, and farming industries. As of May 2016, which is the most currently available information, the Bureau of Labor Statistics reported that the mean wage of individuals in this occupation group was $23.47. The expanded advance notice of landing requirement would apply to an additional 1,042 trips per year on average and the time burden associated with this requirement is 3 minutes per trip. Thus, the total additional time burden is approximately 52.1 hours per year. The expanded requirement would apply to an additional 289 vessels. Thus, the time burden per vessel would be approximately 0.18 hours per year per vessel. This results in an opportunity cost of approximately $4.23 per business per year, which is trivial relative to the average annual gross revenue for a commercial Gulf reef fish vessel.

Based on the analysis above, the additional costs per business resulting from the expanded advance notice of landing requirement are expected to be minimal. In addition, the advance notice of landing would be submitted through the vessel's VMS. All Gulf reef fish vessels are required to use VMS, and VMS has been required on these vessels since 2006. Thus, special professional skills are not necessary to comply with this requirement.

With respect to NMFS taking back shares from the 81 businesses that currently possess non-activated IFQ accounts, the market price of annual allocation should approximate the expected annual profit from using the annual allocation for harvesting purposes (*i.e.,* to land fish). Based on the current market prices for annual allocation of red snapper and IFQ-managed groupers and tilefishes, these shares would be expected to result in profits of approximately $64,255 if the businesses chose to sell the annual allocation associated with these shares or use the annual allocation to harvest fish; more specifically, profits would be $45,988 from selling or using red snapper annual allocation and $18,267 from selling or using annual allocation for IFQ-managed grouper and tilefish species. Thus, the expected annual profit from selling the annual allocation associated with these shares, or using the allocation for harvesting purposes, is approximately $793 per business. Based on the current market prices of shares in the RS–IFQ and GT–IFQ programs, the market value of these shares is $716,525 in total, or $8,846 per business, with shares of red snapper valued at $500,366 and shares of IFQ-managed groupers and tilefishes valued at $216,159.

However, as previously discussed, only 1 of these 81 businesses is still active in the commercial fishing industry with respect to harvesting activities, and that single business has not been active since 2012. These 81 businesses are not currently generating any gross revenues or profits, and NMFS assumes they have been out of business for several years. Further, these businesses have held these shares and had access to the associated annual allocation for several years, but have chosen not to sell their shares or annual allocation or use their annual allocation for harvesting purposes. Thus, although these shares and annual allocations have value to other businesses in the IFQ programs based on their respective market prices, the behavior of these 81 businesses suggests they do not place any value on these shares and annual allocations. Because these businesses are not earning any revenues or profits at present and have never used these shares to earn revenues or profits, nor are they expected to, taking these shares away from them would not be expected to reduce their revenues or profits below their current or expected levels in the future. Further, if NMFS were to allow these businesses to retain these shares in non-activated IFQ accounts, these shares could not be used by other businesses still active in the IFQ programs to generate revenues and profits. Taking these shares back so they can be redistributed would allow the active businesses' revenues and profits to increase in the future.

Finally, the action that provides NMFS with the authority to withhold annual allocation of red snapper, or IFQ-managed groupers and tilefishes before distribution at the beginning of a fishing year as described previously is administrative in nature, because it does not directly regulate any entities and thus would not be expected to alter their behavior. Therefore, NMFS does not expect this action to directly regulate or affect any small entities.

Based on the information above, NMFS does not expect a reduction in profits for a substantial number of small entities as a result of this proposed rule. Thus, this proposed rule would not have a significant economic impact on a substantial number of small entities and an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. NMFS is proposing to revise the collection-of-information requirement under OMB Control Number 0648–0551, Southeast Region IFQ Programs. The proposed rule would require owners or operators of vessels with commercial Gulf reef fish permits to submit a notification to NMFS on each trip prior to landing exclusively non-IFQ Gulf reef fish species or Florida Keys/East Florida hogfish harvested in the Gulf. Public reporting burden for the proposed requirement is estimated to average 3 minutes per applicable trip, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of

information technology. Send comments on these or any other aspects of the collection of information to the Southeast Regional Office at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, and no person will be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html*.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Grouper, Gulf of Mexico, Individual fishing quota, Red snapper, Tilefish.

Dated: March 15, 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 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.21, revise paragraph (a)(4) and add paragraph (a)(6) to read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

(a) * * *

(4) *IFQ allocation.* IFQ allocation is the amount of Gulf red snapper, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf red snapper. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the time of the quota increase by the amount the annual commercial quota for red snapper is increased. If a reduction in the commercial quota specified in § 622.39(a)(1)(i) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation on January 1. The amount of IFQ allocation withheld from distribution will equal the amount of the expected commercial quota reduction. If a final rule to implement the commercial quota reduction is not published in the **Federal Register** and effective by June 1, NMFS will distribute withheld IFQ allocation of red snapper commercial quota to current shareholders based on shareholdings on the date the withheld IFQ allocation is distributed.

* * * * *

(6) *Returning IFQ shares.* Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned permanently to NMFS on [the effective date of a final rule implementing Amendment 36A].

* * * * *

■ 3. In § 622.22, revise paragraph (a)(4) and add paragraph (a)(9) to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) * * *

(4) *IFQ allocation.* IFQ allocation is the amount of Gulf groupers and tilefishes, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf groupers and tilefishes. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the time of the quota increase by the amount the annual commercial quota for groupers and tilefishes is increased. If a reduction in the applicable commercial quota specified in § 622.39(a)(1) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation of the applicable groupers and tilefishes commercial quota on January 1. The amount of IFQ allocation withheld from distribution will equal the amount of the expected commercial quota reduction. If a final rule to implement the commercial quota reduction is not published in the **Federal Register** and effective by June 1, NMFS will distribute withheld IFQ allocation of the applicable groupers and tilefishes commercial quota to current shareholders based on the date the withheld IFQ allocation is distributed.

* * * * *

(9) *Returning IFQ shares.* Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned permanently to NMFS on [the effective date of a final rule implementing Amendment 36A].

* * * * *

■ 4. In § 622.26, revise paragraph (a) to read as follows:

§ 622.26 Recordkeeping and reporting.

(a) *Commercial vessel owners and operators.* (1) The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.20(a)(1), or whose vessel fishes for or lands reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD. These completed fishing records must be submitted to the SRD postmarked no later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked no later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(2) *Advance notice of landing*—(i) *General requirement.* For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing Gulf reef fish not managed under an IFQ program or Florida Keys/East Florida hogfish harvested in the Gulf is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time, date, and location of landing, and the vessel identification number (*e.g.,* Coast Guard registration number or state registration number). The vessel must land at an approved landing location and within 1 hour after the time given in the landing notification, except as provided in paragraph (a)(2)(iii) of this section. A vessel landing Gulf reef fish managed under an IFQ program must also comply with the requirements in §§ 622.21 and 622.22, as applicable.

(ii) *Submitting an advance landing notification.* Authorized methods for contacting NMFS and submitting a completed landing notification include the VMS unit, or another contact method approved by NMFS.

(iii) *Landing prior to the notification time.* The owner or operator of a vessel that has completed a landing notification and submitted it to NMFS may land prior to the notification time, only if an authorized officer is present at the landing site, is available to meet

the vessel, and has authorized the owner or operator of the vessel to land prior to the notification time.

(iv) *Changes to a landing notification.* The owner or operator of a vessel who has submitted a landing notification to NMFS may make changes to the notification by submitting a superseding notification. If the initial superseding notification makes changes to the time of landing that is later than the original time in the notification, the vessel does not need to wait an additional 3 hours to land. If the initial superseding notification makes changes to the landing location, the time of landing is earlier than previously specified, or more than one superseding notification is submitted on a trip, the vessel must wait an additional 3 hours to land, except as provided in paragraph (a)(2)(iii) of this section.

(v) *Approved landing locations.* Gulf reef fish not managed under an IFQ program, and Florida Keys/East Florida hogfish harvested in the Gulf, must be landed at an approved landing location. Landing locations must be approved by the NOAA Office of Law Enforcement prior to a vessel landing these species at these sites. Proposed landing locations may be submitted to NMFS; however, new landing locations will be approved only at the end of each calendar-year quarter. To have a landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the criteria at 50 CFR 622.21(b)(5)(v) and 622.22(b)(5)(v).

* * * * *

[FR Doc. 2018–05628 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RINs 0648–XG007, 0648–XF947

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Pelagic Longline Fishery Management and Shortfin Mako Shark Management Measures

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

ACTION: Notice of rescheduled scoping meeting.

SUMMARY: On March 2, 2018, NMFS published a Notice of Intent with scoping meeting dates for upcoming rulemaking for pelagic longline bluefin tuna area-based and weak hook management. On March 5, 2018, NMFS published a Notice of Intent with scoping meeting dates for Amendment 11 to the 2006 Consolidated HMS FMP. In this notice, per a request from constituents in that area, NMFS reschedules the New Jersey meeting date and provides a new meeting location.

DATES: The scoping meeting will now be held on April 11, 2018, from 4 p.m. to 8 p.m..

ADDRESSES: The scoping meeting will now be held in Little Egg Harbor, NJ, at the Little Egg Harbor Branch Library, 290 Mathistown Road, Little Egg Harbor, NJ 08087.

FOR FURTHER INFORMATION CONTACT: Guý DuBeck or Craig Cockrell by phone: 301–427–8503, or Jennifer Cudney by phone: 727–824–5399.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of HMS, including bluefin tuna and sharks, by persons and vessels subject to U.S. jurisdiction are found at 50 CFR 635.

On March 2, 2018, NMFS published a Notice of Intent (83 FR 8969) with scoping meeting dates for pelagic longline bluefin tuna area-based and weak hook management. The notice announced a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to the management of Atlantic HMS, with a focus on area-based management measures and weak hook management measures that were implemented to reduce dead discards of bluefin tuna in the pelagic longline fishery. On March 5, 2018, NMFS published a Notice of Intent (83 FR 9255) with scoping meeting dates for Amendment 11 to the 2006 Consolidated HMS FMP. This notice announced consideration of potential new management measures for shortfin mako sharks that could be implemented through rulemaking to address overfishing and to implement, as necessary and appropriate, measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) (ICCAT Recommendation 17–08) in response to the 2017 shortfin mako shark stock assessment.

Due to a request to reschedule the meeting due to a conflict with another meeting for local constituents, NMFS is canceling the original scoping meeting that had been scheduled for April 12, 2018 in Manahawkin, NJ and changing it to another date and location. The scoping meeting in New Jersey is now scheduled for April 11, 2018, in Little Egg Harbor, NJ (see **ADDRESSES** and **DATES**).

Because the rulemakings overlap for some gear types, the public scoping meeting being held in Little Egg Harbor, NJ will address the issues from the scoping documents for both the pelagic longline bluefin tuna area-based and weak hook management and Amendment 11 to the 2006 Consolidated HMS FMP. The shortfin mako shark management measure presentation will likely be given first unless polling of the audience indicates another approach is appropriate. After each presentation, public comment for that issue will be received. Meeting attendees interested in this issue are encouraged to show up at the beginning of the meeting to help determine the order of the presentations. The second presentation will not start any later than 6 p.m.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (*e.g.,* alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the hearing.

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

Dated: March 16, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–05702 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 55
Wednesday, March 21, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0003]

Notice of Request for Revision to an Approved Information Collection (Public Health Information System)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to revise the approved information collection for the FSIS Public Health Information System (PHIS) to include the FSIS standard export certificate forms 9060–5, 9060–5S, 9060–5A, and 9060–5B. The estimated burden will increase by 11,303 hours due to the addition of these export certificate forms. The approval for this information collection will expire on January 31, 2021.

DATES: Submit comments on or before May 21, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0003. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Public Health Information System.

OMB Number: 0583–0153.

Expiration Date of Approval: 01/31/2021.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS is requesting a revision to the approved information collection for the FSIS Public Health Information System (PHIS) to include the FSIS standard export certificate forms 9060–5, 9060–5S, 9060–5A, and 9060–5B. The estimated burden will increase by 11,303 hours due to the addition of these export certificate forms. The approval for this information collection will expire on January 31, 2021.

FSIS requires the use of FSIS Form 9060–5 ''Meat and Poultry Export Certificate of Wholesomeness'' for all meat and poultry exports (9 CFR 322.2 and 9 CRF 381.106). FSIS requires the use of FSIS Form 9060–5S ''Fish and Fish Products Export Certificate of Wholesomeness'' for all exports of fish of the order Siluriformes (9 CFR 552.1, cross-referencing 322.2). FSIS also requires the use of FSIS Form 9060–5A ''Meat, Poultry, and Egg Products Certificate of Wholesomeness (Continuation Sheet)'' and FSIS Form 9060–5B ''Meat, Poultry, and Egg Products Certificate of Wholesomeness (Continuation Sheet)'' (9 CFR 322.2 and 9 CFR 381.106) to capture additional statements or information that will not fit in the remarks section of FSIS Forms 9060–5 and 9060–5S. In most cases, the FSIS Public Health Information System will automatically populate the information that is collected on the FSIS standard export certificate forms from the FSIS Form 9060–6 ''Application for Export Certificate.'' The FSIS Form 9060–6 is an approved form under this collection. FSIS is seeking approval for any collection of information for the FSIS standard export certificate forms that might occur on paper. FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: The public reporting burden for this collection of information is estimated to average .179 hours per response.

Estimated total number of respondents: 6,242.

Estimated average number of responses per respondent: 103.

Estimated annual number of responses: 643,008.

Estimated Total Annual Burden on Respondents: 115,117 hours. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality,

utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–05706 Filed 3–20–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Forms: FNS–698, FNS–699, and FNS–700; The Integrity Profile (TIP)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection.

The purpose of the TIP Data Collection is to provide FNS and WIC State agencies with an annual data set that can be used to assess State agencies' compliance with WIC vendor management requirements and estimate State agencies' progress in eliminating fraud, waste, and abuse. This is an extension, without change, of a currently approved data collection.

DATES: Written comments must be received on or before May 21, 2018.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Amy Herring, Chief, Program Integrity and Monitoring Branch, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 510, Alexandria, VA 22302.

Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for OMB approval, and become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Amy Herring, (703) 305–2376.

SUPPLEMENTARY INFORMATION:

Title: The Integrity Profile (TIP) Data Collection.

OMB Number: 0584–0401.

Expiration Date: May 31, 2018.

Type of Request: Extension, without change, of a currently approved data collection.

Abstract: Each year, WIC State agencies administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) are required by 7 CFR 246.12(j)(5) to submit to FNS an annual summary of the results of their vendor monitoring efforts in order to provide Congress, senior FNS officials, as well as the general public, assurance that every reasonable effort is being made to ensure integrity in the WIC Program. The number of WIC State agencies reporting remains at 90. This includes 50 geographic State agencies, 34 State agencies operated by Indian Tribal Organizations, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Marianas, and the Virgin Islands. All WIC State agencies use the TIP web-based system to report compliance and monitoring information. The reporting burden is comprised of three automated forms: The FNS–698, FNS–699, and FNS–700. The FNS–698 and FNS–699

are used to report State agency summary data, whereas the FNS–700 is used to capture information on each WIC authorized vendor. The number of vendors authorized by each WIC State agency varies. There are no changes in the burden hours associated with collection. There is no recordkeeping burden associated with this information collection request.

Estimate of Burden: Public reporting burden for this collection of information is estimated at .167 for completing the FNS–698 form, .083 for completing the FNS–699 form, and .167 for completing the FNS–700 form. The total burden is estimated at 0.42 for completing all three forms including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Affected Public: State and Tribal agencies.

Estimated Number of Respondents: 90 respondents.

Estimated Number of Responses per Respondent: One response per each form.

Estimated Total Annual Responses: 270 responses.

Estimated Total Annual Burden on Respondents: 38 hours.

Type of respondent	Form No.	Number of respondents	Number of responses annually per respondent	Total annual responses (c × d)	Estimate of burden hours per response	Total annual burden hours (e × f)
WIC State Agencies	FNS–698	90	1	90	0.167	15.03
	FNS–699	90	1	90	0.083	7.47
	FNS–700	90	1	90	0.167	15.03
Total		90		270		37.53

Dated: March 12, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–05704 Filed 3–20–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Meeting of the Collaborative Forest Restoration Program Technical Advisory Panel

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Collaborative Forest Restoration Program (CFRP) Technical Advisory Panel (Panel) will meet in Albuquerque, New Mexico. The Panel is established consistent with the Federal Advisory Committee Act of 1972 (FACA), and Title VI of the Community Forest Restoration Act (the Act). Additional information concerning the Panel, including the meeting summary/minutes, can be found by visiting the Panel's website at: *http://www.fs.usda.gov/goto/r3/cfrp.*

DATES: The meeting will be held on Monday, April 30, 2018, from 9:00 a.m. to 5:00 p.m. MST to Friday, May 4, 2018, from 9:00 a.m.–5:00 p.m. MST.

All meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Hyatt Place Albuquerque/Uptown, 6901 Arvada Avenue, Northeast, Albuquerque, New Mexico.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Cooperative and International Forestry Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Walter Dunn, Designated Federal Officer, USDA Forest Service, 333 Broadway SE, Albuquerque, New Mexico 87102; by phone at (505) 842–3425, by email at *wdunn@fs.fed.us,* or via fax at (505) 842–3165.

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) Review Panel Bylaws, Charter, and what it means to be a Federal Advisory Committee,

(2) Evaluate and score the 2018 CFRP grant applications to determine which best meet the program objectives,

(3) Develop prioritized 2018 CFRP project funding recommendations for the Secretary,

(4) Develop an agenda and identify members for the 2018 CFRP Sub-Committee for the review of multi-party monitoring reports from completed projects, and

(5) Discuss the proposal review process used by the Panel to identify what went well and what could be improved.

The meeting is open to the public. Panel discussion is limited to Panel members and Forest Service staff. Project proponents may make brief presentations to the Panel summarizing their grant application and respond to questions of clarification from Panel members or Forest Service staff. However, 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 April 27, 2018, to be scheduled on the agenda. Anyone who would like to bring CFRP grant application review related matters to the attention of the Panel may file written statements with the Panel's staff before or after each day of the meeting. Written comments and time requests for oral comments must be sent to the person listed under **FOR FURTHER INFORMATION CONTACT**.

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 26, 2018.

Patti Hirami,

Associate Deputy Chief, State & Private Forestry.

[FR Doc. 2018–05649 Filed 3–20–18; 8:45 am]

BILLING CODE 3411–15–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: April 4, 2018, 1:00 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Wednesday, April 4, 2018 at 1:00 p.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW, Suite 910. The Board will discuss open investigations, the status of audits from the Office of the Inspector General, financial and organizational updates, and a review of the agency's action plan. The Board will also consider and possibly vote on a proposed change to Board Order 022, the CSB Recommendations Program. New business may include a discussion and release of an animation related to the CSB's investigation of the February 2017 Packaging Corporation of America incident in Deridder, Louisiana.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference:

Dial-In: 888–862–6557 Audience US Toll Free, 630–691–2748 Audience US Toll.

Confirmation Number: 46617104.

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

Contact Person for Further Information

Hillary Cohen, Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB website at: *www.csb.gov.*

Dated: March 19, 2018.

Raymond Porfiri,

Deputy General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2018–05870 Filed 3–19–18; 4:15 pm]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Virginia 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 Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Wednesday, March 21, 2018. The purpose of the meeting is to receive status reports from the Planning Workgroup suggesting plans for examining hate crimes in VA and to make decisions as necessary.

DATES: Wednesday, March 21, 2018, at 12:00 p.m. EST.

ADDRESSES: Public call-in information: Conference call-in number: 1–800–474–8920 and conference call 8310490.

FOR FURTHER INFORMATION CONTACT: Ivy Davis 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: 1–800–474–8920 and conference call 8310490. 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 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–800–474–8920 and conference call 8310490.

Members of the public are invited to 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, or emailed to Corrine Sanders 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://database.faca.gov/committee/meetings.aspx?cid=279,* 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, March 21, 2018, 12:00 p.m. EST

- Rollcall
- Project Planning: Collateral Consequences
- Update From Committee Workgroups
- Next Steps
- Other Business
- Adjourn

Dated: March 15, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–05665 Filed 3–20–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

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 planning meeting of the Colorado Advisory Committee to the Commission will by teleconference at 5:00 p.m. (MDT) on Friday, April 13, 2018. The purpose of the meeting is to review, discuss and vote on a draft of the No Aid Report after allowing for a 30-day public comment period.

DATES: Friday, April 13 2018, at 5:00 p.m. MDT.

ADDRESSES: Public call-in information: Conference call-in number: 1–800–310–7032 and conference call 2278223.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ebohor@usccr.gov* or by phone at 303–866–1040.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–800–310–7032 and conference call 2278223. 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: 1–800–310–7032 and conference call 2278223.

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 Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1040, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/meetings.aspx?cid=238;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. 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 Rocky Mountain Regional Office at the above phone numbers, email or street address.

Agenda: Friday, April 13, 2018, 5:00 (MDT)

- Rollcall and Welcome
- Review, Discuss and Vote on No Aid Report after End of 30-day Public Comment Period
- Open Comment
- Adjourn

Dated: March 16, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–05732 Filed 3–20–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–048]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Preliminary Results of Countervailing Duty Expedited Review

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

SUMMARY: The Department of Commerce (Commerce) is conducting an expedited review of the countervailing duty (CVD) order on certain carbon and alloy steel cut-to-length plate (CTL plate) from the People's Republic of China (China) for the January 1, 2015, through December 31, 2015, period of review (POR). We preliminarily determine that Jiangsu Tiangong Tools Company Limited (TG Tools) received countervailable subsidies during the POR.

DATES: Applicable March 21, 2018.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2593.

Scope of the Order

The product covered by this order is CTL plate. A full description of the scope of the order is contained in the Preliminary Decision Memorandum, which is hereby adopted by this notice.[1]

Methodology

On March 20, 2017, Commerce issued a countervailing duty order on CTL plate from China.[2] Commerce is conducting this CVD expedited review in accordance with 19 CFR 351.214(k). For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum. The list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix 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 on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following countervailable subsidy rate:

Company	Subsidy rate (percent)
Jiangsu Tiangong Tools Company Limited, Tiangong Aihe Company Limited, Jiangsu Tiangong Group Company Limited, Jiangsu Tiangong Mould Steel R&D Center Company Limited	29.43

[1] *See* Memorandum, ''Preliminary Results of Expedited Review of the Countervailing Duty Order on Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[2] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Countervailing Duty Order,* 82 FR 14346 (March 20, 2017).

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in connection with these preliminary results within five days of publication of this notice.[3] Interested parties may submit case briefs within 30 days of publication of these preliminary results and rebuttal briefs no later than five days after the deadline for filing case briefs.[4] Rebuttal briefs must be limited to issues raised in the case briefs.[5] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and, (3) a table of authorities.[6] Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to 19 CFR 351.214(h)(i)(2), Commerce will issue the final results of this expedited review, including the results of its analysis of issues raised in any written briefs, within 90 days after the date of publication of these preliminary results.

Cash Deposit Instructions

Pursuant to section 19 CFR 351.214(k)(3)(iii), the final results of this expedited review will not be the basis for the assessment of countervailing duties. Upon issuing the final results, Commerce intends to instruct Customs and Border Protection to collect cash deposits of estimated countervailing duties for the companies subject to this expedited review, at the rates shown above, 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 expedited review. These cash deposit requirements, when imposed, shall remain in effect until further notice. Pursuant to 19 CFR 351.214(k)(3)(iv), however, if TG Tools has a final estimated net subsidy rate that is zero or *de minimis,* it will be excluded from the order.

This determination is issued and published pursuant to sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.214(h) and (k).

Dated: March 15, 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

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation
V. Benchmarks and Interest Rates
VI. Application of the CVD Law to Imports from China
VII. Use of Facts Otherwise Available and Adverse Inferences
VIII. Analysis of Programs
IX. Disclosure and Public Comment
X. Conclusion

[FR Doc. 2018–05709 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(1)(ii) and (d)(1).

[5] *See* 19 CFR 351.309(d)(2).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG090

Waiver of Requirements Under Sections 101(a) and 102(a) of the Marine Mammal Protection Act (MMPA) for the Mid-Barataria Sediment Diversion, the Mid-Breton Sound Sediment Diversion, and Calcasieu Ship Channel Salinity Control Measures Projects

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

ACTION: Notice; issuance of a waiver.

SUMMARY: On February 9, 2018, Congress passed the Bipartisan Budget Act of 2018 (Budget Act), which included a requirement that the Secretary of Commerce, as delegated to the Assistant Administrator of the National Marine Fisheries Service (NMFS), issue a waiver of the Marine Mammal Protection Act (MMPA) moratorium and prohibitions for the Mid-Barataria Sediment Diversion, Mid-Breton Sound Sediment Diversion, and the Calcasieu Ship Channel Salinity Control Measures projects, as selected in the Louisiana Comprehensive Master Plan for a Sustainable Coast. NMFS has issued the waiver.

DATES: The waiver was issued on March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources, NMFS, (301) 427–8401. The waiver and supporting documents may be obtained online at *https://www.fisheries.noaa.gov/action/marine-mammal-protection-act-waiver-select-louisiana-coastal-master-plan-projects.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a) of the MMPA (16 U.S.C. 1361 *et seq.*) establishes a moratorium on the taking and importation of marine mammals, along with exceptions to the moratorium. Section 102(a) of the MMPA prohibits, among other things, the taking of marine mammals and includes further exceptions to the prohibitions in certain circumstances. The MMPA defines the term ''take'' to mean to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal. Section 101(a)(3)(A) allows the Secretary of Commerce, as delegated to NMFS, to waive the requirements of section 101 and allow the taking of marine mammals under sections 101(a) and 102(a), provided consultation with the Marine Mammal Commission occurs and certain determinations are made.

On February 9, 2018, the Budget Act (Pub. L. 115–123) was enacted by Congress. Section 20201 in title II of the Budget Act directs the Secretary of Commerce to, within 120 days of enactment, issue a waiver pursuant to section 20201 and section 101(a)(3) of the MMPA for three projects included in the 2017 Louisiana Comprehensive Master Plan for a Sustainable Coast. Specifically, in Congress' recognition of their consistency with the findings and policy declarations in section 2(6) of the MMPA, the Budget Act directs the Secretary to issue a waiver for the Mid-Barataria Sediment Diversion, the Mid-Breton Sound Sediment Diversion, and the Calcasieu Ship Channel Salinity Control Measures projects from the requirements of sections 101(a) and 102(a) of the MMPA for the duration of the construction, operation, and maintenance of the projects. The Budget Act further indicates that no

rulemaking, permit, determination, or other condition or limitation shall be required when issuing the waiver. Although section 101(a)(3)(A) of the MMPA requires the agency to make certain findings and determinations and follow certain procedures when issuing a waiver, Congress removed NMFS's discretion under section 101(a)(3)(A) to make those findings and determinations and to follow those procedures to determine whether waiver of the take moratorium is warranted.

Section 20201 of the Budget Act further indicates that, upon the issuance of the waiver, the State of Louisiana (State) shall, in consultation with the Secretary of Commerce: (1) To the extent practicable and consistent with the purposes of the projects, minimize impacts on marine mammal species and population stocks, and (2) Monitor and evaluate the impacts of the projects on such species and population stocks.

Description of the Action

On March 15, 2018, NMFS issued the waiver from the requirements of the MMPA section 101(a) moratorium and section 102 prohibitions for take caused by the Mid-Barataria Sediment Diversion, Mid-Breton Sound Sediment Diversion and Calcasieu Ship Channel Salinity Control Measures projects, as identified in the 2017 Louisiana Comprehensive Master Plan for a Sustainable Coast, as required by the Budget Act. The waiver applies to take caused by construction, operation, and maintenance and remains in effect for the duration of these activities for the three projects. Take that is not caused by the construction, operation, and maintenance of the projects is not covered by the waiver.

Prior to issuing the waiver, NMFS consulted with the Marine Mammal Commission (Commission) on issuance of the waiver, as required under section 101(a)(3)(A) of the MMPA. On March 12, 2018, the Commission provided the following comments and recommendations (the Commission's letter can be found at *https://www.fisheries.noaa.gov/action/marine-mammal-protection-act-waiver-select-louisiana-coastal-master-plan-projects).*

Comments and Responses

Comment 1: The Commission notes Section 20201 of the Budget Act includes a finding that the three identified projects are consistent with the findings and policy declarations in section 2(6) of the MMPA. They note, however, that it is unclear if the projects are consistent with other stated purposes and policies of the MMPA, including maintaining marine mammal species and stocks at optimum sustainable population levels and ensuring that species and stocks do not diminish to the point where they cease to be significant functioning elements in the ecosystems of which they are a part.

NMFS Response: NMFS has no comment regarding Congress' interpretation of the consistency of these projects with different sections of the MMPA.

Comment 2: The Commission recommends that the waiver indicate waiver recipients.

NMFS Response: Congress did not identify specific recipients who should be covered by the waiver. Rather, Congress directed that the waiver should cover all persons (as defined under the MMPA) who will engage in the activities of constructing, operating, and maintaining the three named diversion projects. Therefore, unlike issuance of a typical permit, authorization, or waiver under the MMPA, this waiver applies to any individual or entity that causes the take of marine mammals during construction, operation, or maintenance of the three projects. In fact, it would not be possible for NMFS to identify all individuals and entities who will engage in these activities, especially for projects in the early planning stages or for long-term maintenance.

Comment 3: The Commission recommends that NMFS seek agreement with the State or otherwise clarify that the requirements of section 20201(b) are ongoing responsibilities with consultations between the State and NMFS continuing as needed throughout all construction, operations, and maintenance activities.

NMFS Response: NMFS agrees consultation regarding impact minimization, monitoring, and evaluation should be ongoing as each project develops through design and engineering, construction, operation, and maintenance phases. It is ultimately the State's responsibility to engage in consultation with NMFS and, upon doing so, NMFS will work with the State to develop clear consultation expectations in accordance with the intent of the Budget Act. NMFS anticipates the State will utilize existing environmental review processes (*e.g.,* National Environmental Policy Act (NEPA)), where available, to both begin consultation and develop an approach for ongoing consultation through the various phases for each project.

Comment 4: The Commission recommends that consultations between NMFS and the State begin immediately to review ongoing monitoring programs and update and expand them, as necessary, to ensure that essential baseline information is available before construction begins. Further, the Commission encourages NMFS to seek the advice of appropriate outside experts in helping to design effective monitoring programs.

NMFS Response: For the Mid-Barataria Sediment Diversion, NMFS is a cooperating agency on the project's Environmental Impact Statement (EIS) under NEPA and a member of the Louisiana Trustees. Through these roles, NMFS has been and will continue to evaluate impacts of the project on marine mammals and continue to work with the State on marine mammal monitoring. For example, NMFS, in cooperation with the State's Coastal Protection and Restoration Authority (CPRA), has developed a marine mammal science plan which includes the collection of baseline data on Barataria Bay dolphins through tagging, health assessments, and modeling. This plan was developed with internal and external marine mammal experts, as recommended by the Commission, who led efforts to collect data on Barataria Bay dolphins after the Deepwater Horizon oil spill (*e.g.,* Smith et al., 2017, Well et al., 2017). Phase I of the science plan is partially complete and NMFS is in discussion with the CPRA on funding for Phase II. For all projects, NMFS intends to continue working with external marine mammal experts to inform development and implementation of a comprehensive marine mammal monitoring plan as part of the State's consultation requirement.

Minimizing and Monitoring Impacts on Marine Mammals

As described above, the Budget Act requires the State, in consultation with the Secretary, to minimize, monitor, and evaluate impacts on marine mammals from the projects included in the waiver. We note here, as recommended by the Commission (see above), that by necessity the consultation will need to be ongoing to appropriately address the evolving project planning and design for the construction, operation, and maintenance phases of these three projects.

Currently, for the Mid-Barataria Sediment Diversion, the State and the U.S. Army Corps of Engineers are coordinating closely with NMFS to ensure compliance under multiple statutes other than the MMPA (*e.g.,* NEPA and the Clean Water Act), and further coordinating in consideration of the Mid-Barataria Sediment Diversion pursuant to the Deepwater Horizon restoration planning efforts. These statutes and processes include various

requirements to assess, minimize, and/or monitor impacts to different resources, including marine mammals. While the State has coordinated most closely with NMFS on the Mid-Barataria Sediment Diversion to date, it is likely the other two projects covered under the waiver will be similarly coordinated with NMFS to some degree due to the NEPA processes and permitting requirements under other Federal statutes. We believe that in many cases other statutes and processes will provide the State efficient frameworks within which to conduct the required consultation with NMFS, and we will support the State in integrating Budget Act compliance into these processes, discussions, and timelines, as needed. Regardless, NMFS is prepared to support the State in identifying and developing practicable measures to minimize and monitor impacts of the covered projects on marine mammals.

Authority: 16 U.S.C. 1361 *et seq.*

Dated: March 15, 2018.

Samuel D. Rauch, III,

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

[FR Doc. 2018–05652 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE201

Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Strategic Restoration Plan and Environmental Assessment #3

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

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and a Consent Decree with BP Exploration & Production Inc. (BP), the *Deepwater Horizon* Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (LA TIG) have prepared the Final Strategic Restoration Plan and Environmental Assessment #3: Restoration of Wetlands, Coastal, and Nearshore Habitats in the Barataria Basin, Louisiana (SRP/EA). The Final SRP/EA identifies and, in conjunction with the associated Finding of No Significant Impact (FONSI), selects a restoration strategy that will help prioritize future decisions regarding project selection and funding. Rather than selecting specific projects for construction, the Trustees evaluated a suite of restoration techniques and approaches, for example large-scale diversions or marsh creation, to determine how to best support restoring ecosystem-level injuries in the Gulf of Mexico through restoration in the Barataria Basin. This strategic approach to restoration will allow the Trustees to prioritize projects for further evaluation by the LA TIG. The purpose of this notice is to inform the public of the availability of the Final SRP/EA and FONSI.

ADDRESSES: *Obtaining Documents:* You may download the Final SRP/EA and FONSI at: *http://www.gulfspill restoration.noaa.gov* and *http://www.la-dwh.com.* Alternatively, you may request a CD of the Final SRP/EA and FONSI (see **FOR FURTHER INFORMATION CONTACT**). In addition, you may view the document at any of the public facilities listed at *http://www.gulfspill restoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT:

- National Oceanic and Atmospheric Administration—Mel Landry, *gulfspill.restoration@noaa.gov,* (301) 427–8711.
- Louisiana—Joann Hicks, *LATIGPublicComments@la.gov,* (225) 342–7308.

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP in the Macondo prospect (Mississippi Canyon 252–MC252), exploded, caught fire, and subsequently sank 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 maritime oil spill in United States history, discharging millions of barrels of oil over a period of 87 days. In addition, well over one 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 also was released to the environment as a result of the spill.

The *Deepwater Horizon* Federal and State natural resource trustees (DWH Trustees) conducted the NRDA for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (OPA; 33 U.S.C. 2701 *et seq.*). 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 DWH Trustees are:

- U.S. Department of the Interior, as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture;
- U.S. Environmental Protection Agency;
- 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
- For the State of Texas, Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

On April 4, 2016, the DWH Trustees reached and finalized a settlement of their natural resource damages claims with BP in a Consent Decree approved by the U.S. District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Louisiana Restoration Area are now chosen and managed by the LA TIG. The LA TIG is comprised of the following DWH Trustees:

- State of Louisiana Coastal Protection and Restoration Authority (CPRA);
- Louisiana Oil Spill Coordinator's Office (LOSCO);
- Louisiana Department of Environmental Quality (LDEQ);
- Louisiana Department of Wildlife and Fisheries (LDWF);
- Louisiana Department of Natural Resources (LDNR);

• U.S. Department of the Interior, as represented by National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;

• National Oceanic and Atmospheric Administration, on behalf of the U.S. Department of Commerce;

• U.S. Department of Agriculture; and

• U.S. Environmental Protection Agency.

This restoration planning activity is proceeding in accordance with the PDARP/PEIS. Information on the Restoration Type considered in the Final SRP/EA, as well as the OPA criteria against which alternatives were evaluated, can be viewed in the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*) and in the Overview of the PDARP/PEIS (*http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan*).

Background

On March 29, 2017, the LA TIG solicited project ideas to sustainably create, restore, and enhance coastal wetlands, and restore or preserve Mississippi River processes (*http://www.gulfspillrestoration.noaa.gov/2017/03/request-restoration-project-ideas-louisiana*). From that input and review of other Louisiana restoration planning efforts, including Louisiana's Coastal Master Plan and *Deepwater Horizon* restoration planning efforts, the LA TIG published a notice of intent on April 28, 2017 announcing its initiation of strategic restoration planning through two phases (82 FR 19659). The first phase would prepare a strategic restoration plan for Louisiana's Barataria Basin. The *Deepwater Horizon* spill created an ecosystem-level injury to the Gulf of Mexico, which included accelerated loss of critical wetlands, coastal, and nearshore habitats as well as injuries across all trophic levels in the Gulf of Mexico. The most severe losses to coastal marshes, which represent the foundation of the Gulf of Mexico ecosystem, were focused on the Barataria Basin. As described in the April 28, 2017 notice, the LA TIG prepared a Draft SRP/EA which focused on wetlands, coastal, and nearshore habitat restoration type projects in the Barataria Basin restoration area. This geographic focus is appropriate as the PDARP/PEIS found that the Barataria Basin experienced some of the heaviest and most persistent oiling from the DWH spill and because the Basin supports very high primary and secondary production that contributes to the overall health of the northern Gulf of Mexico ecosystem.

A Notice of Availability of the *Deepwater Horizon* Oil Spill Louisiana Trustee Implementation Group Draft Strategic Restoration Plan and Environmental Assessment #3: Restoration of Wetlands, Coastal and Nearshore Habitats in the Barataria Basin, Louisiana (Draft SRP/EA) was published in the **Federal Register** on December 20, 2017. The Draft SRP/EA proposed four strategic alternatives consistent with the Restoration Types selected in the PDARP/PEIS. The LA TIG evaluated these alternatives under criteria set forth in the OPA regulations, and evaluated the environmental consequences of the restoration alternatives in accordance with NEPA. The LA TIG provided the public with 45 days to review and provide comment on the Draft SRP/EA. During the public review period, which ended on February 5, 2018, the LA TIG held a public meeting in New Orleans on January 24, 2018. The LA TIG considered the public comments received, which informed the LA TIG's analyses and selection of the preferred alternative in the Final SRP/EA. A summary of the public comments received and the Trustees' responses to those comments are addressed in Chapter 7 of the Final SRP/EA.

Overview of the Final SRP/EA

The Final SRP/EA is being released in accordance with OPA, the OPA regulations in the Code of Federal Regulations (CFR) at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

The LA TIG focused the SRP/EA on two restoration approaches in the wetlands, coastal and nearshore habitat type described in the PDARP/PEIS: creating, restoring and enhancing coastal wetlands; and restoring and preserving Mississippi-Atchafalaya River processes. Within the two restoration approaches, the PDARP/PEIS identifies a series of potential restoration techniques. These techniques, spanning both restoration approaches, are as follows (PDARP/PEIS, Appendix 5.D):

• Create or enhance coastal wetlands through placement of dredged material;

• Backfill canals;

• Restore hydrologic connections to enhance coastal habitats;

• Construct breakwaters; and

• Controlled river diversions.

Four project types, consistent with the restoration approaches in the PDARP/PEIS, are carried forward for additional consideration in the SRP/EA:

• Sediment diversion projects;

• Large-scale marsh creation projects;

• Ridge restoration projects; and

• Breakwater construction projects (also referred to as shoreline protection projects).

After reviewing the restoration approaches and techniques, the LA TIG identified 13 example projects from public submissions in response to the Notice of Solicitation and from the 2017 Coastal Master Plan. The LA TIG then combined restoration techniques into four strategic restoration alternatives. With the exception of the natural recovery/no action alternative, each of these alternatives meets the Final SRP/EA's purpose and need ''to restore the ecosystem level injuries in Barataria Basin and to restore, rehabilitate, replace, or acquire the equivalent of the injured wetlands, coastal, and nearshore habitat resources and services and compensate for interim losses of those resources from the *DWH* oil spill.'' The four strategic restoration alternatives are as follows:

• Alternative 1: Marsh creation, ridge restoration, and large-scale sediment diversion;

• Alternative 2: Marsh creation, ridge restoration, and shoreline protection;

• Alternative 3: Marsh creation and ridge restoration; and

• Alternative 4: Natural recovery/no action.

In the Final SRP/EA, the LA TIG identifies two decisions to restore ecosystem-level injuries in the Gulf of Mexico through restoration of critical wetlands, coastal, and nearshore habitat resources and services in the Barataria Basin. First, the LA TIG selects a preferred alternative that relies on a suite of restoration approaches and techniques in the Barataria Basin, including large-scale sediment diversions to restore deltaic processes, marsh creation, and ridge restoration. Second, the LA TIG selects to advance several projects forward for further evaluation and planning: The Mid-Barataria Sediment Diversion and one marsh creation increment within Large Scale Marsh Creation: Component E in northern Barataria Basin. The LA TIG also confirms its 2017 decision to move the Spanish Pass Increment of the Barataria Basin Ridge and Marsh Creation project forward for further evaluation and planning. The trustees are not proposing these projects for construction funding at this time. Rather, the trustees will continue to consider the selected projects in future Phase II restoration plans including further OPA and NEPA evaluation.

The LA TIG evaluated strategic restoration alternatives under criteria set forth in the OPA regulations. The strategic restoration alternatives are consistent with the restoration

alternatives selected in the *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS).

NEPA requires federal agencies to consider the potential environmental impacts of planned actions. NEPA provides a mandate and framework for federal agencies to determine if their proposed actions have significant environmental effects and related social and economic effects, consider these effects when choosing between alternative approaches, and inform and involve the public in the environmental analysis and decision-making process. The LA TIG exercised its discretion pursuant to NEPA (40 CFR 1501.3(b)) to integrate an EA with this SRP in order to assist with restoration planning efforts and to further the purposes of NEPA. This SRP/EA tiers from the PDARP/PEIS and incorporates by reference the NEPA environmental consequences analysis found in Chapter 6 of the PDARP/PEIS (40 CFR 1502.20; 1502.21). The LA TIG has found, based on its evaluation in the EA portion of this SRP/EA that: (1) The PDARP/PEIS included a thorough evaluation of the potential range of environmental effects that could result from the various restoration approaches and techniques analyzed in the PDARP/PEIS; (2) the analysis of the environmental consequences of those approaches and techniques in the PDARP/PEIS remains valid; (3) the effects of the restoration approaches and techniques, including the project selected for further planning and environmental review, evaluated in this SRP/EA are within the range of impacts evaluated in the PDARP/PEIS; and (4) any new information regarding the environmental consequences of the restoration approaches and techniques, including the projects selected for further planning and environmental review, evaluated within this SRP/EA are within the range of and consistent with the environmental impacts identified and analyzed within the PDARP/PEIS. The Federal Trustees of the LA TIG have determined that implementation of the Final SRP/EA is not a major Federal Action significantly affecting the quality of the human environment within the context of NEPA. They have concluded a FONSI is appropriate, and, therefore, an Environmental Impact Statement will not be prepared for this action.

Administrative Record

The documents comprising the Administrative Record for the Draft SRP/EA can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority for this action is OPA (33 U.S.C. 2701 *et seq.*), the OPA NRDA regulations at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*).

Dated: March 15, 2018.

Carrie Selberg,

Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2018–05691 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG068

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Stock ID Workshop for Cobia (Rachycentron canadum)

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

ACTION: Notice of SEDAR 58 Stock Identification (ID) Workshop for Cobia.

SUMMARY: The SEDAR 58 Cobia Stock ID Process will be a multi-step process consisting of a series of workshops and webinars: Stock ID Workshop; Stock ID Review Workshop; Joint Cooperator Technical Review; and a Science and Management Leadership Call. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 58 Stock ID Workshop will be held on April 10–11, 2018, from 8:30 a.m. until 6 p.m.; and April 12, 2018, from 8:30 a.m. until 1 p.m. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the Stock ID process. Such adjustments may result in the meeting being extended from, or completed prior to the time established by this notice. Additional SEDAR 58 Stock ID Process workshops and webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The SEDAR 58 Stock ID Workshop will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407l; phone: (843) 571–1000.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing a workshop and/or webinars; and (3) Review Workshop. Cobia Stock ID will be resolved prior to the start of the SEDAR 58 Data Workshop using the multi-step Stock ID Process. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Stock ID Workshop are as follows:

1. Review information including genetic studies, growth patterns, movement and migration, existing stock definitions, otolith chemistry, oceanographic and habitat characteristics, prior SEDAR stock ID recommendations and any other relevant information on stock structure.

2. Make recommendations on biological stock structure and the assessment unit stock or stocks to be addressed through SEDAR 58 and document the rationale behind the recommendations.

3. Discuss the strength of evidence in support of stock ID recommendations with particular attention on those that result in a mismatch of biological stock structure, assessment unit stock recommendations, and existing management unit boundaries.

4. If biological stock structure recommendations, assessment stock unit recommendations, and existing management units (state and federal) do not align, provide guidance to address the relative risks (biological and management) and consequences of managing based on existing Council or prior assessment boundaries.

5. Provide recommendations for future research on stock structure.

6. Prepare a report providing complete documentation of workshop recommendations and decisions.

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

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 16, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–05716 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG101

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

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

DATES: This meeting will be held on Tuesday, April 3, 2018 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

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

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

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will review information developed by the Plan Development Team (PDT) to support the Clam Dredge Framework Adjustment, which is considering continued hydraulic dredge exemptions in the Great South Channel Habitat Management Area. They will also discuss any clam dredge exemption alternatives recommended by the PDT; suggest additional alternatives for Committee consideration. The panel will discuss other habitat-related initiatives as needed, this would include engagement in offshore energy issues; particularly any BOEM actions open for public comment at the time of the meeting. Other business may be discussed as necessary.

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

Special Accommodations

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

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

Dated: March 16, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–05718 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG102

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a one-day meeting of its Ad Hoc Red Snapper & Grouper-Tilefish Individual Fishing Quota (IFQ) Advisory Panel.

DATES: The meeting will convene on Tuesday, April 10, 2018, from 8:30 a.m. to 5 p.m. EDT.

ADDRESSES: The meeting will take place at the Gulf of Mexico Fishery Management Council office, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Ava Lasseter, Anthropologist, Gulf of Mexico Fishery Management Council; *ava.lasseter@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Tuesday, April 10, 2018; 8:30 a.m.–5 p.m., EDT:

Charge Ad Hoc Red Snapper & Grouper-Tilefish IFQ AP: To assess the Grouper-Tilefish IFQ Program 5-year Review and Amendment 36B and provide recommendations to the Council relative to changes in the IFQ programs.

I. Welcome and Introductions

II. Adoption of Agenda

III. Election of Chair and Vice-Chair

IV. Council's charge to the panel and scope of work

V. Recommendations and Conclusions of the Grouper-Tilefish 5-year Review

VI. Reef Fish Amendments 36A & 36B: Modifications to Commercial IFQ Programs

VII. Other Business

– Meeting Adjourns

You may register for Ad Hoc Red Snapper & Grouper-Tilefish IFQ Advisory Panel meeting on Tuesday, April 10, 2018 at: *https://attendee.gotowebinar.com/register/6202357575656933889*.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's website and click on the FTP link in the lower left of the Council website (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. Click on the ''Library Folder'', then scroll down to ''AP Meeting_Ad Hoc Red Snapper & Grouper-Tilefish IFQ_04–10–18''.

The meeting will be webcast over the internet. A link to the webcast will be available on the Council's website, *http://www.gulfcouncil.org.*

Although other non-emergency issues not on the agenda may come before the Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Advisory Panel will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: March 16, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–05719 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; ''National Summer Teacher Institute''

The United States Patent and Trademark Office (USTPO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: National Summer Teacher Institute.

OMB Control Number: 0651–0077.

Form Number(s):

- NSTI 1
- NSTI 2
- NSTI 3

Type of Request: Regular.

Number of Respondents: 900 per year.

Average Hours per Response: The USPTO estimates that it will take the public approximately 5 minutes (0.08 hours) to 30 minutes (0.5 hours) to prepare and submit the appropriate forms to the USPTO, depending upon the instrument used.

Burden Hours: 291.67 hours annually.

Cost Burden: $0.

Needs and Uses: The information gathered in this collection relates to applications for the ''National Summer Teacher Institute,'' a summer teaching workshop sponsored by the USPTO. The program application requires interested individuals to certify that they are educators with at least 3 years' experience; to identify STEM-related fields they have taught in the last year; to identify STEM-related fields they plan to teach in the upcoming year; and to acknowledge their commitment to incorporate the learnings from the National Summer Teacher Institute into their curriculum, where applicable, and cooperate with sharing lessons and outcomes with teachers and USPTO.

The USPTO may host various webinars in conjunction with the National Summer Teacher Institute. USPTO plans to conduct surveys of both the Institute and the webinars in order to gain useful feedback from program participants.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0077 copy request'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before April 20, 2018 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018–05633 Filed 3–20–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors Meeting

AGENCY: Air University Board of Visitors, Department of Air Force, Department of Defense.

ACTION: Notice of meeting amendment.

SUMMARY: This notice replaces the originally submitted meeting notice of March 1, 2018. The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University.

DATES: The meeting will take place on Monday, 16 April 2018, from 8:00 a.m. to approximately 5 p.m. and Tuesday, 17 April 2018, from 7:30 a.m. to approximately 3:00 p.m. Central Standard Time.

ADDRESSES: The meeting will be held in the Air University Commander's Conference Room located in Building 800 at Maxwell Air Force Base, AL.

FOR FURTHER INFORMATION CONTACT: Dr. Shawn O'Mailia, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112–6335, telephone (334) 953–4547.

SUPPLEMENTARY INFORMATION: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the Air University Board of Visitors' spring meeting. The agenda will include topics relating to the policies, programs, and initiatives of Air University educational programs and will include an out brief from the Air Force Institute of Technology and Community College of the Air Force Subcommittees.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155 all sessions of the Air University Board of Visitors' meetings' will be open to the public. Any member of the public wishing to provide input to the Air University Board of Visitors' should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least ten calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting. The Designated Federal Officer will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to members of the Board before the meeting that is the subject of this notice. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2018–05723 Filed 3–20–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0012]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice of a modified system of records.

SUMMARY: The Office of the Secretary of Defense proposes to modify a system of records, DUSDI 01–DoD, entitled the ''Department of Defense (DoD) Insider Threat Management and Analysis Center (DITMAC) and DoD Component Insider Threat Records System.'' This system enables DoD to implement the requirements of an Executive Order published on October 7, 2011, and the National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs published on November 21, 2012. The system is used to analyze, monitor, and audit insider threat information for insider threat detection and mitigation within DoD on threats that insiders may pose to DoD and U.S. Government installations, facilities, personnel, missions, or resources. The system supports the DITMAC and DoD Component insider threat programs, enables the identification of systemic insider threat issues and challenges, provides a basis for the development and recommendation of solutions to mitigate potential insider threats, and assists in identifying best practices amongst other Federal Government insider threat programs.

DATES: Comments will be accepted on or before April 20, 2018. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Dr. Brad Millick, Director, DoD Insider Threat Program, Office of the Under Secretary of Defense for Intelligence, 5000 Defense Pentagon, Washington, DC 20301–5000 or by phone at (703) 692–3721.

SUPPLEMENTARY INFORMATION: E.O. 13587 directs the implementation of a Department-wide insider threat detection and prevention program. The DoD Insider Threat Program is decentralized to enable DoD component insider threat programs and the DITMAC to analyze, monitor, and audit threat information for insider threat detection and mitigation within DoD. The Program deters insider activity that endangers DoD and U.S. Government installations, facilities, personnel, missions, or resources.

Section 951 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA for FY17) expanded the definition of an insider threat to anyone who has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department. In keeping with this expansion, the Department is taking a measured approach and expanding the ability of its Component insider threat programs and the DITMAC to store inside threat related information on those personnel with a DoD Common Access Card (CAC). This expansion strengthens the intent of E.O. 13587 and maintains a responsive posture to the NDAA for FY17.

This modification to the system of records enables the Department to comply with E.O. 13587 by expanding the population to include personnel who have been issued an active DoD CAC to authenticate physical access to DoD installations or logical access to DoD controlled information systems.

This revision leverages existing federal laws, statutes, authorities, policies, programs, systems,

architectures and resources in order to counter the threat of those insiders who may use their authorized access to compromise or degrade the operations of the Department. The Department and its insider threat programs employ risk management principles, tailored to meet the distinct needs, mission, and systems of its agencies, and include appropriate protections for privacy, civil rights, and civil liberties. The change captures this large community of persons in a phased and reasonable manner, by enabling the DoD population to include those with CACs in addition to those who have or are granted eligibility for access to classified information or eligibility to hold a sensitive position

The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties, and Transparency Division website at *http://dpcld.defense.gov/.*

The proposed systems reports, as required by of the Privacy Act, as amended, were submitted on November 17, 2017, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 to OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated: March 16, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Department of Defense (DoD) Insider Threat Management and Analysis Center (DITMAC) and DoD Component Insider Threat Records System, DUSDI 01-DoD.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary location: Defense Security Service (DSS), 27130 Telegraph Rd., Quantico, VA 22134–2253. Secondary and Decentralized locations: Each of the DoD Components including the Departments of the Army, Air Force, and Navy and staffs, field operating agencies, major commands, installations, and activities. Official mailing addresses are published with each Component's compilation of systems of records notices.

SYSTEM MANAGER(S):

Mr. Charles Washington, Program Manager, Department of Defense Insider Threat Management and Analysis Center, Defense Security Service, 27130 Telegraph Road, Quantico, VA 22134–2253, (571) 357–6850, *dss.ncr.dss-ci.mbx.ditmac@mail.mil.* DoD Components including the Departments of the Army, Air Force, and Navy and staffs, field operating agencies, major commands, installations, and activities. Official mailing addresses are published as an appendix to each Service's compilation of systems of records notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 137, Under Secretary of Defense for Intelligence; 44 U.S.C. 3554, Federal agency responsibilities; 44 U.S.C. 3557, National security systems; Public Law 112–81, Section 922, National Defense Authorization Act for Fiscal Year 2012 (NDAA for FY12), Insider Threat Detection (10 U.S.C. 2224 note); Public Law 113–66, Section 907(c)(4)(H) (NDAA for FY14), Personnel security (10 U.S.C. 1564 note); Public Law 114–92, Section 1086 (NDAA for FY16), Reform and improvement of personnel security, insider threat detection and prevention, and physical security (10 U.S.C. 1564 note); Public Law 114–328, Section 951 (NDAA for FY17) Enhanced security programs for Department of Defense personnel and innovation initiatives (10 U.S.C. 1564 note); E.O. 12829, as amended, National Industrial Security Program; E.O. 12968, as amended, Access to Classified Information; E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; E.O. 9397, as amended, Numbering System for Federal Accounts Relating to Individual Persons; E.O. 13587, Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information; National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs; and DoD Directive 5205.16, The DoD Insider Threat Program; DoD Instruction 5205.83, DoD Insider Threat Management and Analysis Center (DITMAC), Directive-type Memorandum 09–012, Interim Policy Guidance for DoD Physical Access Control, as amended.

PURPOSE(S) OF THE SYSTEM:

The DITMAC was established by the Undersecretary of Defense for Intelligence to consolidate and analyze insider threat information reported by the DoD Component insider threat programs.

The DoD maintains this system of records to assist in the management of the DoD Component insider threat programs and the DITMAC in accordance with E.O. 13587 and Section 951 of the FY 2017 National Defense Authorization Act (NDAA for FY17). E.O. 13587 requires Federal agencies to establish an insider threat detection and prevention program to ensure the security of classified networks and the responsible sharing and safeguarding of classified information consistent with appropriate protections for privacy and civil liberties. Section 951 of the NDAA for FY17 requires that DoD insider threat programs collect, store, and retain information from various data sources, including personnel security, physical security, information security, law enforcement, counterintelligence, user activity monitoring, information assurance, and other appropriate data sources to detect and mitigate potential insider threats.

Insider threats can contribute damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, including protected and sensitive information, or through the loss or degradation of departmental resources or capabilities. The system will be used to analyze, monitor, and audit insider threat information for insider threat detection and mitigation within DoD on threats that persons who have or had been granted eligibility for access to classified information or eligibility to hold a sensitive position and those who have been issued an active DoD Common Access Card (CAC) to obtain physical or logical access to a DoD installation or controlled information system may pose to DoD and U.S. Government installations, facilities, personnel, missions, or resources.

The system will support DoD Component insider threat programs, enable the identification of systemic insider threat issues and challenges, provide a basis for the development and recommendation of solutions to deter, detect, and/or mitigate potential insider threats. It will assist in identifying best practices among other Federal Government insider threat programs, through the use of existing DoD resources and functions and by leveraging existing authorities, policies, programs, systems, and architectures.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered:

Individuals who had or have been granted eligibility for access to classified information or eligibility to hold a sensitive position. These individuals include active and reserve component (including National Guard) military personnel; civilian employees (including non-appropriated fund employees); DoD contractor personnel, and officials or employees from Federal, state, Local, Tribal and Private Sector entities affiliated with or working with DoD who have been granted access to classified information by DoD based on an eligibility determination made by DoD or by another Federal agency authorized to do so.

Individuals or persons embedded with DoD units operating abroad who had or have been granted eligibility for access to classified information or eligibility to hold a sensitive positions.

Current members of the U.S. Coast Guard and mobilized retired military personnel, when activated, who had or have been granted eligibility for access to classified information or eligibility to hold a sensitive positions by DoD and when operating with the military services or DoD Components, and Limited Access Authorization grantees.

Individuals who have been issued an active DoD CAC by a DoD Organization to authenticate physical access to DoD installations or logical access to DoD controlled information systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information can be derived from the DoD Components and the DITMAC, to include:

Responses to information requested by official questionnaires and applications (*e.g.,* SF 86 Questionnaire for National Security Positions, DD 1172–2 Application for Identification Card/DEERS Enrollment) that include: Individual's full name, former names and aliases; date and place of birth; Social Security Number (SSN); height and weight; hair and eye color; gender; ethnicity and race; biometric data; mother's maiden name; DoD identification number (DoD ID Number); current and former home and work addresses, phone numbers, and email addresses; employment history; military record information; branch of Service; selective service registration record; residential history; education history and degrees earned; names of associates and references with their contact information; citizenship information; passport information; driver's license information; identifying numbers from access control passes or identification cards; alien registration number; criminal history; civil court actions; prior personnel security eligibility, investigative, and adjudicative information, including information collected through continuous evaluation; mental health history; records related to drug and/or alcohol use; financial record information; credit reports; the name, date and place of birth, social security number, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s); the citizenship, name, date and place of birth, and address for relatives.

Information on foreign contacts and activities; association records; information on loyalty to the United States; and other agency reports furnished to DoD or collected by DoD in connection with personnel security investigations, continuous evaluation for eligibility for access to classified information, and insider threat detection programs operated by DoD Components pursuant to Federal laws and Executive Orders and DoD regulations. These records can include, but are not limited to: Reports of personnel security investigations completed by investigative service providers (such as the Office of Personnel Management).

Polygraph examination reports; nondisclosure agreements; document control registries; courier authorization requests; derivative classification unique identifiers; requests for access to sensitive compartmented information (SCI); facility access records; security violation files; travel records; foreign contact reports; briefing and debriefing statements for special programs, positions designated as sensitive, other information and documents required in connection with personnel security adjudications; and financial disclosure filings.

DoD Component information, summaries or reports, and full reports, about potential insider threats from:

Payroll information, travel vouchers, benefits information, credit reports, equal employment opportunity complaints, performance evaluations, disciplinary files, training records, substance abuse and mental health records of individuals undergoing law enforcement action or presenting an identifiable imminent threat, counseling statements, outside work and activities requests, and personal contact records;

Particularly sensitive or protected information, including information held by special access programs, law enforcement, inspector general, or other investigative sources or programs. Access to such information may require additional approval by the senior DoD official who is responsible for managing and overseeing the program;

Reports of investigation regarding security violations, including but not limited to: Statements, declarations, affidavits and correspondence; incident reports; investigative records of a criminal, civil or administrative nature; letters, emails, memoranda, and reports; exhibits and evidence; and, recommended remedial or corrective actions for security violations;

Information containing personnel user names and aliases, levels of network access, audit data, information regarding misuse of a DoD device, information regarding unauthorized use of removable media, and logs of printer, copier, and facsimile machine use;

Information collected through user activity monitoring, which is the technical capability to observe and record the actions and activities of all users, at any time, on a computer network controlled by DoD or a component thereof in order to deter, detect, and/or mitigate insider threats as well as to support authorized investigations. Such information may include key strokes, screen captures, and content transmitted via email, chat, or data import or export. DoD Component summaries of reports, and full reports, about potential insider threats from records of usage of government telephone systems, including the telephone number initiating the call, the telephone number receiving the call, and the date and time of the call;

Information obtained from other Federal Government sources, such as information regarding U.S. border crossings and financial information obtained from the Financial Crimes Enforcement Network;

Information specific to the management and operation of each DoD Component insider threat program, including information related to investigative or analytical efforts by DoD insider threat program personnel to identify threats to DoD personnel, property, facilities, and information, and information obtained from Intelligence Community members, the Federal Bureau of Investigation, or from other agencies or organizations about individuals known or suspected of being engaged in conduct constituting, preparing for, aiding, or relating to an insider threat, including but not limited to espionage or unauthorized disclosure of classified national security information;

Publicly available information, such as information regarding: Arrests and detentions; real property; bankruptcy; liens or holds on property; vehicles; licensure (including professional and pilot's licenses, firearms and explosive permits); business licenses and filings;

Publicly available social media information, including electronic social media information that has been published or broadcast for public consumption, is available on request to the public, is accessible on-line to the public, is available to the public by subscription or purchase, or is otherwise lawfully accessible to the public. It includes social media information generally available to persons in a military community even though the military community is not open to the civilian general public. Publicly available social media information does not include information that can be accessed only by logging into a private account of the individual about whom the record pertains or by requiring the individual to provide a password to social media information that is not publicly available;

Workplace performance information, including performance management and appraisal reviews and other performance based measures. Information collected from the DoD Defense Performance Management and Appraisal Program, and

Information related to reports regarding harassment, discrimination, and drug testing violations or results, including but not limited to: Statements, declarations, affidavits and correspondence; incident reports; investigative records of a criminal, civil or administrative nature; letters, emails, memoranda, and reports; exhibits and evidence; and, recommended remedial or corrective actions.

RECORD SOURCE CATEGORIES:

Information in the system is received from the individual as they complete official questionnaires and applications. Information is also received from DoD Components and program offices throughout DoD and DoD contractor databases, internal and external sources, including counterintelligence and security databases and files; personnel security databases and files; DoD Component human resources databases and files; Office of the Chief Information Officer and information assurance databases and files; information collected through user activity monitoring; DoD telephone usage records; Federal, state, tribal, territorial, and local law enforcement and investigatory records; Inspector General records; available U.S. Government intelligence and counterintelligence reporting information and analytic products pertaining to adversarial threats; other Federal agencies; and publicly available information, including commercially available subscription databases containing public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to disclosures permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records may be disclosed outside DoD as a routine use pursuant to 5 U.S.C. 552(b)(3) as follows:

(a) To an appropriate federal, state, local, tribal, territorial, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, delegation or designation of authority, or other benefit, or if the information is relevant and necessary to a DoD decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, delegation or designation of authority, or other benefit and disclosure is appropriate to the proper performance of the official duties of the person making the request.

(b) A record consisting of, or relating to, terrorism information, homeland security information, counterintelligence, or law enforcement information may be disclosed to a Federal, state, local, tribal, territorial, foreign government, multinational agency, and to a private sector agent either in response to its request or upon the initiative of the DoD Component, for purposes of sharing such information as is necessary and relevant to the agency's investigations and inquiries related to the detection, prevention, disruption, preemption, and mitigation of the effects of terrorist activities against the territory, people, and interests of the United States of America as contemplated by the Intelligence Reform and Terrorism Protection Act of 2004.

(c) To any person, organization or governmental entity (*e.g.,* local governments, first responders, American Red Cross, etc.), in order to notify them of or respond to a serious and imminent terrorist or homeland security threat or natural or manmade disaster as is necessary and relevant for the purpose of guarding against or responding to such threat or disaster.

(d) To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(e) To officials and agencies of the Executive Branch of government, federal contractors and grantees, for purposes of conducting studies, research and analyses of insider threat programs or issues.

(f) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records.

(g) To designated officers and employees of Federal, State, local, territorial or tribal, international, or foreign agencies maintaining civil, criminal, enforcement, or other pertinent information, such as current licenses, if necessary to obtain information relevant and necessary to a DoD Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(h) To foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements, including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

(i) To any agency, organization, or individual for the purposes of performing audit or oversight of the DoD Insider Threat Program as authorized by law and as necessary and relevant to such audit or oversight functions.

(j) To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

(k) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation, provided disclosure is appropriate to the proper performance of the official duties of the individual making the disclosure.

(l) To a Federal agency or entity that may have information relevant to an allegation or investigation or was consulted regarding an insider threat for purposes of obtaining guidance, additional information, or advice from

such Federal agency or entity regarding the handling of an insider threat matter.

(m) To the news media or the general public, factual information the disclosure of which would be in the public interest and which would not constitute an unwarranted invasion of personal privacy.

(n) To a Federal, state, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the Central Intelligence Act of 1949 as amended, E.O. 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

(o) To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

(p) To the Department of Justice for the purpose of representing the Department of Defense, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

(q) To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(r) To another Federal agency or Federal entity, when the DoD 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.

(s) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(t) To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(u) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in paper and electronic storage media, in accordance with the safeguards mentioned below.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in this system may be retrieved by name, SSN, and/or DoD identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are retained and disposed of according to DoD records maintenance and disposition schedules and the requirements of the National Archives and Records Administration (General Records Schedule 5.6: Security Records Transmittal No. 28 July 2017, item 210–240).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information technology systems are protected by military personnel, civilian employee, or contract security personnel guards. Physical access to rooms is controlled by combination lock and by identification badges that are issued only to authorized individuals. Electronic authorization and authentication of users is required at all points before any system information can be accessed. All data transfers and information retrievals that use remote communication facilities are required to be encrypted. Paper records are contained and stored in safes and filing cabinets that are located in a secure area with access only by authorized personnel.

RECORD ACCESS PROCEDURES:

Individuals seeking information about themselves contained in the DITMAC system of record should address written inquires to the Defense Security Service, Office of FOIA and PA, 27130 Telegraph Road, Quantico, VA 22134–2253.

Individuals seeking information about themselves contained in any specific DoD Component's insider threat program system of records should address written inquiries to the official mailing address for that Component, which is published with each Component's compilation of systems of records notices. DoD Component addresses are also listed at: *http://dpcld.defense.gov/Privacy/Privacy-Contacts/*.

Individuals seeking information about themselves contained in the DITMAC system of records that originated in another DoD Component may be directed to the originating DoD Component that maintains the records being sought.

Individuals should provide their full name (and any alias and/or alternate name), SSN, and date and place of birth, and the address where the records are to be returned.

In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside of the United States:

''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths:

''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records and for contesting or appealing agency determinations are published in DoD Regulation 5400.11; 32 CFR 310; or may be obtained from the Defense Privacy, Civil Liberties, and Transparency Division, 4800 Mark Center Drive; ATTN: DPCLTD, Mailbox #24; Alexandria, VA 22350–1700.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves

is contained in the DITMAC system of records should address written inquires to the Defense Security Service, Office of FOIA and PA, 27130 Telegraph Road, Quantico, VA 22134–2253.

Individuals seeking to determine whether information about themselves is contained in any specific DoD Component's insider threat program system of records should address written inquiries to the official mailing address for that Component, which is published with each Component's compilation of systems of records notices. DoD Component addresses are also listed at: *http://dpcld.defense.gov/Privacy/Privacy-Contacts/.*

Signed, written requests must contain the full name (and any alias and/or alternate names used), SSN, and date and place of birth.

In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside of the United States:

''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths:

''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The DoD is exempting records maintained in DUSDI 01–DoD, the ''Department of Defense (DoD) Insider Threat Management and Analysis Center (DITMAC) and DoD Component Insider Threat Records System,'' from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(1), (2), (4), (5), (6), (7). In addition, exempt records received from other systems of records in the course of DITMAC or Component record checks may, in turn, become part of the case records in this system. When records are exempt from disclosure in systems of records for record sources accessed by this system, DoD also claims the same exemptions for any copies of such records received by and stored in this system.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 310. For additional information contact the system manager.

HISTORY:

September 23, 2016, 81 FR 65631; May 19, 2016, 81 FR 31614.

[FR Doc. 2018–05699 Filed 3–20–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0011]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 21, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Civilian Personnel Advisory Service (DCPAS), ATTN: Dakhalfani Boyd, 4800 Mark Center Drive, Alexandria, VA 22350–1100, or call DCPAS, Enterprise Solutions and Integration, at 571–372–2120.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense New Hire Forms; DD X735, DD X739, DD X741; OMB Control Number 0704–XXXX.

Needs and Uses: This information collection is necessary to ensure that all new hires across the Department of Defense meet the basic requirements of civil service. The New Hire Forms, DD X735, ''Release/Consent Statement,'' DD X739, ''Civilian Employee's Military Reserve, Guard, or Retiree Data,'' and DD X741, ''Term Employment Statement of Understanding,'' supplant and standardize the paperwork used throughout the Department of Defense to verify the eligibility of onboarding employees.

Affected Public: Individuals or Households.

Annual Burden Hours: 6,833.35.

Number of Respondents: 80,000.

Responses per Respondent: 80,000 respondents fill out DD X739; approximately 1000 respondents drawn from that population will each fill out DD X735 and DD X741 as required.

Annual Responses: 82,000.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

For all forms, the purpose is to transmit new hire and onboarding data between the DoD civilian personnel system of record, the Defense Civilian Personnel Data System, and the OPM hiring systems, namely USA Staffing Upgrade, and eOPF.

Dated: March 16, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–05713 Filed 3–20–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Application for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants for Credit Enhancement for Charter School Facilities

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for CSP—Grants for Credit Enhancement for Charter School Facilities (Credit Enhancement), Catalog of Federal Domestic Assistance (CFDA) number 84.354A.

DATES:

Applications Available: March 21, 2018.

Date of Pre-Application Meeting: The Credit Enhancement program intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the Credit Enhancement web page at *https://innovation.ed.gov/what-we-do/charter-schools/credit-enhancement-for-charter-school-facilities-program/applicant-info-and-eligibility/.*

Deadline for Transmittal of Applications: May 11, 2018.

Deadline for Intergovernmental Review: July 5, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR–2018–02–12/pdf/2018–02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Clifton Jones, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W244, Washington, DC 20202–5970. Telephone: (202) 205–2204 or by email: *Clifton.Jones@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Credit Enhancement program provides grants to eligible entities to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans and bond financing.

Background: Since FY 2002, the Department has made new Credit Enhancement grants each year, which has resulted in a portfolio of grantees using Federal funds to enhance the credit of charter schools so that they can access private-sector and other non-Federal capital in order to acquire, construct, and renovate facilities at a reasonable cost.

This notice contains application requirements from the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA),[1] and selection criteria and a competitive preference priority for charter schools operating in high-need communities and geographic areas from program regulations at 34 CFR part 225. This notice also includes an invitational priority that encourages applicants to partner with other entities to leverage new or previously untapped capital and other resources to expand support to more schools and students as well as improve their ability to support schools and students. Under this priority, an applicant could propose, for example, to partner with a newly created State-funded credit enhancement program designed to improve charter schools' credit ratings on bonds, thereby enabling charter school facility financing at lower interest rates and lower borrowing costs.

Priorities: This competition includes one competitive preference priority and one invitational priority.

Competitive Preference Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from 34 CFR 225.12. For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 15 points to an application, depending on how well the application addresses the priority.

This priority is:

The capacity of charter schools to offer public school choice in those communities with the greatest need for this choice based on—

(1) The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB);

(2) The extent to which the applicant would target services to geographic areas in which a large proportion of students perform below proficient on State academic assessments; and

(3) The extent to which the applicant would target services to communities with large proportions of students from low-income families.

Note: With regard to paragraph (1), consistent with the ESSA, if applicants will be operating in States that have identified schools for comprehensive support and improvement or targeted support and improvement under the ESEA, as amended by the ESSA, ''improvement, corrective action, or restructuring'' refers to schools identified for ''comprehensive support and improvement or targeted support and improvement'' under the ESEA, as amended by the ESSA. If applicants will be operating in States that are delaying, as permitted by the Department, the identification of schools for comprehensive support and improvement or targeted support and improvement until school year 2018–2019, the Department will award competitive preference points under paragraph (1) to allow those applicants to target services to geographic areas in which a large proportion of public schools are, at the time of submission of an application under this competition: (i) Elementary and secondary schools identified as in need of improvement, corrective action, or restructuring under the ESEA, as amended by NCLB; or (ii) elementary and secondary schools identified as a priority or focus school by the State prior to August 1, 2016 under ESEA flexibility. After school year 2018–2019, the Department will require a grantee that is operating in States that are delaying identification of schools, and that receives points under this priority, to amend its approved application, as needed, to describe how it will target services to geographic areas in which a large proportion of public schools are elementary and secondary schools identified for comprehensive or targeted support and improvement under the ESEA, as amended by the ESSA.

Invitational Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or

[1] Unless otherwise indicated, references to the ESEA are to the ESEA, as amended by the ESSA.

absolute preference over other applications.

This priority is:

Projects proposing the development of one or more partnerships that will enable the applicant to leverage newly created or previously untapped sources of capital or other assistance, which may include non-Federal programs, in financing charter school facilities in geographic areas and communities described in the competitive preference priority.

Definitions: The following definition is from section 4310 of the ESEA (20 U.S.C. 7221i(2)).

Charter school means a public school that—

(a) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements in section 4310 of the ESEA;

(b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(c) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(d) Provides a program of elementary or secondary education, or both;

(e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(f) Does not charge tuition;

(g) Complies with the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974''), and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 *et seq.*);

(h) Is a school to which parents choose to send their children, and that—

(1) Admits students on the basis of a lottery, consistent with section 4303(c)(3)(A) (20 U.S.C. 7221b(c)(3)(A)), if more students apply for admission than can be accommodated; or

(2) In the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (1);

(i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(j) Meets all applicable Federal, State, and local health and safety requirements;

(k) Operates in accordance with State law;

(l) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(m) May serve students in early childhood education programs or postsecondary students.

Program Authority: 20 U.S.C. 7221c.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 225.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $500,000,000 for the CSP for FY 2018, of which we would use an estimated $65,000,000 for new awards under this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $4,000,000 to $12,000,000.

Estimated Average Size of Awards: $9,000,000.

Maximum Award: We will not make an award exceeding $12,000,000 for a single grant project period.

Estimated Number of Awards: 7.

Note: The Department is not bound by any estimates in this notice.

Project Period: From the start date indicated on the grant award document until the Federal funds and earnings on those funds have been expended for the grant purposes or until financing facilitated by the grant has been retired, whichever is later.

III. Eligibility Information

1. *Eligible Applicants:*

(a) A public entity, such as a State or local governmental entity;

(b) A private, nonprofit entity; or

(c) A consortium of entities described in paragraphs (a) and (b) of this section.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* The charter schools that a grantee selects to benefit from this program must meet the definition of ''charter school'' in section 4310 of the ESEA (20 U.S.C. 7221i).

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Content and Form of Application Submission:* Each Credit Enhancement program application must include the following specific elements:

(a) A statement identifying the activities that the eligible entity proposes to carry out with funds received under the program, including

how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive.

(b) A description of the involvement of charter schools in the application's development and the design of the proposed activities.

(c) A description of the eligible entity's expertise in capital market financing. (Consortium applicants must provide this information for each of the participating organizations.)

(d) A description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section.

(e) A description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought.

(f) In the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

(g) In the case of applicants applying as a consortium, applicants must also submit consortium agreements as part of their application package. These applicants must either designate one member of the group to apply for the grant or establish a separate legal entity to apply for the grant. All members of the consortium must then enter into an agreement that details the activities that each member of the group plans to perform and that binds each member to the application statements and assurances. This consortium agreement must be submitted as part of the consortium's application. The Department's administrative regulations at 34 CFR 75.127–129 provide more details about the requirements that govern group/consortium applications.

3. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Credit Enhancement program, your application may include business information that you consider proprietary. In 34 CFR 5.11, we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* (a) *Reserve accounts.* An eligible entity receiving a grant must, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received, other than funds used for administrative costs, in a reserve account established and maintained by the eligible entity. Amounts deposited in such account must be used by the eligible entity for one or more of the following purposes:

(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein.

(2) Guaranteeing and insuring leases of personal and real property.

(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

Funds received and deposited in the reserve account must be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities. Any earnings on funds received must be deposited in the reserve account and used in accordance with this program.

(b) *Charter school objectives.* An eligible entity receiving a grant must use the funds deposited in the reserve account to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

(3) The predevelopment costs required to assess sites and to commence or continue the operation of a charter school.

(c) *Other.* Grantees must ensure that all costs incurred using funds from the reserve account are reasonable. Under 20 U.S.C. 7221c(g), an eligible entity may use not more than 2.5 percent of the funds received under this grant for the administrative costs of carrying out its project responsibilities.

We specify unallowable costs in 34 CFR 225.21.

The full faith and credit of the United States are not pledged to the payment of funds under such obligation. In the event of a default on any debt or other obligation, the United States has no liability to cover the cost of the default.

Applicants that are selected to receive an award must enter into a written Performance Agreement with the Department prior to drawing down funds, unless the grantee receives written permission from the Department in the interim to draw down a specific limited amount of funds. Grantees must maintain and enforce standards of conduct governing the performance of their employees, officers, directors, trustees, and agents engaged in the selection, award, and administration of contracts or agreements related to this grant. The standards of conduct must mandate disinterested decision-making. The Secretary, in accordance with chapter 37 of title 31 of the United States Code, will collect all or a portion of the funds in the reserve account established with grant funds (including any earnings on those funds) if the Secretary determines that: (1) The grantee has permanently ceased to use such funds to accomplish the purposes described in the authorizing statute and the Performance Agreement; or (2) not earlier than two years after the date on which it first receives these funds, the

grantee has failed to make substantial progress in undertaking the grant project.

6. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to 40 pages and (2) use the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

Furthermore, applicants are strongly encouraged to include a table of contents that specifies where each required part of the application is located.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from program regulations at 34 CFR 225.11. The Secretary awards up to 100 points for addressing these criteria. The maximum possible score for addressing each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider to determine how well an application meets the criterion. We encourage applicants to make explicit connections to the selection criteria and factors in their applications.

The Secretary uses the following criteria to evaluate an application for a Credit Enhancement grant:

(a) *Quality of project design and significance (35 points):*

In determining the quality of project design and significance, the Secretary considers—

(1) The extent to which the grant proposal would provide financing to charter schools at better rates and terms than they can receive absent assistance through the program;

(2) The extent to which the project goals, objectives, and timeline are clearly specified, measurable, and appropriate for the purpose of the program;

(3) The extent to which the project implementation plan and activities, including the partnerships established, are likely to achieve measurable objectives that further the purposes of the program;

(4) The extent to which the project is likely to produce results that are replicable;

(5) The extent to which the project will use appropriate criteria for selecting charter schools for assistance and for determining the type and amount of assistance to be given;

(6) The extent to which the proposed activities will leverage private or public-sector funding and increase the number and variety of charter schools assisted in meeting their facilities needs more than would be accomplished absent the program;

(7) The extent to which the project will serve charter schools in States with strong charter laws, consistent with the criteria for such laws in section 4303(g)(2) of the ESEA; and

(8) The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the project.

(b) *Quality of project services (15 points):*

In determining the quality of the project services, the Secretary considers—

(1) The extent to which the services to be provided by the project reflect the identified needs of the charter schools to be served;

(2) The extent to which charter schools and chartering agencies were involved in the design of, and demonstrate support for, the project;

(3) The extent to which the technical assistance and other services to be provided by the proposed grant project involve the use of cost-effective strategies for increasing charter schools' access to facilities financing, including the reasonableness of fees and lending terms; and

(4) The extent to which the services to be provided by the proposed grant project are focused on assisting charter schools with a likelihood of success and the greatest demonstrated need for assistance under the program.

(c) *Capacity (35 points):*

In determining an applicant's business and organizational capacity to carry out the project, the Secretary considers—

(1) The amount and quality of experience of the applicant in carrying out the activities it proposes to undertake in its application, such as enhancing the credit on debt issuances, guaranteeing leases, and facilitating financing;

(2) The applicant's financial stability;

(3) The ability of the applicant to protect against unwarranted risk in its loan underwriting, portfolio monitoring, and financial management;

(4) The applicant's expertise in education to evaluate the likelihood of success of a charter school;

(5) The ability of the applicant to prevent conflicts of interest, including conflicts of interest by employees and members of the board of directors in a decision-making role;

(6) If the applicant has co-applicants (consortium members), partners, or other grant project participants, the specific resources to be contributed by each co-applicant (consortium member), partner, or other grant project participant to the implementation and success of the grant project;

(7) For State governmental entities, the extent to which steps have been or will be taken to ensure that charter schools within the State receive the funding needed to obtain adequate facilities; and

(8) For previous grantees under the charter school facilities programs, their performance in implementing these grants.

(d) *Quality of project personnel (15 points):*

In determining the quality of project personnel, the Secretary considers—

(1) The qualifications of project personnel, including relevant training and experience, of the project manager and other members of the project team, including consultants or subcontractors; and

(2) The staffing plan for the grant project.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the

Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) If you receive a grant under this competition, you must submit an annual report that complies with the reporting requirements for Credit Enhancement grantees in section 4304(h)(2) of the ESEA and the performance and financial expenditure reporting requirements in 34 CFR 75.720. At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:*

(a) *Program Performance Measures.* The performance measures for this program are: (1) The amount of funding grantees leverage for charter schools to acquire, construct, and renovate school facilities and (2) the number of charter schools served. Grantees must provide information that is responsive to these measures as part of their annual performance reports.

(b) *Project-Specific Performance Measures.* Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the project and program. Applicants must provide the following information as directed under 34 CFR 75.110(b):

(1) *Project Performance Measures.* How each proposed project-specific performance measure would accurately measure the performance of the project and how the proposed project-specific performance measure would be consistent with the performance measures established for the program funding the competition.

(2) *Project Performance Targets.* Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

Note: The Secretary encourages applicants to consider measures and targets tied to their grant activities (for instance, if an applicant is using eligibility for free and reduced-price lunch to measure the number of low-income families served by the project, the applicant could provide a percentage for students qualifying for free and reduced-price lunch), during the grant period. The measures should be sufficient to gauge the progress throughout the grant period, and show results by the end of the grant period.

(3) *Data Collection and Reporting.* (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and

(ii) The applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If applicants do not have experience with collection and reporting of performance data through other projects or research, they should provide other evidence of their capacity to successfully carry out data collection and reporting for their proposed project.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have

Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 16, 2018.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–05748 Filed 3–20–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Supporting Effective Educator Development Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for the Supporting Effective Educator Development (SEED) program, Catalog of Federal Domestic Assistance (CFDA) number 84.423A.

DATES:

Applications Available: March 21, 2018.

Date of Informational Webinar: The SEED program intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the SEED web page at *http://innovation.ed.gov/what-we-do/teacher-quality/supporting-effective-educator-development-grant-program/.*

Deadline for Notice of Intent to Apply: April 5, 2018.

Deadline for Transmittal of Applications: May 17, 2018.

Deadline for Intergovernmental Review: July 19, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W111, Washington, DC 20202–5960. Telephone: (202) 453–6709 or by email: *SEED@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The SEED program, authorized under section 2242 of the Elementary and Secondary Education Act of 1965 (ESEA or Act), as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 6672),[1] provides funding to increase the number of highly effective educators by supporting the implementation of Evidence-Based [2] practices that prepare, develop, or enhance the skills of educators. These grants will allow eligible entities to develop, expand, and evaluate practices that can serve as models that can be sustained and disseminated.

Priorities: This competition includes two absolute priorities, one competitive preference priority, and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 1, which requires moderate evidence, and Absolute Priority 2, which requires promising evidence, are from section 2242 of the ESEA (20 U.S.C. 6672) and 34 CFR 75.226. The competitive preference priority is from the Department's notice of final supplemental priorities and definitions, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities). Under the SEED grant competition, each of the two absolute priorities constitutes its own funding category. The Secretary intends to award grants under each absolute priority for which applications of sufficient quality are submitted.

Absolute Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet one of these priorities. Applicants may address only one absolute priority and must clearly indicate the specific absolute priority their project addresses.

These priorities are:

Absolute Priority 1—Supporting Effective Teachers.

This priority is for projects that will implement activities that are supported by Moderate Evidence. Applicants under this priority may propose one or more of the following activities:

(1) Providing teachers from nontraditional preparation and certification routes or pathways to serve in traditionally underserved Local Educational Agencies (LEAs);

(2) Providing teachers with Evidence-Based Professional Development activities that address literacy, numeracy, remedial, or other needs of LEAs and the students the agencies serve; or

(3) Providing teachers with Evidence-Based professional enhancement activities, which may include activities that lead to an advanced credential.

Note: An LEA includes a public charter school that operates as an LEA.

Absolute Priority 2—Supporting Effective Principals or Other School Leaders.

This priority is for projects that will implement activities that are supported by Promising Evidence. Applicants under this priority may propose one or more of the following activities:

(1) Providing principals or other School Leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved LEAs;

(2) Providing principals or other School Leaders with Evidence-Based Professional Development activities that address literacy, numeracy, remedial, or other needs of LEAs and the students the agencies serve; or

(3) Providing principals or other School Leaders with Evidence-Based professional enhancement activities, which may include activities that lead to an advanced credential.

Note: An applicant must identify at least one but no more than two citations for the purposes of meeting the evidence requirement for the priority the applicant addresses, Moderate Evidence for Absolute Priority 1 or Promising Evidence for Absolute Priority 2. An applicant should clearly identify these citations in the Evidence form. The Department will not review a citation that an applicant fails to clearly identify for review. Studies included for review may have been conducted by the applicant or by a third party.

In addition to including up to two citations, an applicant must provide a description of: (1) The positive outcome(s) and practice(s) the applicant intends to replicate under its SEED grant and (2) the relevance of the outcome(s) and practice(s) to the SEED program. For an applicant addressing Absolute Priority 1 to meet the definition of Moderate Evidence, the

[1] Unless otherwise indicated, all references to the ESEA or the Act are to the ESEA, as amended by the ESSA.

[2] Throughout this notice, all defined terms are denoted with capitals.

applicant must describe how the population it proposes to serve overlaps with the population or settings in the citations.

An applicant must ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time. However, if the What Works Clearinghouse (WWC) determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC will submit a query to the study author(s) to gather information for use in determining a study rating. Authors are asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study will be deemed ineligible under the grant competition. After the grant competition closes, the WWC will continue to include responses to author queries and will make updates to study reviews as necessary, but no additional information will be taken into account after the competition closes and the initial timeline established for response to an author query passes.

Competitive Preference Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional three points to an application, depending on how well the application addresses this priority.

This priority is:

Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science.

Projects designed to improve student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or Computer Science. These projects must address the following priority area:

Increasing the number of educators adequately prepared to deliver rigorous instruction in STEM fields, including Computer Science, through recruitment, Evidence-Based Professional Development strategies for current STEM educators, or evidence-based retraining strategies for current educators seeking to transition from other subjects to STEM fields.

Invitational Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Support for the Use of Micro-Credentials.

Under this priority, we are interested in projects that support teachers, principals, or other School Leaders earning micro-credentials based on demonstrated mastery of specific skills or competencies through the use of performance-based outcomes. The micro-credentials should be portable across schools, LEAs, or States.

Definitions: The definition of ''Evidence-Based'' is from section 2242 of the ESEA (20 U.S.C. 6672) and section 8101 of the ESEA (20 U.S.C. 7801). The definitions of ''Institution of Higher Education,'' which incorporates by reference section 101(a) of the Higher Education Opportunity Act (20 U.S.C. 7801(a)), ''Local Educational Agency,'' ''Professional Development,'' ''School Leader,'' and ''State Educational Agency'' are from section 8101 of the ESEA (20 U.S.C. 7801). The definition of ''Computer Science'' is from the Supplemental Priorities. The definitions of ''Experimental Study,'' ''Moderate Evidence,'' ''Project Component,'' ''Promising Evidence,'' ''Quasi-Experimental Design Study,'' ''Relevant Outcome,'' and ''What Works Clearinghouse Handbook'' are from 34 CFR 77.1.

Computer Science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Evidence-Based, when used with respect to a State, Local Educational Agency, or school activity, means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other Relevant Outcomes based on—

(I) Strong evidence from at least 1 well-designed and well-implemented Experimental Study;

(II) Moderate Evidence from at least 1 well-designed and well-implemented Quasi-Experimental Study; or

(III) Promising Evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.

Experimental Study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a Project Component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the Project Component being evaluated (the treatment group) or not to receive the Project Component (the control group).

(ii) A regression discontinuity design study assigns the Project Component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Institution of Higher Education means an educational institution in any State that—

(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d) of the Higher Education Act of 1965, as amended (HEA);

(b) Is legally authorized within such State to provide a program of education beyond secondary education;

(c) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Local Educational Agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

Moderate Evidence means that there is evidence of effectiveness of a key Project Component in improving a Relevant Outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' or ''potentially positive effect'' on a Relevant Outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a Relevant Outcome; or

(iii) A single Experimental Study or Quasi-Experimental Design Study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a Relevant Outcome;

(C) Includes no overriding statistically significant and negative effects on Relevant Outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same Project Component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

Professional Development means activities that—

(a) Are an integral part of school and LEA strategies for providing educators (including teachers, principals, other School Leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(b) Are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(i) Improve and increase teachers': (1) Knowledge of the academic subjects the teachers teach; (2) understanding of how students learn; and (3) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) Are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) Allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) Improve classroom management skills;

(v) Support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) Advance teacher understanding of: (1) Effective instructional strategies that are Evidence-Based; and (2) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) Are aligned with, and directly related to, academic goals of the school or LEA;

(viii) Are developed with extensive participation of teachers, principals, other School Leaders, parents, representatives of Indian Tribes (as applicable), and administrators of schools to be served under this Act;

(ix) Are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) To the extent appropriate, provide training for teachers, principals, and other School Leaders in the use of technology (including education about the harms of copyright piracy), so that

technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) Are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) Include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) Include instruction in ways that teachers, principals, other School Leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) Involve the forming of partnerships with Institutions of Higher Education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the HEA (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other School Leader training programs that provide prospective teachers, novice teachers, principals, and other School Leaders with an opportunity to work under the guidance of experienced teachers, principals, other School Leaders, and faculty of such institutions;

(xvi) Create programs to enable paraprofessionals (assisting teachers employed by an LEA receiving assistance under part A of title I of the ESEA) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) Provide follow-up training to teachers who have participated in activities described in paragraph (b) of this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) Where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

Project Component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising Evidence means that there is evidence of the effectiveness of a key Project Component in improving a Relevant Outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by WWC reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a ''positive effect'' or ''potentially positive effect'' on a Relevant Outcome with no reporting of a ''negative effect'' or ''potentially negative effect'' on a Relevant Outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an Experimental Study, a Quasi-Experimental Design Study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (*e.g.,* a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a Relevant Outcome.

Quasi-Experimental Design Study means a study using a design that attempts to approximate an Experimental Study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Relevant Outcome means the student outcome(s) or other outcome(s) the key Project Component is designed to improve, consistent with the specific goals of the program.

School Leader means a principal, assistant principal, or other individual who is—

(a) An employee or officer of an elementary school or secondary school, LEA, or other entity operating an elementary school or secondary school; and

(b) Responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

State Educational Agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Program Authority: Section 2242 of the ESEA (20 U.S.C. 6672).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 86 apply to Institutions of Higher Education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration's budget request for FY 2018 does not include funds for new awards under this program. However, we are inviting applications to allow sufficient time to complete the grant process before the end of the current fiscal year, if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $1,000,000–$6,000,000 per project year.

Estimated Average Size of Awards: $3,500,000 per project year.

Estimated Number of Awards: 5–8.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months, with renewal of up two additional years.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An Institution of Higher Education that provides course materials or resources that are Evidence-Based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(b) A national nonprofit organization with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and Professional Development activities and programs for teachers, principals, or other School Leaders;

(c) The Bureau of Indian Education; or

(d) A partnership consisting of—

(i) One or more entities described in paragraph (a) or (b); and

(ii) A for-profit entity.

2. a. *Cost Sharing or Matching:* Under section 2242 of the ESEA, each grant recipient must provide, from non-Federal sources, at least 25 percent of the funds for the total cost for each year of activities supported by the grant. These funds may be provided in cash or through in-kind contributions. Grantees must include a budget showing their matching contributions on an annual basis relative to the annual budget amount of SEED grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications.

Section 2242 of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis in cases of demonstrated financial hardship. Applicants that wish to apply for a waiver must include a request in their application that demonstrates a financial hardship.

Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 2301 of the ESEA (20 U.S.C. 6691), funds made available under title II of the ESEA must be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title. Further, the prohibition against supplanting funds also means that grantees seeking to charge indirect costs to SEED funds will need to use their negotiated restricted indirect cost rates. See 34 CFR 75.563.

3. *Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: LEAs, public entities, and private entities suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application or under procedures established by the grantee.

4. *Certification:* Pursuant to section 2242 of the ESEA (20 U.S.C. 6672), applicants must include a certification that the services provided by an eligible entity under the grant to a LEA or to a school served by the LEA will not result in direct fees for participating students or parents.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the SEED program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to 40 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the sub-factors that the reviewers will consider in determining how well an application meets the criterion. The criteria are as follows:

A. *Quality of the Project Design (35 points).* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(2) The extent to which the training or Professional Development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in

practice among the recipients of those services.

(3) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(4) The extent to which the services to be provided by the proposed project are focused on those with greatest needs.

(5) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

B. *Significance (20 points).* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(3) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of Federal funding.

(4) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

C. *Quality of the Management Plan (25 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

D. *Quality of the Project Evaluation (20 points).* The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the WWC standards with or without reservations as described in the WWC Handbook.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(3) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(4) The extent to which the methods of evaluation will provide valid and reliable performance data on Relevant Outcomes.

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks* (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp;* and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, applicants may view two optional webinar recordings that were hosted by the Institute of Education Sciences. The first webinar discussed strategies for designing and executing well-designed Quasi-Experimental Design Studies and is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=23.* The second webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are as follows:

(a) As required under section 2242 of the ESEA, the Secretary must ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(b) As required under section 2242 of the ESEA, the Department must not award more than one grant under this program to an eligible entity during a grant competition. If an entity submits multiple applications for this competition, only the highest rated application will be considered for an award.

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant

plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the SEED program is to increase the number of highly effective educators by supporting Evidence-Based projects that prepare or provide Professional Development or enhancement activities for teachers, principals, or other School Leaders. We have established the following performance measures for the SEED program: (a) The percentage of teacher, principal, or other School Leader participants who serve concentrations of high-need students; (b) the percentage of teacher and principal participants who serve concentrations of high-need students and are highly effective; (c) the percentage of teacher and principal participants who serve concentrations of high-need students, are highly effective, and serve for at least two years; (d) the cost per such participant; and (e) the number of grantees with evaluations that meet the WWC standards with reservations. Grantees will report annually on each measure.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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Dated: March 16, 2018.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–05750 Filed 3–20–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL17–1–000]

Inquiry Regarding the Commission's Policy for Recovery of Income Tax Costs

AGENCY: Federal Energy Regulatory Commission.

ACTION: Revised policy statement.

SUMMARY: Following the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *United Airlines, Inc., et al.* v. *Federal Energy Regulatory Commission,* the Commission issued a notice of inquiry (NOI) seeking comment regarding how to address any double recovery resulting from the Commission's current income tax allowance and rate of return policies. The Commission finds that an impermissible double recovery results from granting a Master Limited Partnership (MLP) pipeline both an income tax allowance and a return on equity pursuant to the discounted cash flow methodology. Accordingly, the Commission revises its policy and will no longer permit an MLP to recover an income tax allowance in its cost of service. While all partnerships seeking to recover an income tax allowance will need to address the double-recovery concern, the Commission will address the application of *United Airlines* to

non-MLP partnership forms as those issues arise in subsequent proceedings.

DATES: This Revised Policy Statement will become applicable March 21, 2018.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Before Commissioners: Kevin J. McIntyre, Chairman; Cheryl A. LaFleur, Neil Chatterjee, Robert F. Powelson, and Richard Glick.

1. On December 15, 2016, the Commission issued a Notice of Inquiry (NOI) [1] following the decision of the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *United Airlines.*[2] In that decision, the D.C. Circuit held that the Commission failed to demonstrate that there was no double recovery of income tax costs when permitting SFPP, L.P. (SFPP), a master limited partnership (MLP),[3] to recover both an income tax allowance and a return on equity (ROE) determined pursuant to the discounted cash flow (DCF) methodology. The NOI sought comments regarding the double-recovery concern.

2. As explained below, the Commission revises the 2005 Income Tax Policy Statement [4] and will no longer permit MLPs to recover an income tax allowance in their cost of service. To the extent the comments in this proceeding raise arguments that an MLP pipeline should continue to receive an income tax allowance, those comments fail (a) to undermine the conclusion that a double recovery results from granting an MLP both an income tax allowance and a DCF ROE or (b) to justify preserving an income tax allowance notwithstanding such a double recovery. Consistent with this policy, the Commission is concurrently issuing a Remand Order [5] denying SFPP an income tax allowance in response to *United Airlines.*

3. In addition, this record does not provide a basis for addressing the *United Airlines* double-recovery issue for the innumerable partnership and other pass-through business forms that are not MLPs like SFPP. While all partnerships seeking to recover an income tax allowance will need to address the double-recovery concern, the Commission will address the application of *United Airlines* to non-MLP partnership or other pass-through business forms as those issues arise in subsequent proceedings.

I. Background

4. Prior to *United Airlines,* the Commission's 2005 Income Tax Policy Statement allowed all partnership entities (including MLPs, such as SFPP) to recover an income tax allowance for the partners' tax costs much like a corporation receives an income tax allowance for its corporate income tax costs.[6] The Commission explained that while a partnership itself does not pay taxes, the partners pay income taxes based upon the partnership income and these partner-level taxes could be imputed to the pipeline.[7]

5. Alongside this income tax policy, the Commission has used the DCF methodology to determine the rate of return regulated entities need to attract capital.[8] Under the DCF methodology, the required rate of return is estimated to equal a corporate investor's current dividend yield (dividends divided by share price) plus the projected future growth rate of dividends, such that $k = D/P + g$.[9] Similarly, for an MLP, the Commission uses the same formula, substituting unitholder distributions for dividends, unit price for share price, and using a lower long-term growth rate.[10]

6. In addressing SFPP's West Line rate case filed in 2008, the Commission applied its 2005 policy that allows a partnership to recover an income tax allowance.[11] In *United Airlines,* the D.C. Circuit remanded the Commission's application of this policy, holding that the Commission failed to adequately explain why a double recovery did not result from allowing SFPP to recover both an income tax allowance and a ROE determined by the Commission's DCF methodology.[12] Accordingly, the D.C. Circuit remanded the decisions to the Commission to consider ''mechanisms for which the Commission can demonstrate that there is no double recovery.'' [13]

7. In response, the Commission issued the December 2016 NOI, soliciting comments on how to resolve any double recovery resulting from the 2005 Income Tax Policy Statement and rate of return policies. The Commission received 24 comments and 19 reply comments from customer, pipeline, and electric utility interests.

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[1] *Inquiry Regarding the Commission's Policy for Recovery of Income Tax Costs,* 157 FERC ¶ 61,210 (2016), 81 FR 94366 (December 23, 2016) (NOI).

[2] *United Airlines, Inc.,* v. *FERC,* 827 F.3d 122, 134, 136 (D.C. Cir. 2016) (*United Airlines*).

[3] An MLP is a publicly traded partnership under the Internal Revenue Code that receives at least 90 percent of its income from certain qualifying sources, including gas and oil transportation. *See* 26 U.S.C. 7704; NOI, 157 FERC ¶ 61,210 at PP 4–7. At the time of SFPP's rate filing, Kinder Morgan Energy Partners (KMEP), an MLP, indirectly owned a 99 percent general partner interest in SFPP. *SFPP, L.P.,* Opinion No. 511, 134 FERC ¶ 61,121, at P 74 (2011).

[4] *Policy Statement on Income Tax Allowances,* 111 FERC ¶ 61,139 (2005), 70 FR 25818 (May 16, 2005) (2005 Income Tax Policy Statement).

[5] SFPP, L.P., Opinion No. 511–C, 162 FERC ¶ 61,228 (2018) (Remand Order).

[6] 2005 Income Tax Policy Statement, 111 FERC ¶ 61,139. The Commission's policy permits an income tax allowance, provided that the owners can show an actual or potential income tax liability to be paid on income from the regulated assets.

[7] *Id.*

[8] *United Airlines,* 827 F.3d at 136; *Coakley* v. *Bangor Hydro-Electric Co.,* Opinion No. 531, 147 FERC ¶ 61,234, at P 14 (2014). The Supreme Court has stated that ''the return to the equity owner should be commensurate with the return on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.'' *FPC* v. *Hope Natural Gas Co.,* 320 U.S. 591 (1944); *Bluefield Water Works & Improvement Co.* v. *Public Service Comm'n,* 262 U.S. 679 (1923).

[9] Where P is the price of the stock at the relevant time, D is the current dividend, k is the investors' required rate of return, and g is the expected growth rate in dividends. When a regulated entity is a wholly owned subsidiary and not publicly-traded, the Commission applies the DCF formula to other publicly-traded entities in a proxy group, and, based typically upon the median of the range of returns in the proxy group, the Commission determines the regulated entity's allowed ROE.

[10] *Composition of Proxy Groups for Determining Gas and Oil Pipeline Return on Equity,* 123 FERC ¶ 61,048, at P 6 (2008) (Proxy Group Policy Statement).

[11] Opinion No. 511, 134 FERC ¶ 61,121, *order on reh'g,* Opinion No. 511–A, 137 FERC ¶ 61,220 (2011), *order on reh'g,* Opinion No. 511–B, 150 FERC ¶ 61,096 (2015).

[12] *United Airlines* marks the third time the D.C. Circuit has reviewed the Commission's income tax allowance policy with respect to partnership entities. *See BP West Coast Products, LLC* v. *FERC,* 374 F.3d 1263 (D.C. Cir. 2004); *ExxonMobil Oil Corp.* v. *FERC,* 487 F.3d 945 (D.C. Cir. 2007).

[13] *United Airlines,* 827 F.3d at 137. The D.C. Circuit did not restrict the Commission's policy options, but, among other possibilities, it noted that the Commission could consider removing any duplicative tax recovery for partnerships directly from the DCF ROE, or eliminating all income tax allowances and setting rates based on pre-tax returns. *Id.*

II. Discussion

8. This Revised Policy Statement explains the Commission's conclusion following *United Airlines* that an impermissible double recovery results from granting an MLP pipeline both an income tax allowance and a DCF ROE. Accordingly, the Commission will no longer permit MLPs to recover an income tax allowance in their cost of service. Therefore, the Commission instructs oil pipelines organized as MLPs to reflect the Commission's elimination of the MLP income tax allowance in their Form No. 6, page 700 reporting. Based upon this page 700 data, the Commission will incorporate the effects of this Revised Policy on industry-wide oil pipeline costs in the 2020 five-year review of the oil pipeline index level. The Commission is also concurrently issuing a Notice of Proposed Rulemaking that addresses the effects of this Revised Policy on the rates of interstate natural gas pipelines organized as MLPs.[14] For those partnerships that are not MLPs, the Commission will address such matters in subsequent proceedings.

A. An Impermissible Double Recovery Results From Granting an MLP Pipeline Both an Income Tax Allowance and a DCF ROE

9. While some of the comments in this proceeding argue that no double recovery results from granting an income tax allowance to an MLP, none of these arguments are persuasive. As the Commission explains in the Remand Order, a double recovery results from granting an MLP an income tax allowance and a DCF ROE:

- MLPs and similar pass-through entities do not incur income taxes at the entity level.[15] Instead, the partners are individually responsible for paying taxes on their allocated share of the partnership's taxable income.[16]
- The DCF methodology estimates the returns a regulated entity must provide to investors in order to attract capital.[17]
- To attract capital, entities in the market must provide investors a pre-tax return, *i.e.,* a return that covers investor-level taxes and leaves sufficient remaining income to earn investors' required after-tax return.[18] In other words, because investors must pay taxes from any earnings received from the partnership, the DCF return must be sufficient both to cover the investor's tax costs and to provide the investor a sufficient after-tax ROE.
- The DCF methodology ''determines the *pre-tax* investor return required to attract investment.'' [19]

Given that the DCF return is a ''pre-tax return,'' permitting an MLP to recover both an income tax allowance and a DCF ROE leads to a double recovery of the MLP's income tax costs.[20]

10. This Revised Policy Statement addresses comments responding to the NOI asserting that (a) granting an MLP an income tax allowance does not cause a double recovery or (b) notwithstanding the existence of a double recovery, MLPs should continue to receive an income tax allowance. As discussed below, these arguments are unavailing.

1. A Double Recovery Results From Granting an MLP Both an Income Tax Allowance and a DCF ROE

11. The Commission rejects arguments from pipelines and pipeline groups that no double recovery results from granting an MLP both an income tax allowance and a DCF ROE. These include claims that (a) changes to the stock price eliminate the double recovery, (b) MLP partners' taxes are ''first tier'' taxes that should be recoverable in an income tax allowance, (c) the return produced by the DCF analysis is never grossed-up (or adjusted) to include MLP partners' tax costs, (d) the presence of an income tax allowance causes MLP investors to demand a lower return in the market place, (e) a life-cycle hypothetical shows that corporate and MLP tax costs and after-tax returns are similar when an income tax allowance is present, (f) the calculation of the growth rate in the DCF Formula for MLPs addresses the double-recovery issue, and (g) various empirical studies refute the double-recovery finding in *United Airlines.* As discussed below none of these arguments resolves the double-recovery concern, and accordingly, the Commission will no longer permit MLPs to recover an income tax allowance in cost-of-service rates.

a. Changes to a Pipeline's Unit Price Do Not Resolve the Double-Recovery Issue

12. Some commenters argue that there is no double recovery caused by an income tax allowance for MLPs because the income tax allowance merely increases the price of the MLP units.[21] These commenters assert that as a result of the increased unit price, investors will receive the same rate of return whether or not the pipeline receives an income tax allowance, and, thus, there is no double recovery.

13. The Commission rejects such arguments as inapposite. As explained in the Remand Order, the double-recovery issue is separate from the post-rate case effects upon an MLP pipeline's unit price. An MLP pipeline's DCF ROE is typically based upon a proxy group of other MLPs,[22] all of which must provide investors with sufficient pre-investor tax returns to attract capital. Permitting an MLP pipeline to recover both the DCF pre-investor tax return and an income tax allowance for the investor-level tax costs leads to a double recovery. Whether or not the double recovery leads to an increased unit price, the impermissible double recovery in the MLP's cost of service remains.[23]

14. Moreover, while permitting such a double recovery may increase the unit price, these changes in the unit price do not resolve the double-recovery problem or change the DCF return from a pre-investor tax return to an after-investor tax return. Rather, if an MLP pipeline obtains a new revenue source that increases distributions to investors (such as an income tax allowance), the unit price will rise until, once again, the investor receives the cash flow necessary to cover the investor's income

[14] *Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate,* 162 FERC ¶ 61,226 (2018).

[15] *United Airlines,* 827 F.3d at 136.

[16] 2005 Income Tax Policy Statement, 111 FERC ¶ 61,139 at P 33; *see also ExxonMobil,* 487 F.3d at 954 (noting that ''investors in a limited partnership are required to pay tax on their distributive shares of the partnership income, even if they do not receive a cash distribution''). In contrast, corporations pay entity-level income taxes, and corporate dividends are second tier income to a common stock investor, not analogous to partnership distributions.

[17] *See Coakley* v. *Bangor Hydro-Electric Co.,* Opinion No. 531, 147 FERC ¶ 61,234 at P 14.

[18] *Kern River Transmission Co.,* Opinion No. 486–B, 126 FERC ¶ 61,034, at P 114 (2009) (''investors invest on the basis of after-tax returns and price an instrument accordingly'').

[19] *United Airlines,* 827 F.3d at 136 (emphasis added).

[20] *Id.* at 137.

[21] *E.g.,* Association of Oil Pipe Lines (AOPL) Initial Comments at 24–27, Graham Declaration at 12–13; SFPP Initial Comments at 21–26, Vander Weide Declaration at PP 8, 19. These commenters argue that if an MLP is able to charge a higher tariff rate, the increased cash flow will lead to increased distributions to investors and MLP prices will rise to reflect the additional cash flow. Hence, the market will immediately react to eliminate any differences such that the after-tax returns of partnership and corporate investors are equalized.

[22] The proxy group may include corporations as well. In that case, the ROE will reflect the dividend tax paid by corporate investors.

[23] While an inflated cost of service will likely increase distributions to investors and cause a pipeline's unit price to rise, such benefits to a pipeline's unitholders do not render the double recovery permissible. Under this theory, the Commission could increase a pipeline's cost of service by allowing the pipeline to incorporate duplicative costs, yet these commenters appear to claim that because its unit price would subsequently rise, the inclusion of duplicative costs in the pipeline's cost of service is not unjust or unreasonable. This argument is without merit.

tax liabilities and to earn an after-tax return that is comparable to other investments of similar risk.[24] Likewise, if the MLP's cash flows are reduced (such as via the removal of the income tax allowance) and consequently distributions decline, the MLP unit price will drop until the returns once again both cover an investor's tax costs and provide the sufficient after-tax returns. Whether or not a pipeline receives an income tax allowance, the MLP's DCF return will always be a pre-investor tax return.[25]

b. The Argument That MLPs Are Entitled To Recover ''First Tier'' Taxes Is Irrelevant

15. Some commenters contend that removing the income tax allowance is contrary to Commission and court findings that MLP pipelines may recover so-called ''first tier'' taxes for income generated by the regulated pipeline.[26] The pipelines claim that because a partnership does not itself pay taxes, the taxes paid by the partners are the ''first tier'' tax, much like the corporate income tax is the ''first tier'' tax for the corporation. The pipelines contrast these ''first tier'' taxes with so-called ''second tier'' taxes (such as the dividend tax paid by corporate stockholders) which are not typically recovered by the income tax allowance.

16. The Commission is not persuaded by such arguments, which were already presented to the D.C. Circuit.[27] The pipelines' arguments do not address the D.C. Circuit's finding that the DCF ROE itself enables the recovery of an MLP's ''first tier'' tax costs, rendering an income tax allowance unnecessary. Whether or not a tax can be labeled a ''first tier'' tax is irrelevant to the double-recovery issue. No double recovery results when a corporate pipeline's cost of service includes an income tax allowance because this so-called ''first tier'' corporate income tax is paid directly by the corporation, rather than by unitholders from the dividends used in the DCF methodology.[28] In contrast, the MLP itself pays no taxes.[29] Because the ''first tier'' MLP income taxes are paid directly by the unitholders,[30] the D.C. Circuit explained that the pre-investor tax DCF return must be sufficient to recover an MLP investor's tax costs in order to attract capital. While the D.C. Circuit reaffirmed that an MLP pipeline may recover such ''first tier'' investor income tax costs, the D.C. Circuit also held that an MLP pipeline may not double recover those costs via both an income tax allowance and the DCF return.[31]

c. The Argument That the Tax Allowance Reduces Investors' Required Return Lacks Merit

17. SFPP argues that investors recognize that the income tax costs are recovered by the pipeline through the income tax allowance and therefore, elect not to demand a DCF return on their investment that would cover those income tax costs.[32] Because under this theory the DCF return would not include investor tax costs, SFPP argues that there is no double recovery. In essence, SFPP contends that the pre-tax return produced by a DCF analysis of an MLP with a tax allowance is the equivalent of an after-tax return, since investors do not demand a pre-tax return. Similarly, SFPP argues that if MLPs lose the income tax allowance, then the MLP investors will demand a higher pre-tax return than under present policy.

18. The Commission rejects SFPP's assertions. These arguments distort how the income tax allowance affects investor tax liability. MLP investors owe a tax on any increased income, whether or not that income results from an income tax allowance or another source.[33] Accordingly, while as discussed above an MLP income tax allowance may increase the unit price, investors will continue to demand a pre-tax return even when a portion of a pipeline's rate is attributable to an ''income tax allowance.''[34] Notwithstanding the presence of an income tax allowance, the pre-investor tax ROE produced by the DCF analysis does not equal the investor's after-tax return. Likewise, if an MLP pipeline's loss of its income tax allowance reduces rates and investor income, the unit price will decline until the investor once again earns an adequate pre-tax return.

19. SFPP's comments rely almost exclusively upon the incorrect assumption that for an MLP with an income tax allowance, an MLP investor's pre-tax return equals its after-tax return.[35] However, while SFPP relies heavily upon this assumption in this proceeding, SFPP elsewhere takes the opposite position—presenting hypotheticals showing that an investor will demand a pre-tax return whether or

[24] *United Airlines,* 827 F.3d at 136. In finding that ''the [DCF ROE] determines the pre-tax investor return required to attract investment, irrespective of whether the regulated entity is a partnership or a corporate pipeline,'' the Court relied on Opinion No. 511, 134 FERC ¶ 61,121 at PP 243, 244, which included the following example:

The investor desires a 6 percent after-tax return and has a 25 percent marginal tax rate. Thus, the security must have an ROE of 8 percent to achieve an after-tax yield of 6 percent. Assume that the distribution or dividend is $8. The investor will price the security at $100. Conversely, if the security price is $100 and the yield is $8, the Commission determines that the required return is 8 percent. If the dollar distribution increases to $10, the investor will price the security at $125 because $10 is 8 percent of $125. The Commission would note that the security price is $125 and that the yield is $10, or a return of 8 percent. If the distribution is $6, the security price will drop to $75, a return of 8 percent. The Commission would observe a $75 dollar security price, a $6 yield, and a return of 8 percent. In all cases the ROE is 8 percent and the after-tax return is 6 percent based on the market-established return.

[25] This is true both for the entity whose rates are at issue in a cost-of-service rate case (such as SFPP in the Remand Order) and for the entities in the proxy group.

[26] Interstate Natural Gas Association of America (INGAA) Initial Comments, Sullivan Affidavit at 12–14, 24–25, 27.

[27] Federal Energy Regulatory Commission and United States of America, Brief for Respondents, Case No. 11–1479, at 26 (D.C. Cir., filed Feb. 5, 2016).

[28] Corporations first pay the corporate income tax from their earnings prior to any dividends to investors. Then, subsequently, investors pay taxes on dividends. While the pre-investor tax DCF return would reflect the dividend tax paid by investors, it does not reflect the corporate income tax.

[29] *United Airlines,* 827 F.3d at 136 (explaining ''unlike a corporate pipeline, a partnership pipeline incurs no taxes, except those imputed from its partners, at the entity level'').

[30] In the past, the Commission has stated that its income tax allowance policy ''imputes'' those investor-level taxes to the partnership entity. In using such phrasing, the Commission never denied that investors nonetheless pay the investor-level taxes.

[31] In *United Airlines,* the D.C. Circuit acknowledged that in *ExxonMobil* it held that the Commission provided a reasoned basis for allowing an MLP pipeline to recover the ''first tier'' income tax costs paid by the MLP partners. However, the D.C. Circuit explained that in *ExxonMobil,* it had ''reserved the issue of whether the combination of the [DCF ROE] and the tax allowance results in a double recovery of taxes for partnership pipelines.'' *United Airlines,* 827 F.3d at 134; *see also ExxonMobil,* 487 F.3d 945.

[32] SFPP Initial Comments at 17, Vander Weide Declaration at PP 12, 14, 18. SFPP claims that investors will not ''gross-up'' the required after-tax return to include tax costs. SFPP Initial Comments at 16; Vander Weide Declaration at PP 6, 18.

[33] The Internal Revenue Code does not exempt from taxation income that results from the increases to rates resulting from the cost-of-service income tax allowance.

[34] Suppose an income tax allowance increases a pipeline's rates, raising investor income from $10 to $12. Two things have occurred; first the investor's pre-tax income increased from $10 to $12 and second the investor now owes taxes on $12 of income just as she owed taxes on the initial $10. The unit price will increase until the investor receives the same pre-tax return at $12 of income that it received at $10 of income. In other words, Commission policy does not shift the actual liability to pay income taxes from the MLP partners to the MLP itself.

[35] *E.g,.* SFPP Initial Comments, Vander Weide Affidavit at 8 (Table 1, Lines 11–15, showing the before-tax DCF ROE equaling the investor's after-tax return), 12 (Table 2, Lines 11–15, showing the before-tax DCF ROE and investor's pre-tax return equaling the investor's after-tax return), 16 (Table 3, lines 11–15 showing for a pipeline with an income tax allowance, the before-tax DCF ROE and investor's pre-tax return equaling the investor's after-tax return).

not the pipeline receives an income tax allowance.[36]

d. The Cost-of-Service Gross-Up Theory Was Rejected by the D.C. Circuit

20. Some pipeline commenters also attempt to reframe the cost-of-service ''gross-up'' theory rejected by the D.C. Circuit. This argument, which the Commission also made on appeal in the *United Airlines* proceeding, asserts that the DCF return does not include investor tax costs because the Commission never adjusts, or ''grosses-up,'' the return produced by the DCF analysis to recover such tax costs.[37] In response to the NOI, pipeline commenters assert that the DCF ROE cannot include an MLP investor's income tax costs because the income tax costs are not a separate line item in the DCF methodology.[38]

21. The Commission rejects this position. The Commission's DCF methodology need not include a mathematical step to add income taxes. For the reasons described above, ''the [DCF ROE] determines the *pre-tax* investor return'' [39] that already reflects cash flow for both the (a) investor's tax costs and (b) the investor's post-tax return.

e. The Life-Cycle Hypothetical Does Not Refute the D.C. Circuit's Holding

22. INGAA witness Merle Erickson presents a life-cycle model that compares the total tax expenses of a hypothetical MLP to a hypothetical corporation. Under the assumptions of the model, Erickson finds that MLPs' and corporations' aggregate tax burdens are comparable and that both earn similar returns if MLPs are permitted an income tax allowance.[40] Pipeline commenters claim that the model globally demonstrates that the Commission's current income tax policy provides parity in the returns to partnerships and corporations.[41]

23. We do not find this argument to be persuasive. Erickson's life-cycle model does not undermine the fundamental premise of *United Airlines* that an income tax allowance for MLP pipelines leads to a double recovery. Whether or not the overall MLP and corporate tax burdens are equivalent or different, if the investor tax costs are incorporated into the DCF returns, then the income tax allowance for MLP pipelines leads to a double recovery.[42]

24. In addition, Erickson's model does not necessarily establish that overall MLP tax levels are actually comparable to corporate tax levels or that an income tax allowance equalizes returns. Like similar hypothetical models, the results of Erickson's proposal rely upon subjective assumptions.[43] For example, as Thomas Horst explains, Erickson's hypothetical would show that MLPs (with an income tax allowance) receive higher returns if Erickson had accounted for (a) the time value of money [44] and (b) certain tax issues related to the sale of MLP units.[45] The Brattle report presented by shipper commenters similarly demonstrates how reasonable changes to Erickson's assumptions change the model's output.[46] Thus, Erickson's hypothetical does not undermine the fundamental conclusion of *United Airlines* that allowing MLP pipelines to include both an income tax allowance and a full DCF ROE in their cost of service leads to a double recovery.

f. The Treatment of the Growth Rate in the DCF Does Not Resolve the Double Recovery Concern

25. Pipelines emphasize that in the DCF formula, the Commission projects that the long-term growth of MLP pipelines will be only half that of corporations.[47] Therefore, they argue ''to the extent the Commission concludes that there is a potential for double recovery of income tax costs through the MLP ROE, the Commission has already addressed that concern.'' [48]

26. The Commission concludes that the treatment in the DCF analysis of the long-term MLP growth projection does not resolve the double-recovery concern in *United Airlines.* When conducting a DCF analysis to determine investors' required rate of return, the Commission halves the long-term growth rate for MLPs in the proxy group because MLPs are likely to have a lower long-term growth rate than corporations.[49] The

[36] In its West Line rate case, SFPP filed post-remand comments and supplemental comments following *United Airlines.* In those comments, SFPP presented a hypothetical showing that an MLP recovering both an income tax allowance (Table 1, Column C) and a DCF ROE earns the same 6.5 percent investor after-tax return as an MLP without an income tax allowance (Table 1, Column D). SFPP, L.P., Supplemental Reply Comments, Docket No. IS08–390, at 10 (November 30, 2016). While the table does not show the investors' pre-tax returns, since both pipelines were subject to a 35 percent investor level tax, both must have recovered a 10 percent pre-tax investor return. Thus, in SFPP's own example, the cost-of-service double-recovery of income tax costs of the pipeline in Column C inflated the unit price until it earned the same pre-tax return as the pipeline without an income tax allowance in Column D.

[37] Federal Energy Regulatory Commission and United States of America, Brief for Respondents, Case No. 11–1479, at 28–29 (D.C. Cir., filed Feb. 5, 2016) (citations omitted) (''In contrast to the way in which income taxes are grossed up outside the context of Commission regulation, the Commission does not gross up [*i.e.,* increase] a jurisdictional entity's operating revenues or return to cover the income taxes that must be paid to obtain its after-tax return.'').

[38] INGAA Initial Comments at 24, Sullivan Affidavit at 6, 17–18, 22, 25–27, 30.

[39] *United Airlines,* 827 F.3d at 136 (citing Opinion No. 511, 134 FERC ¶ 61,121 at PP 243–44).

[40] INGAA Initial Comments, Erickson Affidavit at 12.

[41] INGAA Initial Comments at 4, 25.

[42] Erickson himself concedes that MLP unitholders must pay the entirety of the tax burden whereas corporate unitholders must only pay the dividend tax (not the corporate income tax). INGAA Initial Comments, Erickson Affidavit at 13. Accordingly, it follows that whereas the DCF return for an MLP pipeline must include the entire income tax costs, a corporate pipeline's DCF return would not include the corporate income tax.

[43] When attacking models proposed by shippers, AOPL witness John Graham states that for such hypotheticals, ''There are too many variables to draw broad-based conclusions.'' AOPL Initial Comments, Graham Affidavit at 8. This comment applies with equal force to Erickson's model. Erickson's assumptions include (1) a five-year investment horizon; (2) that the MLP distributes all available cash and the corporation has a 65 percent dividend pay-out ratio; (3) certain tax rates for corporate income, corporate dividends and capital gains, and ordinary MLP income; and (4) that the corporate investors are able to sell their stock for the value of their original investment plus accumulated retained earnings, while the MLP investors sell their units for the value of their original investment. The life-cycle model also assumes constant earnings before interest, taxes, depreciation and amortization and application of a fifteen-year Modified Accelerated Cost Recovery System. The life-cycle analysis does not take into account the time value of money in reporting the total after-tax cash flow to the MLP and corporate investors.

[44] Thomas Horst Reply Comments at 2. An investor in a corporation usually must pay his dividend taxes immediately. In contrast, an MLP investor can use depreciation and other deductions to offset taxable income. As a result, an MLP investor may have no net taxable income in a given year. NOI, 157 FERC ¶ 61,210 at P 6. Even though the investor may ultimately be required to pay such taxes when the units are sold, the MLP investor benefits from the time value of money during the deferral period.

[45] *Id.* Dr. Horst argues that when an MLP unit is sold, its basis increases—much like in the sale of any property or asset. This only further increases the depreciation deferrals that are available to the subsequent investor.

[46] United Airlines Petitioners Reply Comments, Brattle Report at PP 73–74.

[47] AOPL Initial Comments at 46. As noted above, the DCF relies upon the general formula k = D / P + g. The growth rate in this formula incorporates two components: A short term growth rate (calculated using security analysts' five-year forecasts for each company in the proxy group as published by IBES) and a long-term growth rate (based upon forecasts for gross domestic product (GDP) growth). The short-term forecast receives a two-thirds weighting and the long-term forecast receives a one-third weighting in calculating the growth rate in the DCF model. Proxy Group Policy Statement, 123 FERC ¶ 61,048 at P 6.

[48] AOPL Initial Comments at 46.

[49] The Commission explained corporations ''(1) have greater opportunities for diversification because their investment opportunities are not limited to those that meet the tax qualifying standards for an MLP and (2) are able to assume greater risk at the margin because of less pressure to maintain a high payout ratio.'' Proxy Group Policy Statement, 123 FERC ¶ 61,048 at P 93. Accordingly, the Commission concluded that the

treatment of investor-level taxes presents an entirely separate issue. As discussed above, regardless of the projected growth rate used in the DCF analysis to determine the investors' required rate of return, that required return must provide investors cash flows to both (a) recover investor level tax costs and (b) provide the investor with a sufficient after tax return.

g. Pipelines' Empirical Studies Do Not Resolve the D.C. Circuit's Double-Recovery Concern

27. Pipeline commenters advance two empirical criticisms of the holdings in *United Airlines.* First, they criticize studies presented by shippers in the underlying SFPP proceeding showing that MLP pipeline DCF returns exceed corporate pipeline DCF returns, while shipper commenters argue that a modified version of these studies supports the opposite result. Second, the pipelines argue the relationship between MLP and corporate pipeline DCF returns does not show a systemic disparity consistent with the different tax levels, and, thus, they argue that this refutes the holding that there is no double recovery. As discussed below, these arguments lack merit.

i. The Reasoning in *United Airlines* Holds, Whether or Not MLP DCF Returns Exceed Corporate DCF Returns

28. In order to counter the D.C. Circuit's double-recovery finding, pipeline commenters attack studies presented by shippers in the underlying SFPP 2008 West Line rate case addressed on appeal in *United Airlines.*[50] These studies purported to show that MLP pipeline DCF returns exceeded corporate pipeline DCF returns, which the shippers argued showed that the DCF returns reflected tax differences. Now, pipeline commenters argue that due to alleged flaws in these studies, the court in *United Airlines* erred by finding that the MLP pipeline DCF returns include investor-level tax costs. They assert that if their preferred sample of six pipelines (two corporations and four MLPs) is considered, corporate DCF returns may actually exceed MLP DCF returns.[51]

29. The criticisms of the underlying studies in SFPP's 2008 West Line Rate case are irrelevant. In *United Airlines,* the D.C. Circuit did not rely upon these studies to find that the DCF returns include MLP investors' income tax costs, and the shipper-petitioners did not cite these studies in their appeal.[52] Any such reliance would have been unnecessary. As described above, the inclusion of MLP investor-level taxes in the DCF return necessarily follows from the basic application of DCF theory and the understanding that investors consider the tax consequences of their investments.

30. Furthermore, the studies are also inapposite. The holding in *United Airlines* would not change if the pipeline commenters were to conclusively establish that when controlling for all factors but investor-level taxes, corporate pipeline DCF returns exceeded MLP pipeline DCF returns. This would merely demonstrate that the MLP investors' tax burden was less than the corporate investors' dividend tax burden.[53] In order to attract capital, the investor-required MLP pipeline DCF return would still include the investor-level tax costs, and thus, a double recovery results from the additional recovery of an income tax allowance for MLPs.[54]

ii. The Pipeline Commenters' Empirical Evidence Fails To Disprove the Double Recovery

31. Pipelines make two broad arguments. First, pipeline commenters argue that if the DCF methodology includes investor-tax costs as determined by the D.C. Circuit in *United Airlines,* there should be a systematic relationship between MLP pipeline and corporate pipeline DCF returns reflecting these differences in investor-level taxes. Second, they argue that if pipelines are double-recovering their costs, then MLP pipelines should report higher DCF returns, distribution yields, and growth rates than corporate pipelines.

32. In their first argument, pipelines argue that if the DCF returns include investor tax costs, then there should be a consistent differential between MLP pipeline and corporate pipeline DCF returns. For example, if MLP investor-level taxes exceed corporate investor-level taxes, then pipeline commenters state that MLP pipeline DCF returns should always exceed corporate pipeline DCF returns, or vice versa. To refute the holding in *United Airlines,* pipeline commenters present empirical analyses purporting to show that the DCF returns for MLP pipelines do not show a consistent differential.[55] These studies consist of (1) a line graph showing DCF returns for 23 pipelines between August 2007 to January 2017 in which MLP pipelines' DCF returns do not always exceed corporate pipelines' returns,[56] and (2) DCF returns over the January 2008 to January 2017 period comparing four pairs of MLP and corporate affiliates [57] in which the relationship between the corporate affiliate and the MLP affiliate returns fluctuated significantly.

33. These studies suffer from fundamental methodological flaws that undermine the pipelines' conclusions. It is true that the *United Airlines* double-recovery theory would predict that, assuming all other factors are exactly equal, investor-level tax differences would create a differential between MLP and corporate pipeline DCF returns.[58] However, differences in risk and other factors can subsume any effects of taxation, and because the studies inadequately control for varying risk levels, the studies do not isolate the effect of the MLP and corporate investor-level income taxes on the DCF returns. The first study, which compared 23 MLP and corporate pipelines, completely ignores the entities' differing risk levels [59] and merely shows a line graph of DCF returns for each pipeline without presenting any related numerical

"long term growth rate for MLPs will be less than that of schedule C corporations. . . ." *Id.* P 94. *See also El Paso Natural Gas Co.,* Opinion No. 528–A, 154 FERC ¶ 61,120, at PP 271–275, 278–283 (2016).

[50] INGAA Initial Comments, Sullivan Affidavit at 41–48.

[51] *Id.* at 47–48.

[52] Before the Administrative Law Judge and the Commission, shippers argued that this disparity demonstrated the inclusion in the DCF ROE of the MLP investors' income tax costs, which they argued generally exceeded the dividend taxes paid by corporate investors.

[53] While historically a corporate investor's dividend tax rate has typically been less than the weighted average income tax rate for MLP investors (AOPL Initial Comments, Graham Affidavit at 5–6), MLPs have various tax deferrals and other characteristics that may further narrow or eliminate this difference. Nonetheless, any such conclusion based upon the pipeline commenters' data is dubious, as it is based upon a small sample size of only two corporations and four MLPs. INGAA Initial Comments, Sullivan Affidavit at 47–48.

[54] Likewise, the December 22, 2017 Tax Cuts and Jobs Act does not alter the Commission's analysis. Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054 (2017). While the tax rates for both corporations and individuals have been reduced, the DCF ROE will continue to provide a pre-investor tax return. As discussed above, investors will continue to demand a return that both covers the investor level tax costs and leaves the investor a sufficient after tax return compared to other investments of comparable risk.

[55] *See* INGAA Initial Comments at 31–35, Sullivan Affidavit at 42–69; AOPL Initial Comments at 3, 24, 28–30; Master Limited Partnership Association (MLPA) Initial Comments at 9.

[56] INGAA Initial Comments, Sullivan Affidavit at 48–49. INGAA witness Sullivan performed similar analysis for different components of the DCF, including both the dividend yield and the growth rate. *Id.* at 65–69.

[57] *Id.* at 50–51.

[58] In essence, investors would demand higher returns from the business form with the higher investor-level taxes.

[59] INGAA witness Sullivan's arguments involving distribution yields and growth rates are similarly flawed.

analysis.[60] While the pipeline commenters' second study attempts to address varying risk levels by comparing four affiliated corporations and MLPs in their first study,[61] the affiliated MLPs were only a fraction of the affiliated corporations' larger business interests, which, as the pipeline commenters concede, contributed to significant fluctuations in the relationship between the two entities' relative DCF returns.[62] Moreover, this analysis based upon a mere four examples does not establish how investor level taxes (as opposed to other factors) affect either corporate or MLP investor returns.

34. Pipelines advance a second argument—that if MLPs are double recovering their costs, they should report higher returns than corporations. For example, INGAA witness Sullivan also argues that ''[i]f MLPs double recovered income taxes through both an income tax allowance and a DCF return, I would expect the DCF ROEs and its components, the distribution yields and the IBES growth rates of MLPs to be systematically higher than corporations throughout the period 2008 to the present.'' [63] Citing the same studies above, Sullivan argues that because the data does not show systematically higher returns, yields or growth rates for MLPs, there must be no double recovery.

35. The Commission finds this argument unpersuasive because it relies upon the same flawed studies discussed above. As noted above, the line graphs provide a flawed analysis that may obscure actual differences between MLPs and corporations and, more fundamentally, that fails to address the multiple other risk and market factors that could affect any particular MLP and corporate pipeline's DCF returns, distribution yields, and growth levels. Moreover, as discussed previously, to the extent an MLP pipeline double-recovers its costs, the unit price will rise—obscuring the effects of the double recovery in the distribution yields, projected growth rates, and DCF returns.[64] These studies do not undermine the double-recovery findings of *United Airlines* or the Remand Order.

2. Other Arguments for Preserving an Income Tax Allowance Lack Merit

36. Pipeline commenters also argue that even if a double recovery exists, the income tax allowance should nonetheless be preserved. These arguments rely upon (1) Congressional intent, (2) preserving parity between corporate and MLP pipelines, and (3) the effect of removing the income tax allowance upon the ability of pipelines to attract capital. As discussed below, these arguments were either explicitly rejected by the D.C. Circuit in *United Airlines* or are otherwise without merit.

a. Congressional Intent Does Not Authorize a Double Recovery

37. Pipeline commenters argue that providing MLP pipelines an income tax allowance implements Congress' intent to facilitate infrastructure investment.[65] In 1987 Congress eliminated pass-through status for most publicly-traded partnerships, but explicitly granted an exception for certain energy-related MLPs in section 7704 of the Internal Revenue Code.[66] Pipeline commenters present two specific arguments to support their Congressional intent claims, both of which are unavailing. First, they argue that because the Commission's policy in 1987 allowed pass-through entities to recover the same income tax allowance as corporations, Congress understood and intended to continue that rate treatment in section 7704.[67] Second, they present a letter that Senator Max Baucus submitted to the Commission in 1996,[68] expressing concern with the Commission's decision to allow MLP pipelines only a partial income tax allowance in *Lakehead.*[69]

38. As discussed in the Remand Order, the D.C. Circuit has twice rejected the argument that Congress' intent in section 7704 provides an independent basis for upholding a full income tax allowance for partnership pipelines.[70] Consistent with these holdings, the court in *United Airlines* unequivocally instructed the Commission to consider ''mechanisms for which the Commission can demonstrate that there is no double recovery.'' [71] Accordingly, the pipeline commenters' attempt to justify affording MLP pipelines an income tax allowance on the basis that the Commission is implementing Congress' intent in section 7704 is contrary to *United Airlines.*

39. In addition, the pipeline commenters fail to demonstrate that Congress intended the Commission's income tax allowance policy to provide a necessary component of the advantages conferred in section 7704. They provide no support for their argument that because the Commission afforded partnerships a tax allowance in 1987, Congress intended to continue that rate treatment in the 1987 legislation.[72]

[60] For example, on page 49 of his affidavit, INGAA consultant Sullivan submitted a line-chart which purports to show that corporate and MLP DCF returns are not discernibly different. However, (a) the y-axis is drawn so as to compress most of the returns to a narrow band, and (b) meaningful statistical differences could be completely obscured by this poor graphical presentation. Similar criticisms apply to Sullivan's comparison of MLP distributions to corporate dividends on page 65 of his affidavit and growth rates on page 68 of his affidavit. It is possible that a more precise numerical example could actually present facts undermining the pipelines' favored result.

[61] *Id.* at 52–62. Sullivan also adds a comparison between a completely unrelated MLP (Boardwalk Pipeline Partners) and a corporation (Kinder Morgan). Because these are completely different businesses, such a comparison is irrelevant for the purpose of identifying the effect of different tax levels on the DCF.

[62] For each of the four pairs, the DCF return for the corporation at times exceeded the return for the MLP whereas on other occasions the return for the MLP exceeded the corporation. *Id.* Sullivan describes situations in which growth estimates or factors involving unrelated assets would affect the DCF return of the corporation but not the MLP.

[63] *Id.* at 58.

[64] As explained in section II.A.1.a, whether or not a pipeline receives an income tax allowance, the DCF return will always be a pre-investor tax return. However, to the extent a pipeline is permitted to start double-recovering its costs, the unit price will rise until the DCF once again provides investors with a pre-tax return.

[65] *See* INGAA Initial Comments at 12–13; MLPA Initial Comments at 3–4; AOPL Initial Comments at 7, 41–42; SFPP Initial Comments at 30; TransCanada Corporation Initial Comments at 2; Enbridge Initial Comments at 4; Meliora Capital, LLC Initial Comments.

[66] 26 U.S.C. 7704.

[67] INGAA Initial Comments at 13–15.

[68] INGAA Initial Comments at 14; MLPA Initial Comments at 3–4.

[69] *Lakehead Pipe Line Co., L.P.,* 75 FERC ¶ 61,181 (1996). Senator Baucus participated in the writing of the 1987 legislation. The letter states that ''placing this obstacle in the path of pipeline companies wishing to operate as [publicly-traded partnerships] directly contravenes the policy we adopted in that legislation of making the [publicly-traded partnership] structure freely available to the pipeline industry'' and ''[i]t was certainly not our intention for pipelines operating as [publicly-traded partnerships] to be singled out for negative treatment relative to other pipelines solely because of their partnership status.'' Letter from U.S. Senator Max Baucus, FERC Docket No. IS92–27–000 (Jan. 9, 1996).

[70] *BP West Coast,* 374 F.3d at 1293 (''[t]he mandate of Congress in the tax amendment was exhausted when the pipeline limited partnership was exempted from corporate taxation. It did not empower FERC to do anything. . . .''); *United Airlines,* 827 F.3d at 136 (rejecting the Commission's argument that ''any disparate treatment between partners in partnership pipelines and shareholders in corporate pipelines is the result of the Internal Revenue Code, not FERC's tax allowance policy'').

[71] *United Airlines,* 827 F.3d at 136.

[72] As the Commission explains in the Remand Order, Congress did not provide explicit instructions to federal agencies regarding how to address section 7704's tax treatment in setting regulated entity rates as, for instance, it did in the Revenue Act of 1964. *See Alabama-Tennessee Natural Gas Co.* v. *FPC,* 359 F.2d 318, 333 (5th Cir. 1966) (''In the Revenue Acts of 1962 and 1964 Congress demonstrated that when it desires a tax statute to restrict the ratemaking authority of federal regulatory agencies it does so in precise language.''). Courts are hesitant to find that Congress implicitly intended to restrict an agency's discretion in

40. Nor do the pipeline commenters present any legislative history to support their claim. Regarding the letter from Senator Baucus, evidence of legislative intent that occurs subsequent to, and in this case years after, the 1987 enactment of section 7704 is entitled to little, if any weight.[73] The MLPA also points to other legislation by Congress in recent years to demonstrate ongoing support for the use of MLPs to raise capital in the energy sector. These statutes do not include any specific provisions related to MLP pipeline rate treatment.[74]

41. In conclusion, removing the income tax allowance will not eviscerate the preferential tax treatment that Congress gave entities engaged in natural resource activities [75] by permitting them to operate as publicly-traded partnerships with pass-through taxation, including the ability to reach a broader base of investors and defer certain tax obligations.[76] Even in the absence of an income tax allowance, the energy sector will benefit from the MLP business form by enabling MLP-owned pipelines to provide lower tariff rates to shippers, including those engaged in production, marketing and refining.

b. Preserving the Income Tax Allowance for MLP Pipelines Does Not Create Parity

42. Pipeline commenters claim that removing the income tax allowance would put MLP pipelines at a competitive disadvantage relative to corporate pipelines.[77]

43. The court in *United Airlines* reached the opposite conclusion. The court determined that granting MLP pipelines an income tax allowance results in inequitable returns for partners as compared to corporate shareholders because this policy allows partnership pipelines, unlike corporate pipelines, to recover their income tax costs twice.[78] Therefore, removal of the income tax allowance for MLP pipelines restores parity between MLPs and corporations by ensuring that a pipeline recovers its income tax costs only once regardless of business form.[79]

c. Preserving the Income Tax Allowance Is Not Necessary for Pipelines To Attract Capital

44. Pipelines claim that removal of the income tax allowance for MLPs will deny pipelines adequate recovery under *Hope* and deter investment.[80] This is not the case. Notwithstanding the absence of an income tax allowance, MLP pipelines will continue to recover their costs and a reasonable return for investors. *United Airlines* and the Remand Order merely deny MLP pipelines the double recovery of their income tax costs.

B. Conclusion

45. As discussed above, the Commission finds that granting an MLP an income tax allowance results in an impermissible double recovery. This Revised Policy Statement does not address other, non-MLP partnership or other pass-through business forms.[81] While any such entity claiming an income tax allowance will need to address the concerns raised by the court in *United Airlines,* the Commission will address income tax allowance issues involving non-MLP partnership forms in subsequent proceedings.

46. This Revised Policy Statement will affect both oil and natural gas MLP pipelines on a going-forward basis. Some late-filed comments proposed that the Commission take immediate action to require natural gas and oil pipelines to reduce rates to reflect the Tax Cuts and Jobs Act. As noted above, the Commission is concurrently issuing a Notice of Proposed Rulemaking that addresses the effects upon interstate natural gas pipeline rates of the post-*United Airlines'* policy changes and the Tax Cuts and Jobs Act of 2017.[82] While the Commission is not taking similar industry-wide action regarding oil pipeline rates, these issues will be addressed in due course. When oil pipelines file Form No. 6, page 700 on April 18, 2018, they must report an income tax allowance consistent with *United Airlines* and the Commission's subsequent holdings denying an MLP an income tax allowance.[83] Based upon page 700 data, the Commission will incorporate the effects of the post-*United Airlines'* policy changes (as well as the Tax Cuts and Jobs Act of 2017) [84]

carrying out its statutory obligations. *See Alabama-Tennessee Natural Gas Co.* v. *FPC,* 359 F.2d at 335 (''It is unlikely to suppose that Congress amended the Natural Gas Act by a reference in the Internal Revenue Code; it is unreasonable to read Section 167 [of the Code] as a mandate reducing the Commission's responsibility to fix fair rates according to its usual ratemaking policies in favor of the consumer''); *see also Cheney R. Co.* v. *ICC,* 902 F.2d 66, 69 (DC Cir. 1990) (''in an administrative setting, . . . Congress is presumed to have left to reasonable agency discretion questions that it has not directly resolved'').

[73] *See Thomas* v. *Network Solutions, Inc.,* 176 F. 3d 500, 507 n.10 (D.C. Cir. 1999) (referring to letters from members of Congress written after the legislation in question was passed and noting that ''[s]uch isolated post-enactment statements, to the extent that they are legislative history, carry little weight''); *U.S.* v. *United Mine Workers of America,* 330 U.S. 258, 282 (1947) (remarks of senators in 1943 were not an authoritative source of evidence of Congress' legislative intent in enacting a 1932 statute); *D.C.* v. *Heller,* 554 U.S. 570, 605 (2008) (''post-enactment legislative history . . . a deprecatory contradiction in terms, refers to statements of those who drafted or voted for the law that are made after its enactment and hence could have no effect on the congressional vote''); *Barber* v. *Thomas,* 560 U.S. 474, 486 (2010) (''whatever interpretive force one attaches to legislative history, the Court normally gives little weight to statements, such as those of the individual legislators, made *after* the bill in question has become a law''); *Friends of Earth, Inc.* v. *E.P.A.,* 446 F.3d 140, 147 (D.C. Cir. 2006) (''[P]ost-enactment legislative history,' after all, 'is not only oxymoronic but inherently entitled to little weight'') (quoting *Cobell* v. *Norton,* 428 F.3d 1070, 1075 (D.C. Cir. 2005)).

[74] *See* MLPA Initial Comments at 4 (citing the American Jobs Creation Act, Emergency Economic Stabilization Act of 2008, and the Tax Reform Act of 2014).

[75] An MLP must receive at least 90 percent of its income from certain qualifying sources including ''the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), or the marketing of any mineral or natural resource (including fertilizer, geothermal energy, and timber), industrial source carbon dioxide, or the transportation or storage of [certain fuels].'' 26 U.S.C. 7704.

[76] Pipeline commenters explain that the MLP structure permits risk sharing by combining pass-through taxation and publicly-traded units which allows MLPs to reach a broader base of investors and facilitates raising capital for infrastructure projects. AOPL Initial Comments at 6, 39, 13; MLPA Initial Comments at 2–3.

[77] AOPL Initial Comments at 43; INGAA Initial Comments at 7, 15; MLPA Initial Comments at 15.

[78] *United Airlines,* 827 F.3d at 136.

[79] While comments have presented hypotheticals in an attempt to show that MLPs require such a double recovery, they suffer from the same defects as the pipelines' other arguments. For instance, while SFPP attempts to include a hypothetical showing that an income tax allowance is necessary to equalize returns, this hypothetical depends upon the faulty investor gross-up theory discussed above. *See* SFPP Initial Comments, Vander Weide Affidavit at 12 (Table 2, Lines 11–15, showing the before-tax DCF ROE and investor's pre-tax return equaling the investor's after-tax return).

[80] INGAA Initial Comments at 27–28; AOPL Initial Comments at 7, 35–37.

[81] *See, e.g.,* Initial Comments of the United Airlines Petitioners and Allied Shippers at 14 (''A generic proceeding is not well-suited to addressing the wide array of possible organizational forms and their respective tax implications. The better approach would be to examine the appropriate tax allowance treatment on a case-by-case basis in adjudicatory proceedings in which various business structures and their consequences can be examined in detail on an individual, case-specific basis.''); Liquids Shipper Group Initial Comments at 7 (''To the extent there may be individual and complex pipeline ownership structures that include both partnerships and corporations, the application of the FERC's policy can be determined on a case-by-case basis, addressing those unique circumstances.'').

[82] *See* Docket No. RM18–11–000.

[83] Due to these findings that including an income tax allowance in the cost of service leads to a double-recovery, there is no basis for an MLP pipeline to claim an income tax allowance in the summary Form No. 6, page 700 cost of service for the 2016 or 2017 data listed in the April 18, 2018 filing.

[84] The Tax Cuts and Jobs Act changed oil pipeline tax costs effective January 1, 2018, and the resulting reduction to tax costs should be reflected in the tax allowance (page 700, lines 8 and 8a) in the 2018

Continued

on industry-wide oil pipeline costs in the 2020 five-year review of the oil pipeline index level.[85] In this way the Commission will ensure that the industry-wide reduced costs are incorporated on an industry-wide basis as part of the index review. To the extent the Commission issues subsequent orders affecting the income tax policy for other partnership or pass-through business forms, oil pipelines should similarly reflect those policy changes on Form No. 6, page 700.

47. In addition, the Commission emphasizes that the post-*United Airlines'* policy changes (as well as the Tax Cuts and Jobs Act of 2017) will be reflected in initial oil and gas pipeline cost-of-service rates and cost-of-service rate changes on a going-forward basis under the Commission's existing ratemaking policies,[86] including cost-of-service rate proceedings resulting from shipper-initiated complaints.

III. Document Availability

48. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

49. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

50. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

IV. Effective Date

51. This Revised Policy Statement will become applicable March 21, 2018.

By the Commission.

Issued: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05668 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

data reported in Form No. 6, page 700, to be filed on April 18, 2019.

[85] The overwhelming majority of oil pipelines set their rates using indexing, not cost-of-service ratemaking using an oil pipeline's particular costs. Under indexing, oil pipelines may adjust their rates annually, so long as those rates remain at or below the applicable ceiling levels. The ceiling levels change every July 1 based on an index that tracks industry-wide cost changes. 18 CFR 342.3. Currently, the index level is based upon the Producer's Price Index for Finished Goods plus 1.23. The index will be re-assessed in 2020 based upon industry-wide oil pipeline cost changes between 2014 and 2019. *E.g. Five-Year Review of the Oil Pipeline Index,* 153 FERC ¶ 61,312 (2015) *aff'd, Assoc. of Oil Pipe Lines* v. *FERC,* 876 F.3d 336 (D.C. Cir. 2017). The industry-wide data filed in the latter years of the 2014–2019 period should reflect the Commission's post-*United Airlines* policy changes as well as the Tax Cuts and Jobs Act.

[86] *See, e.g.,* 18 CFR 154.312(m), 154.313(e)(13), 384.123; 342.2, 342.4(a); 18 CFR part 346.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1077–000]

GASNA 36P, LLC ; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of GASNA 36P, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 4, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05677 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–441–000]

Midwestern Gas Transmission Company; Notice of Initiation of Section 5 Proceeding

On March 15, 2018, the Commission issued an order in Docket No. RP18–441–000, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d (2012), instituting an investigation into the justness and reasonableness of Midwestern Gas Transmission Company's (Midwestern) currently effective tariff rates. The Commission's order directs Midwestern to file a full cost and revenue study within 75 days of the issuance of the order. *Midwestern Gas Transmission Company,* 162 FERC 61,219 (2018).

Any interested person desiring to be heard in Docket No. RP18–441–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 30 days of the date of issuance of the order.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05678 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–363–006.

Applicants: Eastern Shore Natural Gas Company.

Description: Compliance filing Settlement Compliance Filing to be effective 4/1/2018.

Filed Date: 3/1/18.

Accession Number: 20180301–5260.

Comments Due: 5 p.m. ET 3/13/18.

Docket Numbers: RP18–558–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Compliance filing 2018 Annual Penalty Revenue Crediting Report.

Filed Date: 3/13/18.

Accession Number: 20180313–5064.

Comments Due: 5 p.m. ET 3/26/18.

Docket Numbers: RP18–560–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Colonial Energy K911486 eff 4–1–2018 to be effective 4/1/2018.

Filed Date: 3/15/18.

Accession Number: 20180315–5003.

Comments Due: 5 p.m. ET 3/27/18.

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 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05673 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Institution of Section 206 Proceeding and Refund Effective Date

	Docket No.
AEP Appalachian Transmission Company, Inc	EL18–62–000
AEP Indiana Michigan Transmission Company, Inc	
AEP Kentucky Transmission Company, Inc	
AEP Ohio Transmission Company, Inc	
AEP West Virginia Transmission Company, Inc	
AEP Oklahoma Transmission Company, Inc	EL18–63–000
AEP Southwestern Transmission Company, Inc	
Baltimore Gas and Electric Company	EL18–64–000
Black Hills Power, Inc	EL18–65–000
Citizens Sunrise Transmission LLC	EL18–66–000
San Diego Gas & Electric Company	EL18–67–000
Transource Maryland, LLC	EL18–68–000
Transource Pennsylvania, LLC	EL18–69–000
Transource West Virginia, LLC	EL18–70–000
UNS Electric, Inc	EL18–71–000, (not consolidated)

On March 15, 2018, the Commission issued an order in Docket Nos. EL18–62–000, EL18–63–000, EL18–64–000, EL18–65–000, EL18–66–000, EL18–67–000, EL18–68–000, EL18–69–000, EL18–70–000, and EL18–71–000 pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of each of the above-captioned public utilities' transmission formula rates under its open access transmission tariff or transmission owner tariff on file with the Commission. *AEP Appalachian Transmission Company, Inc., et al.,* 162 FERC 61,225 (2018).

The refund effective date in Docket Nos. EL18–62–000, EL18–63–000, EL18–64–000, EL18–65–000, EL18–66–000, EL18–67–000, EL18–68–000, EL18–69–000, EL18–70–000, and EL18–71–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket Nos. EL18–62–000, EL18–63–000, EL18–64–000, EL18–65–000, EL18–66–000, EL18–67–000, EL18–68–000, EL18–69–000, EL18–70–000, and EL18–71–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05674 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM18–12–000]

Inquiry Regarding the Effect of the Tax Cuts and Jobs Act on Commission-Jurisdictional Rates

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is seeking comment on the effect of the Tax Cuts and Jobs Act of 2017 on Commission-jurisdictional rates. Of particular interest is whether, and if so how, the Commission should address changes relating to accumulated deferred income taxes and bonus depreciation.

DATES: Comments are due May 21, 2018.

ADDRESSES: Comments, identified by docket number, may be filed electronically at *http://www.ferc.gov* in acceptable native applications and print-to-PDF, but not in scanned or picture format. For those unable to file electronically, comments may be filed by mail or hand-delivery to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. The Comment Procedures section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

1. In this Notice of Inquiry (NOI), the Commission seeks comment on the effect of the Tax Cuts and Jobs Act of 2017 (Tax Cuts and Jobs Act) on Commission-jurisdictional rates. Of particular interest is whether, and if so how, the Commission should address changes relating to accumulated deferred income taxes (ADIT) and bonus depreciation.

I. Background

A. Tax Cuts and Jobs Act

2. On December 22, 2017, the President signed into law the Tax Cuts and Jobs Act,[1] which provides a number of changes to the federal tax system.[2] One of the significant changes with widespread effects on Commission-jurisdictional rates is the reduction of the federal corporate income tax rate from a maximum 35 percent to a flat 21 percent rate, effective January 1, 2018.[3] Because of the reduced federal corporate income tax rate, the current balance of ADIT, that is, the dollar amounts of taxes that public utilities, interstate natural gas pipelines, and oil pipelines collected from customers in anticipation of paying the Internal Revenue Service (IRS), does not accurately reflect the current income tax liability. Additionally, the Tax Cuts and Jobs Act prohibits the use of bonus depreciation for assets acquired in the trade or business of the furnishing or sale of electrical energy or transportation of natural gas by pipeline.

B. Requests for Commission Action

3. In light of the Tax Cuts and Jobs Act, the Commission received letters from several entities requesting that the Commission act to ensure that the economic benefits related to the reduction in the federal corporate income tax rate are passed through to customers.[4] These entities request, among other things, that the Commission investigate the continued justness and reasonableness of applicable Commission-jurisdictional rates and explore ways to adjust the transmission or transportation revenue requirements of Commission-jurisdictional entities to prevent customers from overpaying for service.

C. Commission's Actions

4. Because the Tax Cuts and Jobs Act, among other things, reduces the federal corporate income tax rate from a maximum 35 percent to a flat 21 percent rate, beginning January 1, 2018, all public utilities, interstate natural gas pipelines, and oil pipelines subject to the federal corporate income tax will compute income taxes owed to the IRS based on a 21 percent tax rate. Most Commission-jurisdictional electric transmission and some non-transmission rates, most interstate natural gas transportation rates, and some oil pipeline rates (and Form No. 6, page 700) [5] are based on cost of service, which comprises all expenses incurred, including income taxes, plus a reasonable return on capital.[6] When the tax expense decreases, so does the cost of service. The Commission must ensure that the rates, terms, and conditions of jurisdictional services under the Federal Power Act (FPA),[7] the Natural Gas Act (NGA),[8] and the Interstate Commerce Act [9] are just, reasonable, and not unduly discriminatory or preferential.

5. Because the federal corporate income tax rate has been reduced to 21 percent, the electric transmission rates of entities with stated rates or formula rates with fixed line items for the income tax rate will not accurately reflect their cost of service. Similarly, the transportation rates of interstate natural gas pipelines will not accurately reflect their cost of service.

6. As such, in order to provide more immediate relief to customers of public utilities, pursuant to section 206 of the FPA,[10] the Commission is concurrently issuing orders to show cause directing certain entities to propose revisions to the transmission rates in their open access transmission tariffs or transmission owner tariffs to reflect the change in the federal corporate income tax rate, or show cause why they should not be required to do so.[11]

[1] Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2054 (2017).

[2] The Commission has previously addressed a major change in the tax law when Congress passed the Tax Reform Act of 1986. *See Rate Changes Related to the Federal Corporate Income Tax Rate for Public Utilities,* Order No. 475, FERC Stats. & Regs. ¶ 30,752, *order on reh'g,* 41 FERC ¶ 61,029 (1987).

[3] Section 13001 of the Tax Cuts and Jobs Act.

[4] These entities include State Advocates (States, state agencies, and state consumer advocates), Organization of PJM States, Inc., Organization of MISO States, American Public Gas Association, Process Gas Consumers Group, Natural Gas Supply Association, Natural Gas Indicated Shippers, Liquids Shippers Group, Oklahoma Attorney General, Gordon Gooch (*pro se* consumer), Advanced Energy Buyers Group, National Association of State Energy Officials, The R-Street Institute, Office of the Ohio Consumers' Counsel, and the Governor of Delaware. The Interstate Natural Gas Association of America, Edison Electric Institute and the Industrial Energy Consumers of America also sent letters to the Commission in reference to the effects of the Tax Cuts and Jobs Act.

[5] Most oil pipeline rates are indexed. However, these indexed rates can be challenged on a cost-of-service basis and oil pipelines can also file to set their rates on a cost-of-service basis. When this document refers to cost-of-service ratemaking for oil pipelines, it also refers to the reporting practices oil pipelines use in the cost-of-service summary on Form No. 6, page 700.

[6] *Pub. Sys.* v. *FERC,* 709 F.2d 73, 75 (DC Cir. 1983).

[7] 16 U.S.C. 824d–e.

[8] 15 U.S.C. 717–717w (2012).

[9] 49 app. U.S.C. 1 *et seq* (1988).

[10] 16 U.S.C. 824e.

[11] *AEP Appalachian Transmission Company, Inc.,* 162 FERC ¶ 61,225 (2018); *Alcoa Power Generating Inc.—Long Sault Division,* 162 FERC ¶ 61,224 (2018).

7. The Commission also is concurrently issuing a Notice of Proposed Rulemaking (NOPR) [12] regarding natural gas pipelines. In the NOPR, the Commission proposes to require interstate natural gas pipelines to make an informational filing with the Commission regarding the effect on their revenue requirements of the (a) Tax Cuts and Jobs Act and (b) the Revised Policy Statement on Treatment of Income Taxes.[13] The Revised Policy Statement establishes a policy that master limited partnerships (MLP) are not permitted to recover an income tax allowance in their cost of service. The NOPR proposes to collect financial information to evaluate the impact of the Tax Cuts and Jobs Act and the Revised Policy Statement on interstate natural gas pipelines' revenue requirement, and to permit such pipelines to voluntarily file rate reductions to reflect the decrease in the federal corporate income tax pursuant to the Tax Cuts and Jobs Act or the elimination of the MLP tax allowance, explain why no action is needed, or take no action other than filing the informational filing.

8. Unlike public utilities and interstate natural gas pipelines, the majority of oil pipelines set their rates using indexing, not cost-of-service ratemaking using an oil pipeline's particular costs. Under indexing, oil pipelines may adjust their rates annually, so long as those rates remain at or below the applicable ceiling levels. The ceiling levels change every July 1 based on an index that tracks industry-wide cost changes.[14] Under currently effective requirements governing the schedule for indexing changes, the index will be re-assessed in 2020 based upon industry-wide oil pipeline cost changes between 2014 and 2019.[15] While the Commission is not taking similar industry-wide action regarding oil pipeline rates, when oil pipelines file Form No. 6, page 700, they must report an income tax allowance and cost of service consistent with the Revised Policy Statement [16] and the Tax Cuts and Jobs Act.

II. Request for Comments

A. Accumulated Deferred Income Taxes

9. ADIT balances are accumulated on the regulated books and records of public utilities, interstate natural gas pipelines, and oil pipelines based on the requirements of the Uniform System of Accounts. ADIT arises from differences between the method of computing taxable income for reporting to the IRS and the method of computing income for regulatory accounting and ratemaking purposes.

10. There are numerous items that are treated differently for IRS purposes and regulatory accounting and ratemaking purposes, the most familiar of which is depreciation expense. The following example uses depreciation expense to illustrate the accumulation of ADIT balances.

11. Under Commission ratemaking policies, income taxes included in rates are determined based on the return on net rate base, with the accumulated depreciation offset to rate base calculated using straight-line depreciation.[17] However, in calculating the amount of income taxes due to the IRS, public utilities, interstate natural gas pipelines, and oil pipelines generally are able to take advantage of accelerated depreciation. Accelerated depreciation usually lowers income taxes payable during the early years of an asset's life followed by corresponding increases in income taxes payable during the later years of an asset's life. This means that a public utility's, interstate natural gas pipeline's, and oil pipeline's income taxes payable to the IRS during any period differ from its income tax allowance for ratemaking purposes during the same period. The difference between the income taxes based on straight-line depreciation and the actual income taxes paid by a public utility and interstate natural gas pipeline generally are reflected in the Uniform System of Accounts, Account 282 (Accumulated Deferred Income Taxes—Other Property) [18] and for oil pipelines in the Uniform System of Accounts, Account 64 (Accumulated Deferred Income Tax Liabilities).[19]

12. Generally, ADIT liabilities are reductions to rate base, while ADIT assets may be additions to rate base, depending on the nature of the items that gave rise to the ADIT asset. In the example above, because the resulting ADIT effectively provides the public utility, interstate natural gas pipeline, and oil pipeline with cost-free capital, the Commission subtracts the ADIT from the rate base of the public utility, interstate natural gas pipeline, and oil pipeline, thereby reducing customer charges. This method of passing the benefits from accelerated depreciation on to customers throughout the asset's life is referred to as tax normalization.[20]

13. As a result of the Tax Cuts and Jobs Act reducing the federal corporate income tax rate from 35 percent to 21 percent, a portion of an ADIT liability that was collected from customers will no longer be due from public utilities, interstate natural gas pipelines, and oil pipelines to the IRS and is considered excess ADIT, which must be returned to customers in a cost-of-service ratemaking context. The Commission expects that a similar effect would be reflected in the cost-of-service summary in oil pipeline Form No. 6, page 700. For public utilities, interstate natural gas pipelines, and oil pipelines that have an ADIT asset, the Tax Cuts and Jobs Act will result in a reduction to the ADIT asset, and public utilities, interstate natural gas pipelines, and oil pipelines may seek to reflect in rates a portion of such reductions. Public utilities, interstate natural gas pipelines, and oil pipelines are required to adjust their ADIT assets and ADIT liabilities for the effect of the change in tax rates in the period that the change is enacted.[21] That is, public utilities and interstate natural gas pipelines are required to re-measure their ADIT balances at the 21 percent rate and record a regulatory asset (Account 182.3) associated with deficient ADIT that is probable of future rate recovery and/or a regulatory liability (Account 254) associated with excess ADIT that is probable of future refund to customers.[22] For oil pipelines, the relevant accounts are Account 44 (Other Deferred Charges) and Account 63 (Other Noncurrent Liabilities), respectively.

1. Effect on Rate Base

14. As a result of the federal corporate income tax rate change, public utilities, interstate natural gas pipelines, and oil pipelines will re-measure their ADIT

[12] *Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate,* 162 FERC ¶ 61,226 (2018).

[13] *Inquiry Regarding the Commission's Policy for Recovery of Income Tax Costs,* 162 FERC ¶ 61,227 (2018) (Revised Policy Statement).

[14] 18 CFR 342.3 (2017). Currently, the index level is based upon the Producer's Price Index for Finished Goods plus 1.23.

[15] *See, e.g., Five-Year Review of the Oil Pipeline Index,* 153 FERC ¶ 61,312 (2015), *aff'd, Assoc. of Oil Pipe Lines* v. *FERC,* 876 F.3d 336 (DC Cir. 2017).

[16] *See* Revised Policy Statement, 162 FERC ¶ 61,227.

[17] *See, e.g., Pub. Serv. Co. of Colo.,* 155 FERC ¶ 61,028, at P 2 (2016); *PJM Interconnection, L.L.C.,* 147 FERC ¶ 61,254 (2014), *order on compliance,* 154 FERC ¶ 61,126, at P 2 (2016).

[18] *See* 18 CFR parts 101 and 201.

[19] *See id.* part 352.

[20] *See Midcontinent Indep. Sys. Operator, Inc.,* 157 FERC ¶ 61,250, at P 2 (2016).

[21] *See* 18 CFR 35.24 and 154.305; *see also Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes,* Order No. 144, FERC Stats. & Regs. ¶ 30,254 (1981), *order on reh'g,* Order No. 144–A, FERC Stats. & Regs. ¶ 30,340 (1982).

[22] *See* Accounting for Income Taxes, Docket No. AI93–5–000, at 8 (1993).

liabilities and assets, and establish regulatory liabilities and assets, as appropriate. Public utilities' stated and formula rates and interstate natural gas pipelines' stated rates may not include comparable provisions allowing rate base to be reduced for regulatory liabilities and increased for regulatory assets. Similar issues may affect individual oil pipeline cost-of-service rate proceedings or the summary cost of service filed by oil pipelines on Form No. 6, page 700. Therefore, the Commission seeks comment on how to ensure that rate base continues to be treated in a manner similar to that prior to the Tax Cuts and Jobs Act (*i.e.,* how to preserve rate base neutrality), until excess and deficient ADIT have been fully settled in a just and reasonable manner.

15. The Commission seeks comment on whether, and if so how, public utilities, interstate natural gas pipelines, and oil pipelines should make adjustments so that rate base may be appropriately adjusted by excess ADIT and deficient ADIT. Commenters should address whether public utilities with formula rates could add a line item to their adjustments to rate base such that rate base would be decreased by any excess ADIT placed in Account 254 and increased by any deficient ADIT placed in Account 182.3. With regard to stated rates, commenters should address whether, and if so how, public utilities and interstate natural gas pipelines could make adjustments to ensure that regulatory liabilities and regulatory assets are treated comparably to the ADIT liability and asset accounts. Oil pipelines should discuss how these issues pertain to Form No. 6, page 700 reporting practices and, as relevant, to cost-of-service ratemaking.

16. Given that the Tax Cuts and Jobs Act took effect on January 1, 2018, there may be a lag in implementing any adjustments to rate base to reflect excess and deficient ADIT. The Commission believes that it may be appropriate for public utilities and interstate natural gas pipelines to include interest on excess and deficient ADIT, for the time period from January 1, 2018 until any adjustments to rate base are implemented, and seeks comment on this topic.

2. Flow-Back or Recovery of Plant-Based ADIT

17. Under the Tax Cuts and Jobs Act, public utilities and interstate natural gas pipelines may flow back the excess ADIT associated with utility plant assets (excess plant-based ADIT) no more rapidly than over the life of the underlying assets.[23] Specifically, public utilities and interstate natural gas pipelines are generally not permitted, in computing costs of service for ratemaking purposes and reflecting operating results in their regulated books of account, to flow-back excess plant-based ADIT more rapidly or greater than the reductions permitted by the Average Rate Assumption Method, which requires amortization of the excess tax reserve over the remaining regulatory lives of the property that gave rise to the ADIT. Alternatively, if the books and records of public utilities and interstate pipelines do not contain the vintage data necessary to apply the Average Rate Assumption Method, they are required to use an alternative method, *e.g.,* the Reverse South Georgia Method,[24] to flow back excess plant-based ADIT over the remaining regulatory life of the property.[25] The Commission seeks comment on how the Average Rate Assumption Method, and alternatively, the Reverse South Georgia Method or South Georgia Method, as appropriate, will be implemented and used to adjust the tax allowance or expense included in cost-of-service rates to reflect the amortization of excess and deficient plant-based ADIT.

18. While the Commission's understanding is that the Internal Revenue Code does not apply the same standard to oil pipelines,[26] the amortization of excess plant-based ADIT also may affect oil pipeline cost-of-service ratemaking. Accordingly, the Commission also seeks comment on this issue as to oil pipelines.

3. Flow-Back or Recovery of Non-Plant Based ADIT

19. Because the normalization requirement under the Tax Cuts and Jobs Act applies only to plant-based ADIT, the Commission seeks comment on how quickly excess or deficient non-plant based ADIT should be flowed back to or recovered from customers. Specifically, commenters should address whether a regulatory asset or regulatory liability recorded by a public utility or interstate natural gas pipeline associated with non-plant based excess or deficient ADIT should be amortized over a shorter (*e.g.,* five-year) period. Oil pipeline commenters should also address how quickly any excess non-plant based ADIT should be flowed back in the data reported on Form No. 6, page 700 and in any cost-of-service proceeding as the issue arises.

4. Assets Sold or Retired After December 31, 2017

20. Under the Commission's accounting requirements, when assets are sold or retired, the original cost and accumulated depreciation of those assets are removed from the books of a public utility, interstate natural gas pipeline, or oil pipeline. Additionally, any associated ADIT is concurrently removed from a public utility's, interstate natural gas pipeline's, or oil pipeline's books because any previously deferred tax effects related to the assets are now triggered as part of the computation of gains or losses associated with the sale or retirement (*i.e.,* the deferred taxes are now payable to the IRS). The excess ADIT resulting from the tax rate change of the Tax Cuts and Jobs Act is also removed from the books. The Commission seeks comment on whether, and if so how, it should address excess ADIT that is removed from the books of public utilities, oil pipelines and interstate natural gas pipelines after December 31, 2017, as a result of assets being sold or retired.

5. Amortization of Excess and Deficient ADIT

21. Commenters should address how public utilities with stated or formula rates and interstate natural gas pipelines with stated rates should adjust their income tax allowance such that the allowance would be decreased or increased by the amortization of excess and deficient ADIT. Likewise, commenters should address for oil pipelines how these issues should be applied in cost-of-service ratemaking and in the cost-of-service summary on Form No. 6, page 700.

22. The Commission also seeks comment on whether a public utility or interstate natural gas pipeline should record the amortization by recording a reduction to the regulatory asset or regulatory liability account and recording an offsetting entry to Account 407.3 (Regulatory Debits) or Account 407.4 (Regulatory Credits). For oil pipelines, the Commission seeks comment whether this information should be recorded in Account 665

[23] Section 1561(d) of the Tax Cuts and Jobs Act.

[24] Under the South Georgia method, a calculation is taken of the difference between the amount actually in the deferred account and the amount that would have been in the account had normalization continuously been followed. Any deficiency is collected from ratepayers (*i.e.,* South Georgia Method), and any excess is returned to ratepayers (*i.e.,* Reverse South Georgia Method), over the remaining depreciable life of the plant that caused the difference. *Memphis Light, Gas and Water Div.* v. *FERC,* 707 F.2d 565, 569 (DC Cir. 1983).

[25] Section 1561(d) of the Tax Cuts and Jobs Act.

[26] *See id.;* 26 U.S.C. 168(i)(9) & (10) (not including oil pipelines among the list of public utilities subject to the normalization requirement and the prohibition against flowing through to ratepayers accelerated depreciation in cost-of-service rates).

(Unusual or Infrequent Items (Debit)) or Account 645 (Unusual or Infrequent Items (Credit)).

6. Supporting Worksheets

23. The Commission seeks comment on whether it should require public utilities, interstate natural gas pipelines, and oil pipelines to provide to the Commission, on a one-time basis, additional information, such as supporting worksheets, to show the computation of excess or deficient ADIT and the corresponding flow-back of excess ADIT to customers or recovery of deficient ADIT from customers. Commenters should address what types of information public utilities, interstate natural gas pipelines, and oil pipelines already record for ADIT-related accounting and whether balances and amortization of regulatory liability and asset accounts, computation of excess and deficient ADIT, delineation between plant assets and non-plant assets, and a description of the allocation method used to determine the transmission-related portion of excess or deficient ADIT would be appropriate to include in a supporting worksheet.

7. Treatment of ADIT for Partnerships

24. In the Revised Policy Statement, the Commission determined that MLPs will no longer be permitted to recover an income tax allowance. Following the *United Airlines* decision,[27] the Commission concluded that MLP investors' tax costs were already reflected in the return on equity, and thus, permitting an income tax allowance for MLPs would lead to a double recovery of such tax costs. The Commission also stated that other pass-through entities would need to address the double recovery concern.

25. The Commission seeks comment on the effect of the elimination of the income tax allowance for MLPs on ADIT. Likewise, the Commission seeks comment regarding the treatment of ADIT to the extent the income tax allowance is eliminated for other non-MLP pass-through entities. For such MLPs and pass-through entities, commenters should address whether previously accumulated sums in ADIT should be eliminated altogether from cost of service or whether those previously accumulated sums should be placed in a regulatory liability account and returned to ratepayers. Commenters should address specifically how their approach would be applied in the MLP's or other pass-through entity's cost of service.

[27] *United Airlines, Inc.* v. *FERC,* 827 F.3d 122 (2016).

B. Bonus Depreciation

26. Generally, bonus depreciation is a tax incentive given to companies to encourage certain types of investment. Bonus depreciation allows companies to deduct a percentage of the cost of a qualified property in the year the property is placed into service, in addition to other depreciation deductions. That is, a company that purchases a qualified business property and places it into service within a taxable year can take a first year deduction in addition to any depreciation deduction available.

27. The Tax Cuts and Jobs Act increases the 50 percent bonus depreciation allowance to 100 percent for qualified property placed in service after September 1, 2017, and before January 1, 2023. Full bonus depreciation is phased down by 20 percent each year for property placed in service after December 31, 2022, and before January 1, 2027. Bonus depreciation applies to new and used property, and must be acquired in an arm's length transaction. It is not available for assets acquired in the trade or business of the furnishing or sale of electrical energy, water, or sewage disposal services; gas or steam through a local distribution system; or transportation of gas or steam by pipeline.[28]

28. The Commission seeks comment on the effect of the bonus depreciation change under the Tax Cuts and Jobs Act. The Commission also seeks comment on whether, and if so how, the Commission should take action to address bonus depreciation-related issues. Commenters should address the practical application of their proposals, including, among other things, what type of action the Commission should take and whom the Commission should target with its action.

C. Additional Inquiries

29. In addition, the Commission seeks comment on whether, and if so how, it should take further action to address the change in the federal corporate income tax rate. With respect to public utilities, the Commission seeks comment on whether, in addition to the transmission rates addressed in the orders to show cause being issued concurrently, other jurisdictional transmission rates or non-transmission rates should be revised to address the change in the federal income tax rate, and identify the types of these other rates to the extent possible. The Commission also seeks comment on effects of the Tax Cuts and Jobs Act on Commission-jurisdictional rates of non-public utilities. Finally, the Commission seeks comment on any other effects of the Tax Cuts and Jobs Act, and whether, and if so how, the Commission should address them.

[28] Section 13301 of the Tax Cuts and Jobs Act.

III. Comment Procedures

30. The Commission invites interested persons to submit comments on the matters and issues proposed in this NOI, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 21, 2018. Comments must refer to Docket No. RM18–12–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. To facilitate the Commission's review of the comments, commenters are requested to provide an executive summary of their position. Additional issues the commenters wish to raise should be identified separately. The commenters should double space their comments.

31. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

32. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

33. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IV. Document Availability

34. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

35. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of

this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

36. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05670 Filed 3–20–18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–70–000.
Applicants: NRG Wholesale Generation LP, Kestrel Acquisition, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act of NRG Wholesale Generation LP, et al.
Filed Date: 3/15/18.
Accession Number: 20180315–5109.
Comments Due: 5 p.m. ET 4/5/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–56–000.
Applicants: Kestrel Acquisition, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status of Kestrel Acquisition, LLC.
Filed Date: 3/15/18.
Accession Number: 20180315–5078.
Comments Due: 5 p.m. ET 4/5/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1966–002.
Applicants: NRG Wholesale Generation LP.
Description: Compliance filing: Informational Filing Regarding Upstream Change in Control and Request for Waiver to be effective N/A.
Filed Date: 3/15/18.
Accession Number: 20180315–5127.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–839–001.
Applicants: Arizona Public Service Company.
Description: Tariff Amendment: Refile Rate Schedule No. 290 to be effective 4/11/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5001.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1091–000.
Applicants: Southwest Power Pool, Inc.
Description: Notice of Cancellation of Southwest Power Pool, Inc. of Non-Firm Point-To-Point Transmission Service Agreement (No. 496).
Filed Date: 3/15/18.
Accession Number: 20180315–5038.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1092–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–03–15 SA 3104 ENO–ENO GIA (J481) to be effective 3/1/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5045.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1093–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1266R10 Kansas Municipal Energy Agency NITSA and NOA to be effective 3/1/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5046.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1094–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Revisions to LCEC Rate Schedule No. 317 to be effective 1/1/2016.
Filed Date: 3/15/18.
Accession Number: 20180315–5048.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1095–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Revisions to FKEC Rate Schedule No. 322 to be effective 1/1/2016.
Filed Date: 3/15/18.
Accession Number: 20180315–5049.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1098–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2018–03–15 Second Amendment to ABAOA with Arizona Public Service to be effective 5/15/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5069.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1102–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: 3–15–18 Unexecuted Agreement, City and County of San Francisco WDT SA (SA 275) to be effective 5/14/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5075.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1106–000.
Applicants: Kestrel Acquisition, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 5/15/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5086.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1110–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1795 Oklahoma Gas and Electric Company PTP Notice of Cancellation to be effective 6/1/2014.
Filed Date: 3/15/18.
Accession Number: 20180315–5105.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: ER18–1116–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 4958; Queue No. AC1–035 to be effective 2/13/2018.
Filed Date: 3/15/18.
Accession Number: 20180315–5126.
Comments Due: 5 p.m. ET 4/5/18.

Take notice that the Commission received the following electric reliability filings

Docket Numbers: RD18–3–000.
Applicants: North American Electric Reliability Corporation, Western Electricity Coordinating Council.
Description: Joint Petition of the North American Electric Reliability Corporation and Western Electricity Coordinating Council for Approval of Retirement of Regional Reliability Standard PRC–004–WECC–2.
Filed Date: 3/9/18.
Accession Number: 20180309–5269.
Comments Due: 5 p.m. ET 4/16/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05672 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–419–000]

Dominion Energy Cove Point LNG, LP; Notice of Technical Conference

Take notice that a technical conference will be held on Tuesday, April 17, 2018 at 10:00 a.m. (Eastern Standard Time), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

At the technical conference, the Commission staff and the parties to the proceeding should be prepared to discuss all issues in this proceeding as established in the March 5, 2018 Order.[1]

Federal Energy Regulatory Commission 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 (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

All interested persons and staff are permitted to attend. For further information please contact Alex Schroeder at (202) 502–6291 or email *Walter.Schroeder@ferc.gov.*

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05683 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *Dominion Energy Cove Point LNG, LP,* 162 FERC 61,199 (2018).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–53–000.
Applicants: Meadow Lake Wind Farm VI LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Meadow Lake Wind Farm VI LLC.
Filed Date: 3/14/18.
Accession Number: 20180314–5202.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: EG18–54–000.
Applicants: Prairie Queen Wind Farm LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Prairie Queen Wind Farm LLC.
Filed Date: 3/14/18.
Accession Number: 20180314–5207.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: EG18–55–000.
Applicants: Turtle Creek Wind Farm LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Turtle Creek Wind Farm LLC.
Filed Date: 3/14/18.
Accession Number: 20180314–5212.
Comments Due: 5 p.m. ET 4/4/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1059–000.
Applicants: Shiloh I Wind Project, LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5163.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1060–000.
Applicants: South Chestnut LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5164.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1061–000.
Applicants: Star Point Wind Project LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5166.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1062–000.
Applicants: Streator-Cayuga Ridge Wind Power LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5167.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1063–000.
Applicants: Trimont Wind I LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5168.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1064–000.
Applicants: Twin Buttes Wind LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5169.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1065–000.
Applicants: Casselman Windpower LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5171.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1066–000.
Applicants: Moraine Wind II LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5173.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1067–000.
Applicants: Elk River Windfarm, LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5177.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1068–000.
Applicants: Lyonsdale Biomass, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5179.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1069–000.
Applicants: ReEnergy Ashland LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5180.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1070–000.
Applicants: ReEnergy Black River LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5181.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1071–000.
Applicants: ReEnergy Fort Fairfield LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5182.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1072–000.
Applicants: MinnDakota Wind LLC.
Description: Compliance filing: Compliance 2018 to be effective 5/14/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5184.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1073–000.
Applicants: ReEnergy Livermore Falls LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5188.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1074–000.
Applicants: ReEnergy Stratton LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5190.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1075–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: eTariff Administrative Filing of OATT Revisions to be effective 11/1/2013.
Filed Date: 3/14/18.
Accession Number: 20180314–5196.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1076–000.
Applicants: GASNA 6P, LLC.
Description: Baseline eTariff Filing: GASNA 6P, LLC MBR Tariff to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5200.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1077–000.
Applicants: GASNA 36P, LLC.
Description: Baseline eTariff Filing: GASNA 36P, LLC MBR Tariff to be effective 3/15/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5201.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: ER18–1078–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Require Phasor Measuring Units at New Generator Interconnections to be effective 5/13/2018.
Filed Date: 3/14/18.
Accession Number: 20180314–5205.
Comments Due: 5 p.m. ET 4/4/18.

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 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05671 Filed 3–20–18; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Institution of Section 206 Proceeding and Refund Effective Date

	Docket No.
Alcoa Power Generating Inc.—Long Sault Division	EL18–72–000
Alcoa Power Generating Inc.—Tapoco Division	EL18–73–000
Avista Corporation	EL18–75–000
Black Hills/Colorado Electric Utility Company, L.P	EL18–76–000
Central Hudson Gas & Electric Corporation	EL18–77–000
Cheyenne Light, Fuel and Power Company	EL18–79–000
Consolidated Edison Company of New York, Inc	EL18–89–000
Cube Yadkin Transmission LLC	EL18–90–000
DATC Path 15, LLC	EL18–91–000
Deseret Generation and Transmission Co-operative, Inc	EL18–93–000
El Paso Electric Company	EL18–95–000
Electric Energy, Inc	EL18–96–000
Essential Power Rock Springs, LLC	EL18–97–000
Florida Power & Light Company	EL18–98–000
Monongahela Power Company	EL18–101–000
Potomac Edison Company.	
West Penn Power Company.	
Nevada Power Company	EL18–102–000
Sierra Pacific Power Company.	
New York State Electric & Gas Corporation	EL18–103–000
NorthWestern Corporation	EL18–104–000
Ohio Valley Electric Corporation	EL18–105–000
Orange & Rockland Utilities, Inc	EL18–107–000
Pacific Gas and Electric Company	EL18–108–000
Portland General Electric Company	EL18–109–000
Rochester Gas and Electric Corporation	EL18–110–000
Rockland Electric Company	EL18–111–000
Sky River LLC	EL18–112–000
Smoky Mountain Transmission LLC	EL18–113–000
Startrans, IO, LLC	EL18–115–000

	Docket No.
The Dayton Power & Light Company	EL18–117–000
Trans Bay Cable LLC	EL18–118–000
Tucson Electric Power Company	EL18–119–000

On March 15, 2018, the Commission issued an order in Docket Nos. EL18–72–000, EL18–73–000, EL18–75–000, EL18–76–000, EL18–77–000, EL18–79–000, EL18–89–000, EL18–90–000, EL18–91–000, EL18–93–000, EL18–95–000, EL18–96–000, EL18–97–000, EL18–98–000, EL18–101–000, EL18–102–000, EL18–103–000, EL18–104–000, EL18–105–000, EL18–107–000, EL18–108–000, EL18–109–000, EL18–110–000, EL18–111–000, EL18–112–000, EL18–113–000, EL18–115–000, EL18–117–000, EL18–118–000, and EL18–119–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of each of the above-captioned public utilities' stated transmission rates under its open access transmission tariff or transmission owner tariff on file with the Commission. *Alcoa Power Generating Inc.—Long Sault Division, et al.,* 162 FERC 61,224 (2018).

The refund effective date in Docket Nos. EL18–72–000, EL18–73–000, EL18–75–000, EL18–76–000, EL18–77–000, EL18–79–000, EL18–89–000, EL18–90–000, EL18–91–000, EL18–93–000, EL18–95–000, EL18–96–000, EL18–97–000, EL18–98–000, EL18–101–000, EL18–102–000, EL18–103–000, EL18–104–000, EL18–105–000, EL18–107–000, EL18–108–000, EL18–109–000, EL18–110–000, EL18–111–000, EL18–112–000, EL18–113–000, EL18–115–000, EL18–117–000, EL18–118–000, and EL18–119–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket Nos. EL18–72–000, EL18–73–000, EL18–75–000, EL18–76–000, EL18–77–000, EL18–79–000, EL18–89–000, EL18–90–000, EL18–91–000, EL18–93–000, EL18–95–000, EL18–96–000, EL18–97–000, EL18–98–000, EL18–101–000, EL18–102–000, EL18–103–000, EL18–104–000, EL18–105–000, EL18–107–000, EL18–108–000, EL18–109–000, EL18–110–000, EL18–111–000, EL18–112–000, EL18–113–000, EL18–115–000, EL18–117–000, EL18–118–000, and EL18–119–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05675 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2520–076]

Great Lakes Hydro America, LLC; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for new license for the Mattaceunk Hydroelectric Project, located on the Penobscot River in Aroostook and Penobscot Counties, Maine, and has prepared a Draft Environmental Assessment (DEA) for the project. The project does not occupy federal land.

The DEA contains Commission staff's analysis of the potential effects of continued operation and maintenance of the project. The DEA concludes that relicensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the DEA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2520–076.

For further information, contact Adam Peer at (202) 502–8449, or by email at *adam.peer@ferc.gov.*

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05680 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3267–017]

ECOsponsible, LLC; Notice Of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of The Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 3267–017.

c. *Date Filed:* August 14, 2017.

d. *Submitted By:* ECOsponsible, LLC.

e. *Name of Project:* Ballard Mill Hydroelectric Project.

f. *Location:* On the Salmon River, in Franklin County, New York. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Dennis Ryan, Manager, ECOsponsible,

LLC, P.O. Box 114, West Falls, New York 14170; (716) 655–3524; email—*eco14052@gmail.com.*

i. *FERC Contact:* Chelsea Hudock at (202) 502–8448; or email at *chelsea.hudock@ferc.gov.*

j. ECOsponsible, LLC filed its request to use the Traditional Licensing Process on August 14, 2017. ECOsponsible, LLC provided public notice of its request on August 17, 2017. In a letter dated March 15, 2018, the Director of the Division of Hydropower Licensing approved ECOsponsible, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the New York State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating ECOsponsible, LLC as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. ECOsponsible, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for an exemption and, if the project does not qualify for an exemption, a new license for Project No. 3267. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 2020.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05681 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–442–000]

Dominion Energy Overthrust Pipeline, LLC; Notice of Initiation of Section 5 Proceeding

On March 15, 2018, the Commission issued an order in Docket No. RP18–442–000, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d (2012), instituting an investigation into the justness and reasonableness of Dominion Energy Overthrust Pipeline, LLC's (Overthrust) currently effective tariff rates. The Commission's order directs Overthrust to file a full cost and revenue study within 75 days of the issuance of the order. *Dominion Energy Overthrust Pipeline, LLC,* 162 FERC 61,218 (2018).

Any interested person desiring to be heard in Docket No. RP18–442–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 30 days of the date of issuance of the order.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05679 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–314–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Technical Conference

Take notice that a technical conference will be held on Wednesday, March 28, 2018 at 10:00 a.m. (Eastern Standard Time), in a room to be determined at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

At the technical conference, the Commission Staff and the parties to the proceeding should be prepared to discuss all issues set for technical conference as established in the March 1, 2018 Order, *Transcontinental Gas Pipe Line Company, LLC,* 162 FERC 61,190. All interested persons are permitted to attend.

Commission 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 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference please contact Tehseen Rana at (202)–502–8639 or *tehseen.rana@ferc.gov*.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05682 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1076–000]

GASNA 6P, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of GASNA 6P, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal

Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 4, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–05676 Filed 3–20–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0105; FRL–9975–67–OLEM]

Proposed Information Collection Request; Comment Request; Implementation of the Oil Pollution Act Facility Response Plan Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Oil Pollution Act Facility Response Plans—40 CFR part 112.20'' (EPA ICR No. 1630.13, OMB Control No. 2050–0135) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through August 31, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before May 21, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0105 referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *swackhammer.j-troy@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: J. Troy Swackhammer, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–1966; email address: *swackhammer.j-troy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The authority for EPA's facility response plan (FRP) requirements is derived from section 311(j)(5) of the Clean Water Act, as amended by the Oil Pollution Act of 1990. EPA's regulation is codified at 40 CFR 112.20 and 112.21 and related appendices. All FRP reporting and recordkeeping activities are mandatory. This information collection request renewal has substantively changed from the last ICR approval (August 21, 2015) due to a reduction in the plan holder universe as a result of facility closures and reductions in storage capacities, rendering these facilities no longer subject to FRP requirements. The purpose of an FRP is to help an owner or operator identify the necessary resources to respond to an oil spill in a timely manner. If implemented effectively, the FRP will reduce the impact and severity of oil spills and may prevent spills because of the

identification of risks at the facility. Although the owner or operator is the primary data user, EPA also uses the data in certain situations to ensure that facilities comply with the regulation and to help allocate response resources. State and local governments may use the data, which are not generally available elsewhere and can greatly assist local emergency preparedness planning efforts. The EPA reviews all submitted FRPs and must approve FRPs for those facilities whose discharges may cause significant and substantial harm to the environment in order to ensure that facilities believed to pose the highest risk have planned for adequate resources and procedures to respond to a spill. (See 40 CFR 112.20(f)(3) for further information about the criteria for significant and substantial harm.) None of the information collected under the FRP rule is believed to be confidential. One of the criteria necessary for information to be classified as confidential (40 CFR 2.208) is that a business must show that it has previously taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take such measures. The EPA has provided no assurances of confidentiality to facility owners or operators when they file their FRPs.

Form Numbers: None.

Respondents/Affected Entities: Entities potentially affected by this action are the owner or operator of a facility that is required to have a Spill Prevention, Control, and Countermeasure (SPCC) plan under the Oil Pollution Prevention regulation (40 CFR part 112) and that could cause substantial harm to the environment, and must prepare and submit an FRP to EPA. The applicability criteria for a substantial harm facility are: (1) The facility transfers oil over water to or from a vessel and has a total storage capacity of greater than or equal to 42,000 gallons; or (2) the facility's total oil storage capacity is greater than or equal to one million gallons and one or more of the following harm factors are met: Insufficient secondary containment for aboveground storage tanks at the facility; a discharge of oil could impact fish and wildlife and sensitive environments; a discharge of oil could shut down a drinking water intake; the facility has experienced a reportable oil discharge of 10,000 gallons or more in last 5 years; or other factors considered by the Regional Administrator. (See 40 CFR 112.20(b)(1) and (f) for further information about the criteria for substantial harm.)

Respondent's Obligation to Respond: Mandatory under section 311(j)(5) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

Estimated Number of Respondents: 22,274 (total).

Frequency of Response: Less than once per year.

Total Estimated Burden: 378,828 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total Estimated Cost (With Overhead): $16,019,855 (per year), includes $3,355 annualized capital or operation & maintenance costs.

Changes in Estimates: The EPA estimates that there is a reduction in the hours of total estimated respondent burden (approximate reduction of 84,591 hours) compared with the ICR currently approved by OMB. This estimate is based on EPA's current inventory of facilities that have submitted and are maintaining an FRP as per 40 CFR part 112. The EPA has not amended the FRP regulation since the last ICR renewal that would affect the per-facility burden. The EPA will consider the comments received and amend the ICR as appropriate.

Dated: February 26, 2018.

Reggie Cheatham,

Director, Office of Emergency Management.

[FR Doc. 2018–05760 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9975–73–OAR]

Meeting of the Mobile Sources Technical Review Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Mobile Sources Technical Review Subcommittee (MSTRS) will meet on May 22, 2018. The MSTRS is a subcommittee under the Clean Air Act Advisory Committee. This is an open meeting. The meeting will include discussion of current topics and presentations about activities being conducted by EPA's Office of Transportation and Air Quality. The preliminary agenda for the meeting and any notices about change in venue will be posted on the Subcommittee's website: *http://www2.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac.* MSTRS listserv subscribers will receive notification when the agenda is available on the Subcommittee website. To subscribe to the MSTRS listserv, send an email to *mccubbin.courtney@epa.gov.*

DATES: Tuesday, May 22, 2018 from 9:00 a.m. to 4:30 p.m. Registration begins at 8:30 a.m.

ADDRESSES: The meeting is currently scheduled to be held at DoubleTree by Hilton in Crystal City, 300 Army Navy Drive, Arlington, VA 22202. However, this date and location are subject to change and interested parties should monitor the Subcommittee website (above) for the latest logistical information.

FOR FURTHER INFORMATION CONTACT: Courtney McCubbin, Designated Federal Officer, Transportation and Climate Division, Mailcode 6406A, U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460; Ph: 202–564–2436; email: *mccubbin.courtney@epa.gov.* Background on the work of the Subcommittee is available at: *https://www.epa.gov/caaac/mobile-sources-technical-review-subcommittee-mstrs-caaac* Individuals or organizations wishing to provide comments to the Subcommittee should submit them to Ms. McCubbin at the address above by May 8, 2018. The Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

SUPPLEMENTARY INFORMATION: During the meeting, the Subcommittee may also hear progress reports from some of its workgroups as well as updates and announcements on activities of general interest to attendees.

For Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Ms. McCubbin (see above). To request accommodation of a disability, please contact Ms. McCubbin, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 13, 2018.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2018–05753 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0222; FRL–9974–61]

Labat-Anderson Incorporated; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Labat-Anderson Incorporated in accordance with the CBI regulations. Labat-Anderson Incorporated has been awarded multiple contracts to perform work for OPP, and access to this information will enable Labat-Anderson Incorporated to fulfill the obligations of the contract.

DATES: Labat-Anderson Incorporated will be given access to this information on or before March 26, 2018.

FOR FURTHER INFORMATION CONTACT: William Northern, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–6478; email address: *Northern.William@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, 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–EPA–HQ–OPP–2017–0222, 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. Contractor Requirements

Under this contract number, the contractor will perform the following:

Under Contract No. DJJ13–C–2442, This contract will be used to provide professional litigation support products and services to the Department of Justice and other Federal agencies on an indefinite delivery, indefinite quantity task order basis. Individual task orders issued under this contract may support any Department of Justice organization or Federal agency on a local and/or nationwide basis. Services may be required anywhere in or outside of the United States and its territories. This contract will also be used to support case- or investigation-related administrative functions.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Labat-Anderson Incorporated, prohibits use of the information for any purpose not specified in these contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Labat-Anderson Incorporated is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Labat-Anderson Incorporated until the requirements in this document have been fully satisfied. Records of information provided to Labat-Anderson Incorporated will be maintained by EPA Project Officers for these contract. All information supplied to Labat-Anderson Incorporated by EPA for use in connection with these contract will be returned to EPA when Labat-Anderson Incorporated has completed its work.

Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: February 27, 2018.

Hamaad Syed,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–05636 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9975–80–OA]

Request for Nominations of Candidates to the Clean Air Scientific Advisory Committee (CASAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the Clean Air Scientific Advisory Committee (CASAC).

DATES: Nominations should be submitted in time to arrive no later than April 20, 2018.

FOR FURTHER INFORMATION CONTACT: For all inquiries, nominators should contact Mr. Aaron Yeow, Designated Federal Officer (DFO) for the CASAC, EPA Science Advisory Board Staff Office (1400R), 1200 Pennsylvania Ave., NW, Washington DC 20460; by telephone at 202–564–2050 or by email at *yeow.aaron@epa.gov.* Anyone unable to submit electronic nominations may send a paper copy to Mr. Yeow.

SUPPLEMENTARY INFORMATION:

Background: The CASAC is a chartered Federal Advisory Committee, established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to provide advice, information and recommendations to the EPA Administrator on the scientific and technical aspects of air quality criteria and National Ambient Air Quality Standards (NAAQS). Members of the CASAC constitute a distinguished body of non-EPA scientists and engineers who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a three-year term and serve as Special Government Employees who provide independent expert advice to the agency.

Expertise sought for CASAC: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS

and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As required under the CAA section 109(d), the CASAC is composed of seven members, with at least one member of the National Academy of Sciences, one physician, and one person representing state air pollution control agencies. The SAB Staff Office is seeking nominations of experts to serve on the CASAC with expertise in: Air quality, biostatistics, ecology, environmental economics, environmental engineering, epidemiology, exposure assessment, medicine, risk assessment, and toxicology. The SAB Staff Office is especially interested in scientists with expertise described above who have knowledge and experience *relating to criteria pollutants (carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur oxides).* For further information about the CASAC membership appointment process and schedule, please contact Mr. Aaron Yeow, DFO, by telephone at 202–564–2050 or by email at *yeow.aaron@epa,gov.*

Selection Criteria for the CASAC

Nominees are selected based on their individual qualifications. Curriculum vitae should reflect the following:

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;
—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees; and
—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, economic, social, cultural, educational backgrounds, professional affiliations; and other considerations.
—For the committee as a whole, consideration of the collective breadth and depth of scientific expertise; and a balance of scientific perspectives is important.

As the committee undertakes specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to submit nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under ''Public Input on Membership'' on the CASAC web page at *http://www.epa.gov/casac.* To be considered, all nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability or ethnicity.

The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the CASAC website, should contact the DFO, as identified above. The DFO will acknowledge receipt of nominations and will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the CASAC website at *http://www.epa.gov/casac.*

Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates may be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form is required for Special Government Employees (SGEs) and allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as an SGE and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the CASAC home page at *http://www.epa.gov/casac.* This form should not be submitted as part of a nomination.

Dated: March 13, 2018.

Khanna Johnston,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2018–05754 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0102, FRL–9975–83–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; RCRA Expanded Public Participation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), RCRA Expanded Public Participation (EPA ICR No. 1688.09, OMB Control No. 2050–0149) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through August 31, 2018. An Agency may not conduct or sponsor and a

person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before May 21, 2018.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0102, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Michael Pease, (5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–0008; fax number: 703–308–8433; email address: *pease.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 7004(b) of RCRA gives EPA broad authority to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under RCRA. In addition, the statute specifies certain public notices (*i.e.,* radio, newspaper, and a letter to relevant agencies) that EPA must provide before issuing any RCRA permit. The statute also establishes a process by which the public can dispute a permit and request a public hearing to discuss it. EPA carries out much of its RCRA public involvement at 40 *CFR* Parts 124 and 270.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are Businesses and other for-profit.

Respondent's obligation to respond: Mandatory (RCRA 7004(b)).

Estimated number of respondents: 59.

Frequency of response: On occasion.

Total estimated burden: 5,614 Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $369,547 (per year), which includes $363,866 annualized labor and $5,681 annualized capital and operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: March 14, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–05759 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0814; FRL–9974–40]

Pesticides; Guidance for Pesticide Registrants on the Determination of Minor Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency is announcing the availability of a Pesticide Registration Notice (PR Notice) entitled, ''Determination of Minor Use under Federal Insecticide, Fungicide, and Rodenticide Act Section 2(ll).'' This PR Notice was signed by the Agency on March 7, 2018 and is identified as PR Notice 2018–1. PR Notices are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration related decisions, and serve to provide guidance to pesticide registrants and OPP personnel. This PR Notice, which supersedes PR Notice 97–2, provides guidance to the registrant as to how EPA determines a ''minor use.'' EPA seeks to identify and encourage the registration of pesticides for minor uses to protect communities from harmful pests. This PR Notice revises the method used by EPA for evaluating ''sufficient economic incentive'' under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This PR Notice explains how qualitative information may be used to inform the quantitative analysis and interpret the results, and clarifies that the United States Department of Agriculture's (USDA) most recent Census of Agriculture is the appropriate source for data on acreage in the U.S. to establish a minor use under the acreage definition in FIFRA 2(ll)(1).

FOR FURTHER INFORMATION CONTACT: Derek Berwald, Biological and Economic Analysis Division, MC 7503P, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 308–8115; email address: *berwald.derek@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are responsible for the initial or continuing registration of pesticides. Entities that register pesticides with EPA's OPP typically fall under the NAICS Code 325300—Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing. This action may also be of interest to persons using pesticides on sites that may be considered ''minor'' including persons engaged in crop and livestock production, and persons engaged in pest control in residential, commercial, and municipal areas including control of public health pests, and to the public in general. 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 relevant information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0814, is available either electronically though *http://www.regulations.gov* or in hard copy at the OPP Docket in the Environmental Protection Agency Docket Center, (EPA/DC) EPA West William Jefferson Clinton Bldg., Room 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.

II. What guidance does this PR Notice provide?

FIFRA defines a minor use of a pesticide as either a use on a crop grown on 300,000 acres or less in the United States or a use that lacks sufficient economic incentive to seek or maintain a registration but has private or social value. This PR Notice provides guidance to the registrant concerning the method used to determine if a use site is a ''minor use'' as defined by FIFRA 2(ll). In particular, the PR Notice describes the method for determining if the use ''does not provide sufficient economic incentive.'' To date, EPA's interpretation of *economic* minor use in section 2(ll)(2) has been shaped by guidance provided in PR Notice 97–2. However, the approach outlined in PR Notice 97–2 does not consider critical factors that influence the incentives for registration.

EPA published and requested public comment on the draft Economic Minor Use PR Notice on June 6, 2016 (81 FR 38704). EPA received comments from seven entities. Most commenters were broadly supportive of the endeavor to improve upon PR Notice 97–2. Commenters supported the new process to qualify for minor use registration under FIFRA as more appropriate and simple by clarifying and updating economic definitions and treating registration of a pesticide as an investment. The Agency appreciates the comments provided by the public, and the Agency's responses to the comments for the draft PR Notice can be found at regulations.gov using docket ID number EPA–HQ–OPP–2015–0814.

This final PR Notice describes the revised approach to evaluate ''sufficient economic incentive.'' It explicitly considers (1) the difference in time between incurring costs of generating data for registration and obtaining revenue from product sales, (2) the multiple years over which revenue is generated, and (3) the costs of producing and distributing the product. The PR Notice provides suggestions about the data that can be used to conduct the analysis. Finally, the PR Notice explains how qualitative information may be used to inform the quantitative analysis and interpret the results. It also clarifies that the most recent USDA Census of Agriculture is the appropriate source for data on acreage in the U.S. to establish a minor use under the acreage definition in FIFRA section 2(ll)(1).

Registrants will typically seek to demonstrate that a site is a minor use in the context of requesting an extension of the exclusive use period for data submitted in support of a registration under FIFRA section 3(c)(1)(F)(ii) or a new exclusive use period for data submitted to support a registration under FIFRA section 3(c)(1)(F)(vi). These clauses are intended to provide incentives to registrants to obtain registrations for uses that might otherwise go unfulfilled because they offer low returns because of low demand.

The information collection activities associated with the activities described in this PR Notice are already approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The corresponding Information Collection Request (ICR) document for the Application for New and Amended Pesticide Registration has been assigned EPA ICR number 0277.16 and is approved under OMB control number 2070–0060.

III. Do PR Notices contain binding requirements?

The PR Notice about the determination of a minor use is intended to provide guidance to EPA personnel and decision-makers and to pesticide registrants. While the requirements in the statutes and Agency regulations are binding on EPA and the applicants, this PR Notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 7, 2018.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

[FR Doc. 2018–05635 Filed 3–20–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0931]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 21, 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: 3060–0931.

Title: Section 80.103, Digital Selective Calling (DSC) Operating Procedures—Maritime Mobile Identity (MMSI).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; business or other for-profit entities and Federal Government.

Number of Respondents and Responses: 40,000 respondents; 40,000 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this Information collection is in 47 U.S.C. 154, 303, 307(e), 309 and 332 of the Communications Act of 1934, as amended. The reporting requirement is contained in international agreements and ITU–R M.541.9.

Total Annual Burden: 10,000 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: Yes. The FCC maintains a system of records notice (SORN), FCC/WTB–1, ''Wireless Services Licensing Records'' that covers the collection, purpose(s), storage, safeguards, and disposal of the PII that marine VHF radio licensees maintain under 47 CFR 80.103.

Nature and Extent of Confidentiality: There is a need for confidentiality with respect to all owners of Marine VHF radios with Digital Selective Calling (DSC) capability in this collection. The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act of 1974. FRN numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 of the Commission's rules will not be available for public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records, FCC/WTB–1, ''Wireless Services Licensing Records'', and these and all other records may be disclosed pursuant to the Routine Uses as stated in the SORN.

Needs and Uses: The information collected is necessary to require owners of marine VHF radios with Digital Selective Calling (DSC) capability to register information such as the name, address, type of vessel with a private entity issuing marine mobile service identities (MMSI). The information would be used by search and rescue personnel to identify vessels in distress and to select the proper rescue units and search methods.

The requirement to collect this information is contained in international agreements with the U.S. Coast Guard and private sector entities that issue MMSI's.

The information is used by private entities to maintain a database used to provide information about the vessel owner in distress using marine VHF radios with DSC capability. If the data were not collected, the U.S. Coast Guard would not have access to this information which would increase the time and effort needed to complete a search and rescue operation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05730 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1113]

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 21, 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: 3060–1113.

Title: Election Whether to Participate in the Wireless Emergency Alert System.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,253 respondents; 5,012 responses.

Estimated Time per Response: 0.5–12 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping

requirement and third party disclosure requirements.

Obligation to Respond: Mandatory and Voluntary Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 302(a), 303(f), 303(g), 303(r), 403, 621(b)(3), and 621(d).

Total Annual Burden: 28,820 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: The Commission will submit this information collection as a revision to the Office of Management and Budget after this 60-day comment period in order to obtain the three year clearance from them.

The information collection requirements of this collection include the following information from Commercial Mobile Service (CMS) providers: (1) Enhanced notice to consumers at time of sale (Enhanced Notice at Time of Sale); (2) marginally different disclosure as to degree of participation in wireless alerts (''in whole'' or ''in part'') (Notice of Election); (3) notice to current subscribers of non-participation in WEA (Notice to Current Subscribers); and (4) a new collection to include voluntary information collection for a database that the Commission plans to create (Database Collection).

The Commission created WEA (previously known as the Commercial Mobile Service Alert System, or CMAS) as required by Congress in the Warning Alert and Response Network (WARN) Act and to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication.

All these information collections involve the Wireless Emergency Alert (WEA) system, a mechanism under which CMS providers may elect to transmit emergency alerts to the public.

Notice of Election

On August 7, 2008, the Commission released the Third Report and Order in PS Docket No. 07–287 (CMS Third Report and Order), FCC 08–184. The CMS Third Report and Order implemented provisions of the WARN Act, including a requirement that within 30 days of release of the CMS Third Report and Order, each CMS provider must file an election with the Commission indicating whether or not it intends to transmit emergency alerts as part of WEA. The Commission began accepting WEA election filings on or before September 8, 2008.

The Bureau has sought several extensions of this information collection. OMB granted the latest on July 14, 2017. On January 30, 2018, the Commission adopted a WEA Second Report and Order and Second Order on Reconsideration in PS Docket Nos. 15–91 and 15–94, FCC 18–4 (WEA Second R&O). In this order, the Commission defines ''in whole'' or ''in part'' WEA participation, specifies the difference between these elections, and requires CMS providers to update their election status accordingly.

Enhanced Notice at Time of Sale

Section 10.240 of the Commission's rules already requires that CMS Providers participating in WEA ''in part'' provide notice to consumers that WEA may not be available on all devices or within the entire service area, as well as details about the availability of WEA service. As part of the WEA Second R&O, the Commission adopted enhanced disclosure requirements, requiring CMS Providers participating in WEA ''in part'' to disclose the extent to which enhanced geo-targeting is available on their network and devices at the point of sale and the benefits of enhanced geo-targeting at the point of sale. We believe these disclosures will allow consumers to make more informed choices about their ability to receive WEA Alert Messages that are relevant to them.

Notice to Current Subscribers

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall provide clear and conspicuous notice, which takes into account the needs of persons with disabilities, to existing subscribers of its non-election or partial election to provide Alert messages by means of an announcement amending the existing subscriber's service agreement.

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall use the notification language set forth in § 10.240 (c) or (d) respectively, except that the last line of the notice shall reference FCC Rule 47 CFR 10.250, rather than FCC Rule 47 CFR 10.240.

In the case of prepaid customers, if a mailing address is available, the CMS provider shall provide the required notification via U.S. mail. If no mailing address is available, the CMS provider shall use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to voice-based notification or to a website providing the required notification.

Database Collection

The Commission also seeks to collect new information in connection with its creation of a WEA database to improve information transparency for emergency managers and the public regarding the extent to which WEA is available in their area. The Commission will request this information from CMS providers on a voluntary basis, including geographic area served and devices that are programmed, at point of sale, to transmit WEAs. We note that many participating CMS providers already provide information of this nature in their docketed filings. As discussed below, this database will remove a major roadblock to emergency managers' ability to conduct tests of the alerting system and enable individuals and emergency managers to identify the alert coverage area.

Since ensuring consumer notice and collection information on the extent of CMS providers' participation is statutorily mandated, the Commission requests approval of this collection by OMB so that the Commission may continue to meet its statutory obligation under the WARN Act. The database information collection is voluntary, but also requires OMB approval.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05729 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, March 22, 2018

March 15, 2018.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 22, 2018 which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street SW, Washington, DC.

Item No.	Bureau	Subject
1	WIRELESS TELECOMMUNICATIONS ..	*Title:* Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (WT Docket No. 17–79).

Item No.	Bureau	Subject
		Summary: The Commission will consider a Second Report and Order that would clarify and modify the procedures for NHPA and NEPA review of wireless infrastructure deployments.
2	CONSUMER & GOVERNMENTAL AFFAIRS.	*Title:* Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59). *Summary:* The Commission will consider a Second Further Notice of Proposed Rulemaking to address the problem of unwanted calls to reassigned numbers.
3	PUBLIC SAFETY & HOMELAND SECURITY.	*Title:* Location-Based Routing For Wireless 911 Calls (PS Docket No. 18–64). *Summary:* The Commission will consider a Notice of Inquiry examining location-based routing of wireless 911 calls to ensure that calls are routed to the proper 911 call center.
4	PUBLIC SAFETY & HOMELAND SECURITY.	*Title:* Amendment of Part 90 of the Commission's Rules (WP Docket No. 07–100). *Summary:* The Commission will consider a Sixth Further Notice of Proposed Rulemaking to stimulate use of and investment in the 4.9 GHz band.
5	MEDIA	*Title:* Streamlined Reauthorization Procedures for Assigned or Transferred Television Satellite Stations (MB Docket No. 18–63); Modernization of Media Regulation Initiative (MB Docket No. 17–105). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that proposes to streamline the reauthorization process for television satellite stations that are assigned or transferred in combination with a previously approved parent station.
6	WIRELESS TELECOMMUNICATIONS	*Title:* Amendments of Parts 1, 2, 22, 24, 27, 90 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4). *Summary:* The Commission will consider a Second Report and Order that would remove the personal use restriction for Provider-Specific Consumer Signal Boosters and a Second Further Notice of Proposed Rulemaking that seeks comment on ways to further expand access to Consumer Signal Boosters.

* * * * *

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–05742 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, OMB 3060–0986]

Information Collections 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 21, 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–XXXX.

Title: Application for Connect America Fund Phase II Auction Support—FCC Form 683.

Form Number: FCC Form 683.

Type of Review: New collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 400 respondents; 800 responses.

Estimated Time per Response: 2–12 hours (on average).

Frequency of Response: Annual reporting requirements, on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 5,600 hours.

Total Annual Cost(s): No Cost.

Nature and Extent of Confidentiality: Although most information collected in FCC Form 683 will be made available for public inspection, the Commission will withhold certain information collected in FCC Form 683 from routine public inspection. Specifically, the Commission will treat certain financial and technical information submitted in FCC Form 683 as confidential. In addition, an applicant may use the abbreviated process under 47 CFR 0.459(a)(4) to request confidential treatment of the audited financial statements that are submitted during the post-selection review process. However, if a request for public inspection for this technical or financial information is made under 47 CFR 0.461, and the applicant has any objections to disclosure, the applicant will be notified and will be required to justify continued confidential treatment. To the extent that an applicant seeks to have other information collected in FCC Form 683 or during the post-selection review process withheld from public inspection, the applicant may request confidential treatment pursuant to 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: In 2011, the Commission released the USF/ICC Transformation Order and Further Notice of Proposed Rulemaking, WC Docket No. 10–90 *et al.,* FCC 11–161 (USF/ICC Transformation Order and/or FNPRM), which comprehensively reformed and modernized the high-cost program within the universal service fund to focus support on networks capable of providing voice and broadband services. Among other things, the Commission created the Connect America Fund (CAF) and concluded that support in price cap areas would be provided through a combination of ''a new forward-looking model of the cost of constructing modern multi-purpose networks'' and a competitive bidding process (the Connect America Fund Phase II auction or Phase II auction or Auction 903). The Commission also sought comment in the accompanying USF/ICC Transformation FNPRM on proposed rules governing the Phase II auction, including basic auction design and the application process.

In the Phase II auction, service providers will compete to receive support of up to $1.98 billion over 10 years to offer voice and broadband service in unserved high-cost areas. The information collection requirements reported under this new collection are the result of several Commission decisions to implement reform adopted in the USF/ICC Transformation Order and move forward with conducting the Phase II auction. In the April 2014 Connect America Order, WC Docket No. 10–90 *et al.,* FCC 14–54, the Commission adopted various rules regarding participation in the Phase II auction, the term of support, and the eligible telecommunications carrier (ETC) designation process. In the Phase II Auction Order, WC Docket No. 10–90 et al., FCC 16–64, the Commission adopted rules to govern the Phase II auction, including the adoption of a two-stage application process, which includes a pre-auction short-form application to be submitted by parties interested in bidding in the Phase II auction and a post-auction long-form application that must be submitted by winning bidders seeking to become authorized to receive Phase II auction support. The Commission concluded, based on its experience with auctions and consistent with the record, that this two-stage application process balances the need to collect information essential to conducting a successful auction and authorizing Phase II support with administrative efficiency.

On January 30, 2018, the Commission adopted a public notice that established the final procedures for the Phase II auction, including the long-form application disclosure and certification requirements for winning bidders seeking to become authorized to receive Phase II auction support. See Phase II Auction Procedures Public Notice, WC Docket No. 17–182 *et al.,* FCC 18–6. The Commission also adopted the Phase II Auction Order on Reconsideration, WC Docket No. 10–90 *et al.,* FCC 18–5, which modified the Commission's letter of credit rules to provide some additional relief for Phase II auction support recipients by reducing the costs of maintaining a letter of credit.

Under this information collection, the Commission will collect information from winning bidders to determine the recipients of Phase II auction support. To aid in collecting this information, the Commission has created FCC Form 683, which the public will use to provide the disclosures and certifications that must be made by Phase II auction winning bidders in the Connect America Fund Phase II auction seeking to become authorized for Phase II support.

OMB Control Number: 3060–0986.

Title: High-Cost Universal Service Support.

Form Number: FCC Form 481, FCC Form 505, and FCC Form 525.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 1,877 respondents; 14,335 responses.

Estimated Time per Response: 0.5–15 hours.

Frequency of Response: On occasion, quarterly and annual reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 63,486 hours.

Total Annual Cost(s): No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission notes that USAC must preserve the confidentiality of all data obtained from respondents; must not use the data except for purposes of administering the universal service programs; and must not disclose data in company-specific form unless directed to do so by the Commission. Privately-held rate-of-return carriers may file the financial information they disclose in FCC Form 481 pursuant to a protective order.

Needs and Uses: The Commission is requesting the Office of Management and Budget (OMB) approval for this revised information collection. On November 18, 2011, the Commission adopted an order reforming its high-cost universal service support mechanisms. *Connect America Fund; A National Broadband Plan for Our Future; Establish Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund,* WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208, Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), and the Commission and Wireline Competition Bureau have since adopted a number of orders that implement the *USF/ICC Transformation Order; see also Connect America Fund et al.,* WC Docket No. 10–90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.,* Order, 27 FCC Rcd 605 (Wireline Comp. Bur. 2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.,* Fifth Order on Reconsideration, 27 FCC Rcd 14549 (2012); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.,* Order, 28 FCC Rcd 2051 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.,* Order, 28 FCC Rcd 7227 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7766 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 7211 (Wireline Comp. Bur. 2013); *Connect America Fund,* WC Docket No. 10–90, Report and Order, 28 FCC Rcd 10488 (Wireline Comp. Bur. 2013); *Connect America Fund et al.,* WC Docket No. 10–90 *et al.,* Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016). The Commission has received OMB approval for most of the information collections required by these orders. At a later date, the Commission plans to submit additional revisions for OMB review to address other reforms adopted in the orders (*e.g.,* 47 CFR 54.313(a)(6)).

More recently, on August 23, 2016, the Commission adopted the *Alaska Plan Order. See Connect America Fund et al.,* WC Docket Nos. 10–90, 16–271; WT Docket No. 10–208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*). In that order, the Commission adopted a plan for providing Alaskan rate-of-return carriers and competitive eligible telecommunications carriers (ETCs) the option to obtain a fixed level of funding for a defined term in exchange for committing to deployment obligations that are tailored to each Alaskan carrier's circumstances. ETCs receiving support pursuant to the Alaska Plan must comply with the Commission's existing high-cost reporting and oversight mechanisms, with certain exceptions and modifications.

On July 7, 2017, the Commission adopted the *ETC Reporting Streamlining Order. See Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90, 14–58, Report and Order, 32 FCC Rcd 5944 (2017) (*ETC Reporting Streamlining Order*). In that order, the Commission streamlined the annual reporting requirements for ETCs by eliminating rules duplicative of other reporting requirements or that are no longer necessary.

Further, since the previous filing deadline associated with this collection, changing circumstances have made filing certain information no longer necessary or required under the rules. For instance, the final Connect America Phase I incremental support deployment deadlines were in early 2017, so there are no longer any reporting obligations associated with that support. Moreover, because the Connect America Phase II challenge process has ended, the Commission proposes to remove Form 505 from this collection. The Commission also proposes to move FCC Form 507, FCC Form 508, FCC Form 509 and the accompanying instructions to information collection 3060–0233.

The Commission therefore proposes to revise this information collection, as well as Form 481 and its accompanying instructions, to reflect these new or modified requirements. The Commission also proposes a number of non-substantive changes to the Form 481 and accompanying instructions. Any increased burdens for particular reporting requirements are associated with ETCs newly subject to those requirements as a condition of receiving high-cost support.

Federal Communications Commission.

Marlene J. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05731 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0149]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 20, 2018. If you anticipate that you will be submitting comments, but find it

difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0149.

Title: Part 63, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17–84, FCC 17–154.

Form Number(s): N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 58 respondents; 58 responses.

Estimated Time per Response: 6 hours per response.

Frequency of Response: One-time reporting requirement and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. Sections 214 and 402 of the Communications Act of 1934, as amended.

Total Annual Burden: 348 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Information filed in section 214 applications has generally been non-confidential. Requests from parties seeking confidential treatment are considered by Commission staff pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for a revision to a currently approved collection. Section 214 of the Communications Act of 1934, as amended, requires that a carrier first obtain FCC authorization either to (1) construct, operate, or engage in transmission over a line of communications, or (2) discontinue, reduce or impair service over a line of communications. Part 63 of Title 47 of the Code of Federal Regulations (CFR) implements Section 214. Part 63 also implements provisions of the Cable Communications Policy Act of 1984 pertaining to video which was approved under this OMB Control Number 3060–0149. In 2009, the Commission modified Part 63 to extend to providers of interconnected Voice of Internet Protocol (VoIP) service the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under Section 214 of the Communications Act of 1934, as amended. In 2014, the Commission adopted improved administrative filing procedures for domestic transfers of control, domestic discontinuances and notices of network changes, and among other adjustments, modified Part 63 to require electronic filing for applications for authorization to discontinue, reduce, or impair service under section 214(a) of the Act. In July 2016, the Commission revised certain section 214(a) discontinuance procedures. To reduce burdens on carriers, the Commission revised its rules to: (1) Allow carriers to provide notice via email or other alternative methods to offer additional options to customers, and (2) provide for streamlined treatment of applications to discontinue services for which the carrier has had no existing customers or reasonable requests for service during the previous 180 days. It also addressed a gap in the Commission's rules by making a competitive LEC's application for discontinuance deemed granted on the effective date of any copper retirement that made the discontinuance unavoidable. The Commission further concluded that applicants must provide notice of discontinuance applications to federally-recognized Tribal Nations. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* WC Docket No. 17–84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17–154 (rel. Nov. 29, 2017) (*Wireline Infrastructure Order*), the Commission, among other things, reduced the public comment and auto-grant periods for applications that grandfather low speed legacy services and applications to discontinue previously grandfathered legacy data services. The Commission also held that if a carrier files an application to discontinue, reduce, or impair a legacy voice or data service below 1.544 Mbps for which it has had no customers and no request for service for at least a 30-day period immediately preceding submission of the application, that application will be automatically granted on the 15th day after its filing with the Commission, absent Commission notice to the contrary. The Commission will use the information collected under these revisions to 47 CFR Section 63 to determine if affected respondents are in compliance with its rules and the requirements of section 214 of the Communications Act of 1934, as amended.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–05727 Filed 3–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB Nos. 3064–0115 and 3064–0197]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections, as required by the Paperwork Reduction Act of 1995. On December 29, 2017, the FDIC requested comment for 60 days on a proposal to renew the information collections described below. One comment was received for each information collection described below. Each was generally supportive of the requirements set forth in the respective rules but did not address the paperwork burden for the information collections. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of these collections, and again invites comment on these renewals.

DATES: Comments must be submitted on or before May 21, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency website: https://www.FDIC.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency website.
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones, 202–898–6768, Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, 202–898–6768, *jennjones@FDIC.gov,* Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On December 29, 2017, the FDIC requested comment for 60 days on a proposal to renew the information collections described below. One comment was received for each information collection described below. Each was generally supportive of the requirements set forth in the respective rules but did not address the paperwork burden for the information collections. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of these collections, and again invites comment on these renewals.

Proposal to renew the following currently approved collections of information:

1. *Title:* Prompt Corrective Action.

OMB Number: 3064–0115.

Form Number: None.

Affected Public: State non-member banks and savings associations.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Prompt Corrective Action (12 CFR parts 303, 324, and 390).	Reporting	Voluntary	17	1	4	On occasion ...	68
Total Hourly Burden.	.....	.....	.....	.....	.....	.....	68

General Description of Collection: The Prompt Corrective Action (PCA) provisions of section 38 of the Federal Deposit Insurance Act require or permit the FDIC and other federal banking agencies to take certain supervisory actions when FDIC-insured institutions fall within certain capital categories. They also restrict or prohibit certain activities and require the submission of a capital restoration plan when an insured institution becomes undercapitalized. Various provisions of the statute and the FDIC's implementing regulations require the prior approval of the FDIC before an FDIC-supervised institution, or certain insured depository institutions, can engage in certain activities, or allow the FDIC to make exceptions to restrictions that would otherwise be imposed. This collection of information consists of the applications that are required to obtain the FDIC's prior approval to engage in these activities.

There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response and frequency of responses have remained the same.

2. *Title:* Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (LCR).

OMB Number: 3064–0197.

Form Number: None.

Affected Public: State savings associations and State nonmember banks that (i) have total consolidated assets equal to $250 billion or more; (ii) have total consolidated on-balance sheet foreign exposure equal to $10 billion or more; or (iii) have total consolidated assets equal to $10 billion or more and are a consolidated subsidiary of one of the following: (A) A covered depository institution holding company or depository institution that has total assets equal to $250 billion or more; (B) a covered depository institution holding company or depository institution that has total consolidated on-balance sheet foreign exposure equal to $10 billion or more; or (C) a company that has been designated by the Financial Stability Oversight Council for supervision by the Board of Governors of the Federal Reserve System.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Liquidity Coverage Ratio (LCR)—12 CFR 329.40(a), (b).	Reporting	Mandatory.					
§ 329.40(a) Notification that liquidity coverage ratio is less than minimum in § 329.10.	Reporting	Mandatory	2	12	0.25	On Occasion ..	6
§ 329.40(b) Notification that liquidity coverage ratio is less than minimum in § 329.10 for 3 consecutive days or otherwise noncompliant.	Reporting	Mandatory	2	1	0.25	On Occasion ..	0.50
§ 329.40(b) Plan for achieving compliance.	Recordkeeping	Mandatory	2	1	100.00	On Occasion ..	200
§ 329.40(b)(4) Weekly report of progress toward achieving compliance.	Reporting	Mandatory	2	4	0.25	On Occasion ..	2
Liquidity Coverage Ratio (LCR)—12 CFR 329.22(a)(2), (5).	Recordkeeping	Mandatory.					
§ 329.22(a)(2) Policies that require eligible HQLA to be under control of liquidity risk management function.	Recordkeeping	Mandatory	2	1	10.00	On Occasion ..	20
§ 329.22(a)(5) Documented methodology providing consistent treatment for determining whether eligible HQLA meets operational requirements.	Recordkeeping	Mandatory	2	1	10.00	On Occasion ..	20
Total Hourly Burden.	.....	.....	.....	.....	.....	.....	248.50

General Description of Collection: The LCR rule implements a quantitative liquidity requirement and contains requirements subject to the PRA. The reporting and recordkeeping requirements are found in Sections 329.22 and 329.40. The requirement is designed to promote the short-term resilience of the liquidity risk profile of large and internationally active banking organizations, thereby improving the banking sector's ability to absorb shocks arising from financial and economic stress, and to further improve the measurement and management of liquidity risk. The LCR rule establishes a quantitative minimum liquidity coverage ratio that requires a company subject to the rule to maintain an amount of high-quality liquid assets (the numerator of the ratio) that is no less than 100 percent of its total net cash outflows over a prospective 30 calendar-day period (the denominator of the ratio).

The FDIC has reviewed its previous PRA submission and has updated its methodology for calculating the burden in order to be consistent with the Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System. The overall increase in burden hours is the result of these changes.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b)

the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on March 16, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–05711 Filed 3–20–18; 8:45 am]

BILLING CODE 6714–01–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 mandatory Financial Statements for Holding Companies (FR Y–9) (OMB No. 7100–0128).

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 of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Report

Report title: Consolidated Financial Statements for Holding Companies, Parent Company Only Financial Statements for Large Holding Companies, Parent Company Only Financial Statements for Small Holding Companies, Financial Statement for Employee Stock Ownership Plan Holding Companies, and the Supplement to the Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Frequency: Quarterly and semiannually.

Reporters: Bank holding companies (BHCs), savings and loan holding companies, securities holding companies, and U.S. Intermediate Holding Companies (IHCs) (collectively, holding companies (HCs)).

Estimated annual reporting hours: FR Y–9C (non-advanced approaches holding companies): 119,094 hours; FR Y–9C (advanced approached holding companies): 3,482 hours; FR Y–9LP: 16,442 hours; FR Y–9SP: 42,001; FR Y–9ES: 40 hours; FR Y–9CS: 472 hours.

Estimated average hours per response: FR Y–9C (non-advanced approaches holding companies): 47.11 hours; FR Y–9C (advanced approached holding companies HCs): 48.36 hours; FR Y–9LP: 5.27 hours; FR Y–9SP: 5.40 hours; FR Y–9ES: 0.50 hours; FR Y–9CS: 0.50 hours.

Number of respondents: FR Y–9C (non-advanced approaches holding companies): 632; FR Y–9C (advanced approached holding companies): 18; FR Y–9LP: 780; FR Y–9SP: 3,889; FR Y–9ES: 80; FR Y–9CS: 236.

General description of report: Pursuant to the Bank Holding Company Act of 1956 (BHC Act), as amended, and the Home Owners' Loan Act (HOLA), the Federal Reserve requires HCs to provide standardized financial statements to fulfill the Federal Reserve's statutory obligation to supervise these organizations. HCs file the FRY–9C and FR Y–9LP quarterly, and the FR Y–9SP semiannually, the FR Y–9ES annually, and the FR Y–9CS on a schedule that is determined when this supplement is used.

Proposed revisions: The Board is implementing a number of revisions to the FR Y–9C requirements, most of which are consistent with the recent changes to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031, FFIEC 041, and FFIEC 051; OMB No. 7100–0036). The revisions to the FR Y–9C include deletions, consolidations of existing data items into new data items, reductions in reporting frequency, and new and revised reporting thresholds for certain data items. The Board is also making changes to the reporting forms and instructions for the FR Y–9C, FR Y–9LP, and FR Y–9SP to implement accounting changes pertaining to equity securities under Accounting Standards update (ASU No. 2016–01, ''Recognition and Measurement of Financial Assets and Financial Liabilities.''). The accounting changes pertaining to equity securities would be effective beginning with the reports reflecting the March 31, 2018, report date and June 30, 2018 for all other changes. The changes include:

- Deleting and combining of certain data items pertaining to (1) Goodwill and Other intangible assets from Schedule HC, Balance Sheet; (2) U.S. Government agency obligations and structured financial products from Schedule HC–B, Securities; (3) Structured financial products and certain loans and the unpaid principal balance of such loans on Schedule HC–D, Trading Assets; (4) Certain over-the counter derivatives on Schedule HC–L, Derivatives and Off-Balance sheet items, and (5) Purchased credit card relationships and nonmortgage servicing assets from Schedule HC–M, Memoranda;
- Deleting two preprinted captions for other noninterest income on Schedule HI, Income Statement and certain data items on Schedule HC–D, Trading Assets and Liabilities;
- Deleting Column B (Domestic Office) from Schedule HC–D, Trading Assets and Liabilities;
- Reducing the reporting frequency from quarterly to semiannual and from quarterly to annual for certain data items on the FR Y–9C report;
- Increasing and adding reporting thresholds for certain data items in four FR Y–9C schedules;
- Revising the reporting forms and instructions to implement the reporting

of equity securities under ASU–2016–0;1 and

• Moving the reporting of ''Goodwill'' from Schedule HC to Schedule HC–M, Memoranda.

Effective Date: March 31, 2018, for accounting changes pertaining to equity securities; June 30, 2018, for all other changes.

Legal authorization and confidentiality: The FR Y–9 family of reports is authorized by section 5(c) of the BHC Act (12 U.S.C. 1844(c)), section 10 of HOLA (12 U.S.C. 1467a(b)), sections 165 and 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 1850a(c)(1) and 5365), and section 252.153(b)(2) of Regulation YY (12 CFR 252.153(b)(2)). These reports are mandatory. In general, the Board does not consider the financial data in these reports to be confidential. However, a respondent may request confidential treatment pursuant to sections (b)(4), (b)(6), and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)). The applicability of these exemptions will be reviewed on a case-by-case basis.

Effective Date: March 31, 2018 and June 30, 2018.

Current Actions: On January 2, 2018, the Board published a notice in the **Federal Register** (83 FR 123) requesting public comment for 60 days on the proposal to extend with revision the FR Y–9 family of reports. The comment period expired on March 5, 2018. The Board received one comment from a banking association. A detailed discussion of the responses to comment is provided below. The Board has approved, pursuant to authority delegated by the OMB, the collections of information as proposed and amended (as discussed below). The Final proposal is unchanged from the version that went out for public comment, except for the addition of the instructional clarification discussed below.

Detailed Discussion of Public Comment: While supporting the Federal Reserve's efforts to align the FR Y–9 series with the Call Report, a banking association recommended that revisions to the FR Y–9 reports occur only once a year, that those revisions become effective on March 31, and that the finalization of revisions occur prior to September 30 of the previous year in order to allow HCs sufficient time to implement the revisions.

In the past, the Board typically has followed a schedule of making revisions only once per year, generally starting in the March 31 report. However, the proposal is part of a three-phase process occurring over the course of the last year to align the FR Y–9 series with the three-phase process for the Call Reports. As a result, certain revisions to the FR Y–9 reports made through the current process have or will become effective with reports reflecting dates other than March 31. The Board will strive to return to an annual schedule for future revisions, with revisions becoming effective for the March 31 report, unless the revisions must be implemented at a different time due to changes in law, regulation, or accounting standards. With respect to the time HCs are given to implement revisions to the FR Y–9C reports, the Board notes, however, that it is important to have such changes become on the same timeline as changes to the Call Reports, to prevent inconsistencies between the FR Y–9C reports and the Call Reports. In the future, the Board will strive to provide more lead time for firms to implement revisions to the FR Y–9 reports while also ensuring alignment with the Call Report.

Additionally, the commenter urged the Board to conduct a comprehensive review of all reports that it requires banks and their affiliates to file, including the identification and removal of obsolete, overlapping, or unnecessary line items and a review of the threshold indicators (such as size and complexity) that institutions must meet before they are required to provide data on various products and activities.

In lieu of conducting a comprehensive review of all reports simultaneously, the Board performs a thorough review of each regulatory report at least every three years as part of the Paperwork Reduction Act (PRA) review process. The PRA review process led to burden-reducing changes recently, for example, when the Board terminated the FR 2052b, and the Board recently proposed burden-reducing changes, for example, for the FR Y–8.[1] Also, in 2015, the Board raised the asset threshold of its Small Bank Holding Company Policy Statement, which allows qualifying holding companies to operate with higher levels of debt than would normally be permitted, from $500 million to $1 billion. The Board also raised the threshold for reporting the FR Y–9C from $500 million to $1 billion. In March 2017, the Board, together with the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency (together, the ''Agencies''), issued a report pursuant to the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (''EGRPRA''), which also included several initiatives to reduce burden. Because the Board's current process frequently leads to the types of changes that the commenter suggested could result from a comprehensive review, the Board will not be adopting the approach advocated by the commenter.

The commenter recommended that the Board establish an industry task force or advisory committee to help identify outdated or overlapping data items in Federal Reserve reports and identify burdens associated with these reports. In response to this comment, the Board plans to continue to offer outreach in connection with significant revisions to the FR Y–9C reports. Additionally, the Board frequently responds to questions from individual institutions regarding the requirements of the FR Y–9C reports and often addresses issues that could affect multiple institutions through quarterly correspondence to affected institutions. As required under the PRA, the Federal Reserve also offers an opportunity for the public to comment on proposed changes to the FR Y–9C report or to make any additional suggestions for improving, streamlining, or clarifying the FR Y–9C report. As a result, the Board will not establish an industry task force or advisory committee as advocated by the commenter.

The commenter further noted that two recent or pending amendments to U.S. Generally Accepted Accounting Practices (GAAP) would create inconsistencies between the requirements of the FR Y–9C family of reports and GAAP. These proposals concern accounting for leases (ASU 2016–02) and pensions (ASU 2017–07).[2] The Board will consult with the Federal Deposit Insurance Corporation (''FDIC'') and the Office of the Comptroller of the

[1] The Liquidity Monitoring Report (FR 2052b) (OMB No. 7100–0361) and the Bank Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates (FR Y–8) (OMB No. 7100–0126).

[2] The commenter noted that in the 12/31/2017 FR Y–9C Supplemental Instructions, institutions were instructed to report the (right-to-use) ROU asset under the new lease accounting standard in Schedule HC, item 6, Premises and fixed assets, and the related lease liability in Schedule HC–M, item 14, Other borrowed money. The commenter stated that this reporting is inconsistent with GAAP and that the new accounting standard, operating lease ROU assets and operating lease liabilities should generally not be reported in the same line as finance lease assets and liabilities because this creates a seemingly unnecessary conflict between regulatory reporting and U.S. GAAP reporting. Additionally, the commenter noted that guidance pertaining to the accounting for pension expenses (ASU 2017–07) that became effective January 1, 2018 were not included in the FR Y–9C December 31, 2017 Supplemental instructions and that the current instructions on the FR Y–9C and the Call Report need to be updated to incorporate the new accounting changes.

Currency regarding these accounting changes.

The commenter noted that the proposal to add a reporting threshold of $10 billion or more in total trading assets on Schedule HC–D, memorandum items 2 through 10, and the proposal to add a reporting threshold of $10 million or more in total trading assets in any of the four preceding calendar quarters on Schedule HC–K, line item 4, should be updated to add language for meeting the FDIC's definition of a large or highly complex institution,[3] similar to a Call Report change that is effective, June 30, 2018. In response, the Board will not require institutions that meet the FDIC's definition of a large or highly complex institution that is used for deposit insurance assessment purposes to report these items because these data are not needed at the holding company level; however, the Board will allow these institutions to provide the data on a voluntary basis if it is easier to be consistent with their Call Report filings. Additionally, the commenter asked for clarification on whether the proposed $10 billion threshold on Schedule HC–D, memorandum items 2 through 10, is based on the prior four quarters or a point in time. In response, the report form has been revised to indicate that this reporting threshold is based on trading assets as of the end of each quarter.

The commenter noted several inconsistences on the FR Y–9C instructions when compared to the Call Report pertaining to the implementation of equity securities and various other line item discrepancies. The Call Report instructions were updated after the publication of the FR Y–9 proposal. The Board agrees with these changes and has revised the FR Y–9C family of forms so that they align all applicable line items to the Call Report. Additional editorial updates to the report form and instructions have been made to address the comments pertaining to the FR Y–9LP report.

The revisions will be implemented, as proposed, with the changes in response to the comment noted above. Modifications for all changes would be effective for reports reflecting the June 30, 2018, report date, except that the modifications for equity securities would be effective for reports reflecting the March 31, 2018, report date.

[3] Schedule RC–O, Memoranda item 6 of the Call Report instructions has detailed information on the FDIC's definition of a large or highly complex institution.

Board of Governors of the Federal Reserve System, March 15, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05666 Filed 3–20–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Member Meeting Agenda

77 K Street NE, 10th Floor, Washington, DC 20002, March 26, 2018, In Person, 8:30 a.m.

Open Session

1. Approval of the minutes for the February 26, 2018 Board Meeting
2. Monthly Reports
   a) Participant Activity
   b) Investment Performance
   c) Legislative
3. Vendor Financials
4. Office of External Affairs Annual Report
5. Office of Investments Annual Report
6. FEVS Update
7. IT Update
8. Blended Retirement Update

Closed Session

Information covered under 5 U.S.C. 552b (c)(4) and (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: March 15, 2018.

Dharmesh Vashee,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2018–05632 Filed 3–20–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1683–CN]

Medicare Program; Public Meetings in Calendar Year 2018 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice; correction.

SUMMARY: This document corrects technical errors in the **DATES** section of the notice that appeared in the **Federal Register** on February 28, 2018 entitled ''Medicare Program; Public Meetings in Calendar Year 2018 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations.''

FOR FURTHER INFORMATION CONTACT: Judi Wallace, (410) 786–3197 or *JudiWallace@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2018–04105 of February 28, 2018 (83 FR 8676), the notice entitled ''Medicare Program; Public Meetings in Calendar Year 2018 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations'' (hereinafter referred to as the CY 2018 HCPCS Public Meeting Notice), there were two technical errors in the **DATES** section that are identified and corrected in the Correction of Errors section below.

II. Summary of Errors

In the **DATES** section of the CY 2018 HCPCS Public Meeting Notice, we inadvertently used the incorrect dates for the June meetings listed under ''Meeting dates''.

III. Correction of Errors

In FR Doc. 2018–04105 of February 28, 2018 (83 FR 8676), make the following corrections:

1. On page 8676, in the third column; in the **DATES** section, under ''Meeting Dates'', items 5 and 6, the sentences, ''5. Tuesday, June 1, 2018, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).

6. Wednesday, June 2, 2018, 9 a.m. to 5 p.m., (e.d.t.) (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).'' are corrected to read as follows:

''5. Tuesday, June 5, 2018, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).

6. Wednesday, June 6, 2018, 9 a.m. to 5 p.m., (e.d.t.) (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).''

Dated: March 15, 2018.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2018–05751 Filed 3–20–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6580]

Drug Products Labeled as Homeopathic; Draft Guidance for Staff and Industry; Availability; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or Agency) is extending the comment period for the notice entitled ''Drug Products Labeled as Homeopathic; Draft Guidance for Food and Drug Administration Staff and Industry; Availability'' that appeared in the **Federal Register** of December 20, 2017. The Agency is taking this action to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the notice published December 20, 2017 (82 FR 60403). Submit either electronic or written comments on the draft guidance by May 21, 2018, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

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

Electronic Submissions

Submit electronic comments in the following way:

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA–2017–D–6580 for ''Drug Products Labeled as Homeopathic; Draft Guidance for Staff and Industry; Availability; Extension of Comment Period.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Elaine Lippmann, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6238, Silver Spring, MD 20993–0002, 301–796–3600; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 20, 2017 (82 FR 60403), FDA published a notice with a 90-day comment period to request comments on the draft guidance for industry and staff entitled ''Drug Products Labeled as Homeopathic.'' FDA is extending the comment period until May 21, 2018. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying publication of the final version of the guidance.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/*

Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, or *https://www.regulations.gov.*

Dated: March 15, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05659 Filed 3–20–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of The Director, National Institutes of Health; 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 Advisory Committee to the Director, National Institutes of Health.

The meeting will be held as a teleconference call only and is open to the public to dial-in for participation. Individuals who plan to dial-in to the meeting and need special assistance or other reasonable accommodations in order to do so, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee to the Director, National Institutes of Health.

Date: April 6, 2018.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: Report from the Working Group on Ethical Consideration for Industry Partnership on Research to Help End the Opioid Crisis.

Place: National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Telephone Conference Call), 888–324–9616, Access Code: 1986191.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *Woodgs@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://acd.od.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: March 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05740 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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.

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 grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Approaches to Identify and Care for Individuals with Inherited Cancer Syndromes.

Date: April 26, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W640 Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Bethesda, MD 20892–9750, 240–276–5179, *saejeong.kim@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–3: NCI Clinical and Translational Exploratory/Developmental Studies.

Date: June 5–6, 2018.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750, 240–276–7286, *salvucco@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05737 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Center for Advancing Translational Sciences.

The meetings 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 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: Cures Acceleration Network Review Board.

Date: May 10, 2018.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: Report from the Institute Director.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD

20892, 301–435–0809, *anna.ramseyewing@nih.gov*.

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: May 10, 2018.

Open: 8:30 a.m. to 3:00 p.m.

Agenda: Report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 3:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, md 20892, 301–435–0809, *anna.ramseyewing@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 15, 2018.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05736 Filed 3–20–18; 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; PAR Panel: AIDS and AIDS Related Research.

Date: March 21, 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 (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@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; Topics in Metabolism.

Date: March 27, 2018.

Time: 2:30 p.m. to 3:30 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: Liliana N. Berti-Mattera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4215, Bethesda, MD 20892, 301–827–7609, *liliana.berti-mattera@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 15, 2018.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05733 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; 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 Muscular Dystrophy Coordinating Committee (MDCC).

The meeting will be open to the public and accessible by live webcast. Attendance is 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.

Name of Committee: Muscular Dystrophy Coordinating Committee.

Type of Meeting: Open Meeting.

Date: April 30, 2018.

Time: 8:30 a.m. to 4:30 p.m. * Eastern Time *—Approximate end time.

Agenda: The purpose of this meeting is to bring together committee members, representing government agencies, patient advocacy groups, other voluntary health organizations, and patients and their families to update one another on progress relevant to the Action Plan for the Muscular Dystrophies and to coordinate activities and discuss gaps and opportunities leading to better understanding of the muscular dystrophies, advances in treatments, and improvements in patients' and their families' lives. Prior to the meeting, an agenda will be posted to the MDCC meeting registration website: *https://meetings.ninds.nih.gov/?ID=19167*.

Registration: To register, please go to: *https://meetings.ninds.nih.gov/?ID=19167*.

Webcast Live: For those not able to attend in person, this meeting will be webcast at: *http://videocast.nih.gov/*.

Place: National Institutes of Health, Neuroscience Center, Conference Room C/D, 6001 Executive Boulevard, Rockville, Maryland 20852.

Contact Person: Glen H. Nuckolls, Ph.D., Executive Secretary, Muscular Dystrophy Coordinating Committee, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Boulevard, NSC 2203, Bethesda, MD 20892, (301) 496–5745, *glen.nuckolls@ninds.nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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.

All visitors must go through a security check at the building entrance to receive a visitor's badge. A government issued photo ID is required. Further information can be found at the registration website: *https://meetings.ninds.nih.gov/?ID=19167.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: *March 16, 2018.*

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05739 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, April 26, 2018, 10:00 a.m. to April 26, 2018, 06:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, MD 20850 which was published in the **Federal Register** on February 05, 2018, 83 FR 5113.

The meeting has been amended to change the start time from 10:00 a.m. to 11:00 a.m. The meeting is closed to the public.

Dated: March 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05738 Filed 3–20–18; 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 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurovirology, Brain Tumors and Role of Blood Brain Barrier.

Date: April 2, 2018.

Time: 10:00 a.m. to 12:00 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: Samuel C Edwards, Ph.D., Chief, Brain Disorders and Clinical Neuroscience, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@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 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05735 Filed 3–20–18; 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; Genetic and Epigenetic Mechanism in Neuropsychiatric and other Brain Disorders.

Date: April 5, 2018.

Time: 2:00 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: Samuel C Edwards, Ph.D., Chief, Brain Disorders and Clinical Neuroscience, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@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; RFA–RM–16–005: 2018 Pioneer Award Review.

Date: April 10–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: James W Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Emotion, Stress and Health.

Date: April 11, 2018.

Time: 12:00 p.m. to 1:00 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: 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: AIDS and Related Research.

Date: April 13, 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*.

(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 16, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05734 Filed 3–20–18; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Microbiology, Infectious Diseases and AIDS Initial Review Group Acquired Immunodeficiency Syndrome Research Review Committee

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group Acquired Immunodeficiency Syndrome Research Review Committee.

Date: April 12–13, 2018.

Time: 10:00 a.m. to 4:00 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: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5035, *robert.unfer@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 15, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05653 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; Scholarly Work/Publication Grants (G13).

Date: July 13, 2018.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Room 3181, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Zoe E. Huang, MD, Acting Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: March 15, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05654 Filed 3–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0133]

Discontinuance of the Nationwide Differential Global Positioning System (NDGPS)

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard (USCG) announces the discontinuance of its remaining 38 maritime Differential Global Positioning System (DGPS) sites. The USCG will implement the closures through a phased reduction in service, which will commence in September of 2018, and conclude by September of 2020. These closures will culminate in the complete cessation of the Nationwide Differential Global Positioning System (NDGPS) service. This notice provides the general schedule for the discontinuance of the remaining maritime DGPS sites. Specific site broadcast termination dates will be published via local notices to mariners (LNMs).

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact CAPT Mary Ellen Durley, Coast Guard, telephone (202) 372–1605 or email *maryellen.j.durley@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Maritime Differential GPS system was established in the late 1980s to augment the existing GPS signal with accuracy corrections and integrity monitoring. This augmentation signal was broadcast over Medium Frequency from terrestrial broadcast sites. At the time, the publicly available GPS signal was intentionally degraded through Selective Availability (SA), and thus augmentation was necessary to meet minimum requirements for maritime positioning and navigation. Selective Availability was permanently discontinued in 2000, and as system technology has improved, observed positional accuracy for un-augmented GPS consistently meets requirements for harbor/harbor-approach navigation on modern GPS receivers.

On July 5, 2016, the USCG, the U.S. Department of Transportation (DOT), and the U.S. Army Corps of Engineers (USACE) published a notice in the **Federal Register** (81 FR 43613), which announced that the Nationwide Differential Global Positioning System (NDGPS) would remain operational with a total of 46 USCG and USACE sites available to users in the maritime and coastal regions. Since 2016, the USACE has discontinued 7 sites, and the USCG has discontinued 1 site in Aransas, TX due to storm damage from Hurricane Harvey. Currently, there are only 38 remaining NDGPS sites, all of which are maritime sites.

Discussion

The USCG has continued assessments and outreach affirming that the positional accuracy provided by un-augmented GPS and GPS augmented by the U.S. Wide Area Augmentation System (WAAS) is sufficient to meet its mission requirements and navigational safety requirements for harbor approaches. Because there is no regulatory requirement for the carriage of Differential Global Positioning System (DGPS) equipment, and other GPS augmentation systems such as WAAS are already in prevalent use by marine navigation equipment, the USCG cannot justify further investment to upgrade and maintain the NDGPS system. Additionally, the Coast Guard no longer has a mission requirement for DGPS to position Maritime Aids to Navigation because current Coast Guard policy allows the placement of aids to navigation with un-augmented GPS or GPS augmented by WAAS. Finally, other government and commercial augmentation systems (*e.g.* WAAS) are readily available to provide GPS accuracy corrections. For these reasons,

the NDGPS system was reduced from the 2015 constellation of 84 sites, to the current constellation of 38 maritime sites. Pursuant to this announcement, the USCG's remaining 38 maritime sites will be discontinued in stages, beginning in September of 2018 and ending in September of 2020.

Timeline of Maritime Sites To Be Discontinued

Termination of the NDGPS broadcast during Fiscal Year 2018 is planned to occur at the following sites. Specific broadcast discontinuance dates for each site will be announced via Local Notices to Mariners (LNMs) 60 days in advance of the termination of the NDGPS broadcast.

- Annapolis, MD
- New Bern, NC
- Robinson Point, WA
- Pigeon Point, CA
- Bobo, MS

Termination of the NDGPS broadcast at the following sites is planned to occur in Fiscal Year 2019.

- Whidbey Island, WA
- Appleton, WA
- Fort Stevens, OR
- Cape Mendocino, CA
- Lincoln, CA
- Point Loma, CA
- Kokole Point, HI
- Upolu Point, HI
- Driver, VA
- Kensington, SC
- Cape Canaveral, FL
- Card Sound, FL
- Tampa, FL
- Wisconsin Point, WI
- Mequon, WI
- Upper Keweenaw, MI
- Cheboygan, MI
- Detroit, MI
- Youngstown, NY

Termination of the NDGPS broadcast at the following sites is planned to occur in Fiscal Year 2020.

- Penobscot, ME
- Acushnet, MA
- Hudson Falls, NY
- Moriches, NY
- Sandy Hook, NJ
- English Turn, LA
- Angleton, TX
- Annette Island, AK
- Biorka, AK
- Kenai, AK
- Kodiak, AK
- Gustavus, AK
- Potato Point, AK
- Level Island, AK

General information regarding the NDGPS Service and graphics depicting the proposed changes to NDGPS coverage are available at the USCG's NDGPS General Information website at: *http://www.navcen.uscg.gov/?pageName=dgpsMain.*

For more information on the NDGPS outages and broadcast termination dates, visit the USCG's website at *https://www.navcen.uscg.gov/?pageName=dgpsSiteInfo&currentOutages.*

Additional information on GPS, NDGPS, and other GPS augmentation systems is also available in the 2017 Federal Radionavigation Plan, which is published by the Department of Defense, Department of Homeland Security, and U.S. DOT, and is also available at the USCG's website at *http://www.navcen.uscg.gov/?pageName=pubsMain.*

Authority: This notice is issued under the authority of 5 U.S.C. 552(a) and 14 U.S.C. 81.

Issued in Washington, DC, on March 14, 2018.

Michael D. Emerson,

Director of Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2018–05684 Filed 3–20–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Extension of National Customs Automation Program; eBond Test

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces the extension of U.S. Customs and Border Protection's (CBP's) National Customs Automation Program (NCAP) test concerning the automation of CBP's bond program (eBond test). CBP announced the eBond test in a **Federal Register** notice published on November 28, 2014. The test program has run continuously and without interruption since it commenced on January 3, 2015, and continues to run currently. This notice informs interested members of the public that CBP is extending the test until further notice.

DATES: The eBond test program is extended until further notice. CBP will publish notice of the conclusion of the eBond test in the **Federal Register**.

ADDRESSES: Written comments and/or questions regarding this notice or any aspect of this test may be submitted to CBP via email to *eBondTest@cbp.dhs.gov* with the subject line identifier reading ''Comments/Question on eBond Test.'' Requests for a surety filer code, and surety requests to participate in the eBond test should be sent to *CONRAD.L.HENRY@cbp.dhs.gov,* with a subject line identifier specifying either ''Surety filer code request'' or ''Surety request to participate in eBond test.''

FOR FURTHER INFORMATION CONTACT: For operational questions, please contact Kara Welty, Chief, Debt Management Branch, Revenue Division, Office of Finance at *KARA.N.WELTY@CBP.DHS.GOV.* For technical questions, please contact John Everett, Chief, Post Release Branch, Trade Transformation Office at *JOHN.R.EVERETT@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

I. National Customs Automation Program

The National Customs Automation Program (NCAP) was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Customs Modernization Act) (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (19 U.S.C. 1411). Through NCAP, the thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for U.S. Customs and Border Protection (CBP) and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace specific legacy ACS functions and add new functionality.

Section 631 of the Customs Modernization Act added section 411 to the Tariff Act of 1930 (19 U.S.C. 1411). This section defines the NCAP, provides for the establishment of and participation in the NCAP, and includes a list of existing and planned components. Section 411(a)(2)(D) identifies the electronic filing of bonds as a planned NCAP component.

Pursuant to 19 U.S.C. 1623(b), bonds may be submitted electronically to CBP pursuant to an authorized electronic data interchange (EDI) system. Furthermore, as stated in 19 U.S.C. 1623(d), a bond transmitted

electronically to a CBP-authorized EDI system will have the same force and effect and be binding upon the parties as if the bond were manually executed, signed, and filed. The CBP regulations governing bonds are found in part 113 of Chapter 1 of title 19 of the Code of Federal Regulations (19 CFR part 113).

II. Authorization for the eBond Test

The Customs Modernization Act authorizes the Commissioner of CBP to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. The test concerning the automation of CBP's bond program (eBond Test) is authorized pursuant to 19 CFR 101.9(b), which provides for the testing of NCAP components. *See* T.D. 95–21, 60 FR 14211 (March 16, 1995).

III. Description and Extension of the Test Program

A notice describing the eBond test program and setting forth the program's terms and conditions was published in the **Federal Register** (79 FR 70881) on November 28, 2014. That notice provided for the transmission of electronic bond contracts (eBonds) between principals and sureties, with CBP as the third-party beneficiary, in the Automated Commercial Environment (ACE) for the purpose of linking those eBonds to the transactions they are intended to secure. The notice described the test program in detail, setting forth the method and content for the transmission of electronic bonds, either through an electronic data interchange (EDI), or by email, for manual input into ACE. Furthermore, the test notice identified the regulatory provisions suspended for the test, announced the eligibility criteria for participation in the test program, and stated that the test would commence on January 3, 2015 and continue for approximately two years.

A subsequent notice was published in the **Federal Register** (80 FR 899) on January 7, 2015, announcing three clarifications of the eBond test: The method by which continuous bonds executed prior to or outside of the eBond test could be converted to eBonds by the surety and principal; that the surety or principal has the ability to terminate an eBond; and that the principal on an eBond is identified by its filing identification number. In addition, the notice corrected the email address to which the public could address technical questions. These changes became effective January 7, 2015.

On November 13, 2015, after the publication of the eBond test notices described above, CBP published a final rule in the **Federal Register** (80 FR 70154) amending the CBP regulations to allow, among other things, the submission of a bond application by email. As a result of that rule, bond contracts can be transmitted via email pursuant to the regulations, and email transmission is no longer part of the eBond test.

In this document, CBP announces that it is extending the test indefinitely. CBP will publish notice of the conclusion of the test in the **Federal Register**. The extension of the test program is intended to encourage greater participation in the test by the trade and thereby provide CBP data needed to assess the feasibility of implementing the test program on a permanent basis. Comments concerning this notice and any aspect of the prototype may be submitted at any time during the test period. Except with respect to transmission of bond contracts via email pursuant to the regulations, rather than pursuant to the eBond test, all aspects, rules, terms and conditions announced in previous notices regarding the eBond test remain in effect. CBP will inform interested members of the public of its decision to implement and/or conclude the test program by way of announcement in the **Federal Register**.

Dated: March 15, 2018.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2018–05694 Filed 3–20–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076—NEW]

Agency Information Collection Activities; Indian Highway Safety Grants

AGENCY: Bureau of Indian Affairs (BIA), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the BIA Indian Highway Safety Program (IHSP) are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the Indian Highway Safety Program Coordinator, Ms. Kimberly Belone, 1001 Indian School Road NW, Albuquerque NM 87104; or by email to *Kimberly.belone@bia.gov.* Please reference OMB Control Number 1076–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Indian Highway Program Director L.G. Robertson, 1001 Indian School Road NW, Albuquerque NM 87104 by email at *Lawrence.robertson@bia.gov,* or by telephone at 505–563–3780.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA IHSP; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA IHSP enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA IHSP minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information collected from tribal entities concerning, population, land base, highway miles and statistical data concerning vehicle fatalities, crashes, traffic enforcement actions and

proposed financial data. This data collected is a requirement for the BIA IHSP to fulfil the data obligations of 23 CFR 1300.11 and will be used for review and consideration by the IHSP Selection Committee for consideration of grant awards.

Title of Collection: Indian Highway Safety Grants.

OMB Control Number: 1076–NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Tribal governments.

Total Estimated Number of Annual Respondents: 80.

Total Estimated Number of Annual Responses: 80.

Estimated Completion Time per Response: Varies from 1 hours to 4 hours, depending on availability of tribal statistical and financial data.

Total Estimated Number of Annual Burden Hours: 160, on average.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: Annually if elect to apply for the grant(s).

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 14, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–05747 Filed 3–20–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–25172; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before March 3, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by April 5, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 3, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. 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.

Nominations submitted by State Historic Preservation Officers:

COLORADO

Rio Blanco County

Meeker Historic District, Roughly bounded by Main, 4th & 8th Sts. & Park Ave., Meeker, SG100002306

KANSAS

Ellis County

Pawnee Tipi Ring Site and Golden Spring Beach, Address Restricted, Hays vicinity, SG100002307

MARYLAND

Frederick County

Rosenstock Village Site, Address Restricted, Frederick vicinity, SG100002308

MONTANA

Park County

Livingston Memorial Hospital, 504 S. 13th St., Livingston, SG100002309

VERMONT

Chittenden County

District No.5 Schoolhouse, (Educational Resources of Vermont MPS), 32 Pleasant Valley Rd., Underhill, MP100002311

WISCONSIN

Brown County

Miramar Drive Residential Historic District, Generally bounded by N & S sides of Miramar Dr. between Riverside Dr. & Nelson Ct., Allouez, SG100002312

Additional documentation has been received for the following resource:

NORTH CAROLINA

Chatham County

Pittsboro Historic District, (Pittsboro MRA), Roughly bounded by Chatham St., Small St., Rectory St., and Launis St., Pittsboro, AD00000442

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 5, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–05646 Filed 3–20–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337–TA–1004 and 337–TA–990 (consolidated)]

Certain Mobile and Portable Electronic Devices Incorporating Haptics (Including Smartphones and Laptops) and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on a Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 75), granting a joint motion to terminate the above-captioned investigation based on a settlement agreement. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on

this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–990 on March 18, 2016, based on a complaint filed by Immersion Corporation of San Jose, California (''Immersion''). 81 FR 14889 (Mar. 18, 2016). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile electronic devices incorporating haptics (including smartphones and smartwatches) and components thereof, by reason of infringement of certain claims of U.S. Patent Nos.: 8,773,356; 8,619,051; and 8,659,571. The notice of investigation named as respondents Apple Inc. of Cupertino, California (''Apple''); AT&T Inc. of Dallas, Texas (''AT&T Inc''); and AT&T Mobility LLC of Atlanta, Georgia (''AT&T Mobility''). The Office of Unfair Import Investigations was also named as a party. On May 4, 2016, the Commission issued a notice determining not to review the ALJ's ID terminating the investigation as to respondent AT&T Inc. based upon withdrawal of the complaint.

The Commission instituted Investigation No. 337–TA–1004 on June 9, 2016, based upon another complaint filed by Immersion, alleging a violation of section 337 by Apple and AT&T Mobility by reason of the infringement of certain claims of U.S. Patent Nos.: 8,749,507; 7,808,488; 7,336,260; and 8,581,710. 81 FR 37210 (June 9, 2016). The notice of investigation authorized the Chief Administrative Law Judge to consolidate Investigation Nos. 337–TA–990 and 337–TA–1004 if he deemed it appropriate. *Id.* at 37211. Thereafter, the Chief Administrative Law Judge determined to consolidate the two investigations. Order No. 3, Inv. No. 337–TA–1004 (June 9, 2016).

On February 9, 2018, the parties filed a joint motion to terminate the investigation based on a settlement agreement reached between Immersion and Apple that resolves the dispute in this investigation. On February 16, 2018, the ALJ issued the subject ID (Order No. 75), granting the motion. The ALJ found that the motion complies with Commission Rules and termination of the investigation will not adversely affect the public interest. No petition for review was filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: March 15, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05637 Filed 3–20–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1104 (Second Review)]

Certain Polyester Staple Fiber From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on certain polyester staple fiber from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on September 1, 2017 (82 FR 41654) and determined on December 5, 2017 that it would conduct an expedited review (83 FR 394, January 3, 2018).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on March 15, 2018. The views of the Commission are contained in USITC Publication 4767 (March 2018), entitled *Certain Polyester Staple Fiber from China: Investigation No. 731–TA–1104 (Second Review).*

By order of the Commission.

Issued: March 15, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05695 Filed 3–20–18; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Keith F. Ostrosky, D.D.S.; Dismissal of Proceeding

On August 30, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to Keith F. Ostrosky, D.D.S., of South St. Paul, Minnesota (hereinafter, Registrant).[1] GX 2. The Show Cause Order proposed the revocation of Registrant's Certificate of Registration on the ground that he does not ''have . . . state authority to handle controlled substances.'' *Id.* at 1.

As to the jurisdictional basis of the proceeding, the Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V under Certificate of Registration No. BO1259983, at the registered location of 351 15th Ave. N., South St. Paul, Minnesota. The Order further alleged that this Registration was due to expire on December 31, 2017. *Id.*

As to the substantive basis for the proceeding, the Show Cause Order alleged that ''[o]n February 3, 2017, the Minnesota Board of Dentistry issued a Stipulation and Order,'' pursuant to which the Board accepted Registrant's voluntary surrender of his license to practice dentistry in the State of Minnesota. *Id.* The Show Cause Order thus alleged that Registrant is ''currently without authority to practice dentistry or handle controlled substances in the State of Minnesota, the [S]tate in which [he is] registered with the DEA,'' and that as a consequence, his registration is subject to revocation. *Id.* at 1–2.

The Show Cause Order notified Registrant of his right to request a hearing on the allegations or to submit a written statement of position while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* at 2. The Show Cause Order also notified Registrant of his right to submit a Corrective Action Plan pursuant to 21 U.S.C. § 824(c)(2)(C). *Id.* at 2–3.

On September 9, 2017, the Government accomplished service of the Show Cause Order by certified mail, as evidenced by the signed Return Receipt Card. GX 4. On November 7, 2017, the Government submitted a Request for Final Agency Action (RFAA). Therein, the Government represents that Registrant did not

[1] While for reasons explained in this Decision, Registrant is now an Ex-Registrant, I refer to him as Registrant throughout this Decision.

request a hearing and ''has not otherwise corresponded or communicated with [the Agency] regarding the Order . . . including the filing of any written statement in lieu of a hearing.'' RFAA, at 1–2. Based on the Government's representation I find that more than 30 days have now passed since Registrant was served with the Show Cause Order and that he has not requested a hearing or filed a written statement of position; I further find that Registrant has not filed a Corrective Action Plan. Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement while waiving his right to a hearing; I also find that Registrant has waived his right to submit a Corrective Action Plan. 21 CFR 1301.43(d).

In the RFAA, the Government seeks a final order revoking Registrant's registration. As support for the proposed sanction, the Government's evidence includes a copy of the Stipulation and Order issued by the Minnesota Board on February 3, 2017, pursuant to which it accepted Registrant's voluntary surrender of his dental license. GX 3.

The Government also submitted a Certification of Registration History, which was sworn to on October 30, 2017. GX 1. Therein, the Associate Chief of the Registration and Program Support Section states that Registration No. BO1259983 ''expires on December 31, 2017,'' and that ''Keith F. Ostrosky, D.D.S., has no other pending or valid DEA registration(s) in Minnesota.'' *Id.* at 1–2.

Pursuant to 5 U.S.C. § 556(e), I take official notice of Registrant's registration record with Agency. According to that record, Registration No. BO1259983 expired on December 31, 2017 and Registrant has not filed an application, whether timely or not, to renew his registration or for any other registration in the State of Minnesota.

DEA has long held that '' 'if a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke.' '' *Donald Brooks Reece II, M.D.,* 77 FR 35054, 35055 (2012) (quoting *Ronald J. Riegel,* 63 FR 67312, 67133 (1998)); *see also Thomas E. Mitchell,* 76 FR 20032, 20033 (2011). ''Moreover, in the absence of an application (whether timely filed or not), there is nothing to act upon.'' *Reece,* 77 FR at 35055. Accordingly, because Registrant has allowed his registration to expire and has not filed any application for registration in Minnesota, this case is now moot and will be dismissed.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I hereby order that the Order to Show Cause issued to Keith F. Ostrosky, D.D.S., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: March 13, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–05746 Filed 3–20–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Sanyal Biotechnology LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 20, 2018. Such persons may also file a written request for a hearing on the application on or before April 20, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 29, 2017, Sanyal Biotechnology LLC, 700 West Olney Road, Marioneaux Lab—Room 3159, Norfolk, Virginia 23507–1607 applied to be registered as an importer the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Tetrahydrocannabinols	7370	I

This company plans to import finished dosage unit products containing gamma-hydroxybutyric acid and cannabis extracts for clinical trial studies.

This cannabis extracts compounds are listed under drug code 7350. No other activity for these drug codes is authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 15, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–05724 Filed 3–20–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Rhodes Technologies

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 21, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 17, 2017, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816 applied to be registered as a bulk manufacturer the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Dihydromorphine	9145	I
Methylphenidate	1724	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Levorphanol	9220	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the listed controlled substances in bulk for conversion and sale to finished dosage form manufacturers.

In reference to drug code 7360 and 7370, the company plans to bulk manufacture a synthetic CBD and tetrahydrocannabinol.

No other activity for drug code 7360 and 7370 are authorized for this registration.

Dated: March 15, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–05745 Filed 3–20–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 20, 2018. Such persons may also file a written request for a hearing on the application on or before April 20, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R. In accordance with 21 CFR 1301.34(a), this is notice that on July 6, 2017, Noramco, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801–4417 applied to be registered as an importer of the following basic controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Nabilone	7379	II
Phenylacetone	8501	II
Opium, raw	9600	II
Poppy Straw Concentrate.	9670	II
Tapentadol	9780	II

The company plans to import phenylacetone (8501), opium, raw (9600), and poppy straw concentrate (9670) to bulk manufacture other controlled substances for distribution to its customers. The company plans to import an intermediate form of tapentadol (9780) to bulk manufacture tapentadol (9780) for distribution to its customers.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for these drug codes is authorized for this registration. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 15, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–05725 Filed 3–20–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Senior Community Service Employment Program (SCSEP)

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Senior Community Service Employment Program (SCSEP).'' This comment request is part of continuing Departmental efforts to reduce

paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by May 21, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting LaMia Chapman by telephone at 202–693–3356, TTY 1–800–877–8339, (these are not toll-free numbers) or by email at *SCSEPTransition@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Division of National Programs, Tools, Technical Assistance, Senior Community Service Employment Program, 200 Constitution Avenue NW, Washington, DC 20210; by email: *SCSEPTransition@dol.gov;* or by Fax 202–693–3015.

FOR FURTHER INFORMATION CONTACT: LaMia Chapman by telephone at 202–693–3356 (this is not a toll-free number) or by email at *SCSEPTransition@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The purposes of this Information Collection Request are: to (1) Fulfill the Older Americans Act Reauthorization Act of 2016 (OAA–2016) statutory requirement for SCSEP new performance measures; (2) move SCSEP performance reporting into ETA's reporting systems (specifically the Workforce Integrated Performance System (WIPS) and the ETA Case Management System) as a result of the OAA–2016 and the Interim Final Rule 82 FR 25763; and (3) update data elements, code fields, and revised instructions.

The SCSEP, authorized by title V of the Older Americans Act (OAA), is the only Federally sponsored employment and training program targeted specifically to low-income, older individuals who want to enter or reenter the workforce. The Older Americans Act Reauthorization Act of 2016 (OAA–2016) amended the measures of performance for SCSEP to align them with the performance measures under the Workforce Innovation and Opportunity Act (WIOA). In December 2017, the DOL amended and implemented through regulation the core indicators of performance. The new performance measures, as specified in the SCSEP Interim Final Rule and section 513 of the OAA (42 U.S.C. 3056k, as amended by Pub. L. 114–144) are as follows:

(a) Hours (in the aggregate) of community service employment;

(b) The percentage of project participants who are in unsubsidized employment during the second quarter after exit from the project;

(c) The percentage of project participants who are in unsubsidized employment during the fourth quarter after exit from the project;

(d) The median earnings of project participants who are in unsubsidized employment during the second quarter after exit from the project;

(e) Indicators of effectiveness in serving employers, host agencies, and project participants; and

(f) The number of eligible individuals served, including the number of participating individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

ETA has begun a modernization project to fulfill SCSEP's program reporting needs. The target date for grantees to begin reporting on the modernized information technology systems is July 1, 2018. OAA (42 U.S.C. 3056k, as amended by Pub. L. 114–144) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0040.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Senior Community Service Employment Program (SCSEP).

Form: ETA 8705; ETA 8705A; ETA 8705B; ETA 9120; ETA 9121; ETA 9122; ETA 9123; ETA 9124A; ETA 9124B; ETA 9124C, ETA 9180A; ETA 9180B; ETA 9181; ETA 9182A; ETA 9182B; and ETA 9183.

OMB Control Number: 1205–0040.

Affected Public: Individuals and households, State, local and tribal governments, and the private sector (businesses or other for-profits, and not-for-profit institutions).

Estimated Number of Respondents: 75 grantees will respond to grant reports and an additional 20,800 respondents are expected to respond to the customer satisfaction surveys.

Frequency: Ongoing, Bi-Annual or Annual.

Total Estimated Annual Responses: 207,904.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 597,206 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training Administration, Labor.

[FR Doc. 2018–05743 Filed 3–20–18; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of H–2A and H–2B Foreign Workers in the United States: Annual Update to Allowable Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this Notice to announce the annual update to the allowable charges that employers seeking H–2A workers in occupations other than range herding may charge their workers when the employer provides three meals a day and the maximum travel subsistence meal reimbursement that a worker with receipts may claim under the H–2A and H–2B programs. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence.

DATES: The update is applicable starting March 21, 2018.

FOR FURTHER INFORMATION CONTACT: William W. Thompson, II, Administrator, Office of Foreign Labor Certification (OFLC), Box #12–200, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number: 202–513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627.

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A or H–2B nonimmigrant temporary workers in the U.S. unless the petitioner has received from DOL an H–2A or H–2B labor certification. *See* 8 CFR 214.2(h)(5) and (h)(6). Both the H–2A and H–2B labor certifications provide that: (1) There are not sufficient U.S. workers who are qualified and who will be available to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 20 CFR 655.1(a), 655.100.

Allowable Meal Charge

H–2A agricultural employers of workers in occupations other than range herding must offer and provide each foreign worker and each worker in corresponding employment three meals per day or provide the workers free and convenient cooking facilities.[1] 20 CFR 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals. *Id.*

The Department establishes the methodology for determining the maximum amounts that H–2A agricultural employers may charge foreign workers and workers in corresponding employment for providing them with three meals per day during employment. § 655.173(a). This methodology allows for annual adjustments of the previous year's maximum allowable charge based on updated Consumer Price Index for All Urban Consumers for Food (CPI–U for Food), not seasonally adjusted. *Id.* The maximum amount employers may charge workers for providing meals is adjusted annually by the 12-month percentage change in the CPI–U for Food for the prior year (*i.e.,* between December of the year just concluded and December of the prior year). *Id.* The OFLC Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day, if the higher amount is justified and sufficiently documented by the employer, as set forth in § 655.173(b).

The percentage change in the CPI–U for Food between December 2016 and December 2017 was 1.6 percent.[2] Thus, the annual update to the H–2A allowable meal charge is calculated by multiplying the current allowable meal charge by the 12-month percentage change in the CPI–U for Food between December 2016 and December 2017 ($12.07 × 1.016 = $12.26). Accordingly, the updated maximum allowable charge under § 655.122(g) is $12.26 per day, and an employer is not permitted to charge a worker more than $12.26 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under § 655.173(b).

Reimbursement for Travel-Related Subsistence

Under the following conditions, H–2B and H–2A employers must pay the reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the worksite from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the U.S. for the purpose of H–2A or H–2B employment. §§ 655.122(h)(1)–(2), 655.20(j)(1)(i)–(ii). An H–2A employer is responsible for providing (either paying in advance or reimbursing a worker) the reasonable costs of daily travel-related subsistence between the employer's worksite and the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period, and must provide (or pay at the time of departure) the worker's return costs, upon the worker completing the contract or being dismissed without cause. Similarly, an H–2B employer is responsible for providing (either paying in advance or reimbursing a worker) the reasonable costs of transportation and daily subsistence between the employer's worksite and the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period, and upon the worker completing the contract or being dismissed early, return costs.

The minimum daily travel subsistence expense for meals, for which a worker is entitled to reimbursement, must be at least as much as the employer would charge for providing the worker with three meals per day during employment (if applicable). In no circumstances may the employer reimburse workers less than the amount permitted under § 655.173(a), *i.e.,* the current year's daily meal charge amount of $12.26. The maximum amount an employer is required to reimburse workers for daily travel-related subsistence, as evidenced with receipts, is equal to the standard minimum Continental United States (CONUS) per diem rate, as established by the General Services Administration (GSA) at 41 CFR part 301, formerly

[1] H–2A employers must provide workers engaged in herding or the production of livestock on the range meals or food to prepare meals without charge or deposit charge. 20 CFR 655.210(e).

[2] Consumer Price Index—December 2017, published January 12, 2018 at *https://www.bls.gov/news.release/cpi.nr0.htm.*

published in Appendix A, and now found at *https://www.gsa.gov/perdiem.* The CONUS minimum meals component remains $51.00 per day for 2018.[3] Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the CONUS meal rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or $38.25, based on the GSA per diem schedule. If a worker does not provide receipts, the employer is not obligated to reimburse above the minimum stated at § 655.173, as specified above.

If transportation and lodging are not provided by the employer, the amount an employer must pay for transportation and, where required, lodging, must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for the worker to travel to the worksite if the worker completes 50 percent of the work contract period, but is not responsible for unauthorized detours. The employer also is responsible for the costs of return transportation and subsistence, including lodging costs where necessary, as described above. This policy applies equally to instances where the worker is traveling within the U.S. to the employer's worksite.

For further information on when the employer is responsible for lodging costs, please see the Department's H–2A Frequently Asked Questions on Travel and Daily Subsistence, which may be found on the OFLC website: *https://www.foreignlaborcert.doleta.gov/.*

Rosemary Lahasky,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 2018–05744 Filed 3–20–18; 8:45 am]

BILLING CODE 4510–FP–P

[3] Maximum Per Diem Reimbursement Rates for the Continental United States (CONUS), 82 FR 39786 (August 22, 2017); *see also https://www.gsa.gov/mie.*

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Virtual Meeting of the Task Force on Apprenticeship Expansion

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA) and its implementing regulations, notice is hereby given to announce the fourth public meeting of the Task Force on Apprenticeship Expansion on Tuesday, April 10, 2018. The Task Force is a FACA committee established by Presidential Executive Order that is charged with identifying strategies and proposals to promote and expand apprenticeships, especially in sectors where apprenticeship programs are insufficient. The Task Force is solely advisory in nature, and will consider reports, comments, research, evidence, and existing practices as appropriate to develop recommendations for inclusion in its final report to the President. To achieve its mission, the Task Force will convene one additional in-person meeting on Thursday, May 10, 2018.

DATES: The meeting will begin at approximately 1:00 p.m. Eastern Daylight Time on Tuesday, April 10, 2018, and adjourn at approximately 3:00 p.m. Eastern Daylight Time.

ADDRESSES: The meeting will convene virtually. Any updates to the agenda and meeting logistics will be posted on the Task Force homepage at: *https://www.dol.gov/apprenticeship/task-force.htm.*

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Rowe, Senior Policy Advisor to the Secretary, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Telephone: (202) 693–2772 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Virtual Meeting Log-In Instructions

In order to promote openness and increase public participation, webinar and audio conference technology will be used throughout the meeting. Webinar and audio instructions will be sent to all public registrants. Public Registration information will be prominently posted on the Task Force homepage at: *https://www.dol.gov/apprenticeship/task-force.htm.*

Notice of Intent to Attend the Meeting and Submission of a Written Statement:

Interested members of the public must register for the Task Force meeting by Friday, April 6, 2018, via the public registration website using the following link: *https://www.apprenticeshiptaskforce.com/reg/.* Additionally, individuals with special needs and/or disabilities that will require special accommodations should send an email to *Apprenticeshiptaskforce@dol.gov* with the subject line ''Special Accommodations for the April 2018 Task Force Meeting'' no later than Tuesday, April 3, 2018.

The tentative agenda for this meeting includes the following:

- Updates Since March 2018 Meeting
- Updates from the Subcommittees
- Next Meeting and Next Steps

Also in the interest of increasing public participation, any member of the public who wishes to provide a written statement should send it via electronic mail to *Apprenticeshiptaskforce@dol.gov,* subject line ''Public Comment April 2018 Task Force Meeting.'' The agenda and meeting logistics may be updated between the time of this publication and the scheduled date of the Task Force meeting. All meeting updates will be posted to the Task Force website: *https://www.dol.gov/apprenticeship/task-force.htm.*

Rosemary Lahasky,

Deputy Assistant Secretary for the Employment and Training Administration.

[FR Doc. 2018–05698 Filed 3–20–18; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Office of Trade and Labor Affairs; North American Agreement on Labor Cooperation; Notice of Extension of the Period for Acceptance for Submission #2018–01 (Mexico)

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Office of Trade and Labor Affairs (OTLA) in the Bureau of International Labor Affairs of the U.S. Department of Labor has determined that an extension of time is required for its decision on whether to accept Submission #2018–01 for review concerning Mexico (the Submission) filed under Article 16.3 of the North American Agreement on Labor Cooperation (NAALC).

On January 25, 2018, OTLA received the Submission from the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and Mexico's National Workers Union. It alleges that the introduction of reforms to the Federal Labor Law of Mexico would violate Mexico's obligations under the NAALC.

In accordance with its published Procedural Guidelines (71 FR 76694 (2006)), OTLA has 60 days, unless circumstances as determined by OTLA require an extension of time, to determine whether to accept a

submission for review. OTLA has determined that circumstances require an extension of time to determine whether to accept the Submission. The U.S. Secretary of Labor and the Mexican Minister of Labor and Social Welfare are scheduled to meet this month. Part of the discussion will include issues germane to the subject of the Submission. In light of these forthcoming discussions, and because the subject of the Submission is proposed legislation that is being debated in the Mexican legislative session that concludes on April 30, 2018, OTLA has determined that it is prudent to extend the time period for determining whether to accept the Submission for review.

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

FOR FURTHER INFORMATION CONTACT: Matthew Levin, Director, OTLA, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–5303, Washington, DC 20210. Telephone: (202) 693–4900 (this is not a toll-free number).

Signed at Washington, DC on March 19, 2018.

Martha E. Newton,

Deputy Undersecretary for International Affairs.

[FR Doc. 2018–05866 Filed 3–20–18; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certificate of Medical Necessity

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Certificate of Medical Necessity,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 20, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1240-002* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Certificate of Medical Necessity information collection. A coal miner's physician completes a Certification of Medical Necessity (Form CM–893) that the OWCP uses to determine whether the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. The Black Lung Benefits Act authorizes this information collection. *See* 30 U.S.C. 922.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0024. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 18, 2017 (82 FR 48532).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0024. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Certificate of Medical Necessity.

OMB Control Number: 1240–0024.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 1,500.

Total Estimated Number of Responses: 1,500.

Total Estimated Annual Time Burden: 563 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–05700 Filed 3–20–18; 8:45 am]

BILLING CODE 4510–CK–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: 8:30 a.m. to 2:45 p.m., Wednesday, April 11, 2018.

PLACE: The offices of the Morris K. Udall and Stewart L. Udall Foundation, 130 South Scott Avenue, Tucson, AZ 85701.

STATUS: This meeting of the Board of Trustees will be open to the public.

MATTERS TO BE CONSIDERED: (1) Call to Order & Chair's Remarks; (2) Executive Director's Remarks; (3) Consent Agenda Approval (Minutes of the November 14, 2017, Board of Trustees Meeting; Board Reports submitted for Education Programs, Finance and Management, Udall Center for Studies in Public Policy-Native Nations Institute-Udall Archives, and U.S. Institute for Environmental Conflict Resolution; resolution adding Stewart L. Udall to the name of the Parks in Focus Program and Morris K. Udall and John S. McCain III to the name of the Native American Fellowship; and Board takes notice of any new and updated personnel policies and internal control methodologies); (4) Trustee ''Getting to Know You'' Introductions; (5) Enabling Legislation Amendments; (6) Staff Succession Planning; (7) Finance and Internal Controls; (8) Education Programs; and (9) U.S. Institute for Environmental Conflict Resolution.

CONTACT PERSON FOR MORE INFORMATION: Philip J. Lemanski, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901–8500.

Dated: March 19, 2018.

Elizabeth E. Monroe,

Executive Assistant, Morris K. Udall and Stewart L. Udall Foundation, and Federal Register Liaison Officer.

[FR Doc. 2018–05889 Filed 3–19–18; 4:15 pm]

BILLING CODE 6820–FN–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–027]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Corrected notice of proposed extension request.

SUMMARY: NARA proposes to request an extension from the Office of Management and Budget (OMB) of a currently approved information collection used by the public and other Federal agencies to use its official seal(s) and/or logo(s). On March 2, 2018, we published the original version of this notice, but realized thereafter that there was an error in the number of estimated responses, which also affected the other numbers. This corrected notice fixes the error and numbers and replaces the original notice (NARA–2018–021). We invite you to comment on this proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before May 21, 2018.

ADDRESSES: Send comments to Paperwork Reduction Act Comments (MP), Room 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, fax them to 301–837–0319, or email them to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm by telephone at 301–837–1694 or fax at 301–837–0319 with requests for additional information or copies of the proposed information collection and supporting statement.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collections and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses. We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record. In this notice, NARA solicits comments concerning the following information collection:

Title: Use of NARA Official Seals and/or Logos.

OMB number: 3095–0052.

Agency form number: N/A.

Type of review: Regular.

Affected public: Business or other for-profit, Not-for-profit institutions, Federal government.

Estimated number of respondents: 175 annually.

Estimated time per response: 15 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 44 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1200.8. NARA's three official seals are the National Archives and Records Administration seal; the National Archives seal; and the National Archives Trust Fund Board seal. The official seals are used to authenticate various copies of official records in our custody and for other official NARA business. Occasionally, when criteria are met, we will permit the public and other Federal agencies to use our official seals. A written request must be submitted to use the official seals, which we approve or deny using specific criteria.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2018–05664 Filed 3–20–18; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219; NRC–2018–0058]

Exelon Generation Company, LLC; Oyster Creek Nuclear Generating Station; Revision to License Condition 2.C.(5) Regarding BWRVIP–18

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Exelon Generation Company, LLC to withdraw its application dated August 30, 2017, for a proposed amendment to Renewed Facility Operating License No. DPR–16. The proposed amendment would have revised License Condition 2.C.(5) regarding the Electric Power Research Institute's (EPRI's) technical report BWRVIP–18, ''BWR [Boiling Water Reactor] Vessel and Internals Project, BWR Core Spray Internals inspection and Flaw Evaluation Guidelines,'' revision from December 2, 1999, to December 21, 2016.

DATES: March 21, 2018.

ADDRESSES: Please refer to Docket ID NRC 2018–0058 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0058. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the

individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3100, email: *john.lamb@nrc.gov.*

SUPPLEMENTARY INFORMATION:

The NRC has granted the request of Exelon Generation Company, LLC (the licensee) to withdraw its August 30, 2017, application (ADAMS Accession No. ML17242A211), for a proposed amendment to Renewed Facility Operating License No. DPR–16 for the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The proposed amendment would have revised License Condition 2.C.(5) regarding EPRI's technical report BWRVIP–18, ''BWR Vessel and Internals Project, BWR Core Spray Internals inspection and Flaw Evaluation Guidelines,'' revision from December 2, 1999, to December 21, 2016.

The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding published in the **Federal Register** on October 10, 2017 (82 FR 47037). However, by letter dated February 15, 2018 (ADAMS Accession No. ML18047A023), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 16th day of March 2018.

For the Nuclear Regulatory Commission.

John G. Lamb,

Senior Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–05690 Filed 3–20–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82887; File No. 4–631]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the Sixteenth Amendment to the National Market System Plan To Address Extraordinary Market Volatility by Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc.

March 15, 2018.

I. Introduction

On February 14, 2018, Cboe Global Markets, Inc., on behalf of Cboe BZX Exchange, Inc. (''BZX''), Cboe BYX Exchange, Inc. (''BYX''), Cboe EDGA Exchange, Inc. (''EDGA''), and Cboe EDGX Exchange, Inc. (''EDGX''), and the following parties to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Securities Exchange Act of 1934 (''Plan''): [1] Chicago Stock Exchange, Inc., the Financial Industry Regulatory Authority, Inc., Investors Exchange LLC (''IEX''), NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC, the New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc. (''NYSE Arca''), NYSE American LLC (''NYSE American''), and NYSE National, Inc. (''NYSE National'') (collectively with BYX, BZX, EDGA, and EDGX, the ''Participants''), filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and Rule 608 thereunder,[3] a proposal to amend the Plan (''Sixteenth Amendment'').[4] The Sixteenth Amendment proposes a non-substantive amendment to the Plan to reflect the name change of Bats BYX Exchange, Inc. to Cboe BYX Exchange, Inc., Bats BZX Exchange, Inc. to Cboe BZX Exchange, Inc., Bats EDGA Exchange, Inc. to Cboe EDGA Exchange, Inc., and Bats EDGX Exchange, Inc. to Cboe EDGX Exchange, Inc.[5] The amendment also changes the addresses for Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., and Bats EDGX Exchange, Inc. The Participants are filing this change for immediate effectiveness pursuant to Rule 608(b)(3)(iii) of Regulation NMS (''Rule 608'') under the Securities

[1] On May 31, 2012, the Commission approved the Plan, as modified by Amendment No. 1. *See* Securities Exchange Act Release No. 67091, 77 FR 33498 (June 6, 2012) (File No. 4–631). On February 20, 2013, the Commission noticed for immediate effectiveness the Second Amendment to the Plan. *See* Securities Exchange Act Release No. 68953, 78 FR 13113 (February 26, 2013). On April 3, 2013, the Commission approved the Third Amendment to the Plan. *See* Securities Exchange Act Release No. 69287, 78 FR 21483 (April 10, 2013). On August 27, 2013, the Commission noticed for immediate effectiveness the Fourth Amendment to the Plan. *See* Securities Exchange Act Release No. 70273, 78 FR 54321 (September 3, 2013). On September 26, 2013, the Commission approved the Fifth Amendment to the Plan. *See* Securities Exchange Act Release No. 70530, 78 FR 60937 (October 2, 2013). On January 7, 2014, the Commission noticed for immediate effectiveness the Sixth Amendment to the Plan. *See* Securities Exchange Act Release No. 71247, 79 FR 2204 (January 13, 2014). On April 3, 2014, the Commission approved the Seventh Amendment to the Plan. *See* Securities Exchange Act Release No. 71851, 79 FR 19687 (April 9, 2014). On February 19, 2015, the Commission approved the Eight Amendment to the Plan. *See* Securities Exchange Act Release No. 74323, 80 FR 10169 (February 25, 2015). On October 22, 2015, the Commission approved the Ninth Amendment to the Plan. *See* Securities Exchange Act Release No. 76244, 80 FR 66099 (October 28, 2015). On April 21, 2016, the Commission approved the Tenth Amendment to the Plan. *See* Securities Exchange Act Release No. 77679, 81 FR 24908 (April 27, 2016). On August 26, 2016, the Commission noticed for immediate effectiveness the Eleventh Amendment to the Plan. *See* Securities Exchange Act Release No. 78703, 81 FR 60397 (September 1, 2016). On January 19, 2017, the Commission approved the Twelfth Amendment to the Plan. *See* Securities Exchange Act Release No. 79845, 82 FR 8551 (January 26, 2017). On April 13, 2017, the Commission approved the Thirteenth Amendment to the Plan. *See* Securities Exchange Act Release No. 80455, 82 FR 18519 (April 19, 2017). On April 28, 2017, the Commission noticed for immediate effectiveness the Fourteenth Amendment to the Plan. *See* Securities Exchange Act Release No. 80549, 82 FR 20928 (May 4, 2017). On September 26, 2017, the Commission noticed for immediate effectiveness the Fifteenth Amendment to Plan. *See* Securities Exchange Act Release No. 81720, 82 FR 45922 (October 2, 2017).

[2] 15 U.S.C 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] *See* Letter from Joanne Moffic-Silver, General Counsel, Cboe Global Markets, Inc., to Brent Fields, Secretary, Commission, dated February 13, 2018 (''Transmittal Letter'').

[5] *See* Securities Exchange Act. Release Nos. 81952 (October 26, 2018), 82 FR 50725 (November 1, 2017), 81962 (October 26, 2017), 82 FR 50711 (November 1, 2017), 81957 (October 26, 2017), 82 FR 50716 (November 1, 2016), and 81963 (October 26, 2017), 82 FR 50697 (November 1, 2017).

Exchange Act of 1934 (''Exchange Act'').[6]

The Commission is publishing this notice to solicit comments from interested persons.[7]

II. Description of the Plan

Set forth in this Section II is the statement of the purpose and summary of the Sixteenth Amendment, along with the information required by Rule 608(a)(4) and (5) under the Exchange Act,[8] prepared and submitted by the Participants to the Commission.[9]

A. Statement of Purpose and Summary of the Plan Amendment

The Participants submit this amendment to propose a non-substantive amendment to the Plan to reflect the name change of Bats BYX Exchange, Inc. to Cboe BYX Exchange, Inc., Bats BZX Exchange, Inc. to Cboe BZX Exchange, Inc., Bats EDGA Exchange, Inc. to Cboe EDGA Exchange, Inc., and Bats EDGX Exchange, Inc. to Cboe EDGX Exchange, Inc.[10] This non-substantive amendment to the Plan also changes the addresses for Bats BYX Exchange, Inc., Bats BZX Exchange, Inc., Bats EDGA Exchange, Inc., and Bats EDGX Exchange, Inc. On October 17, 2017, BYX, BZX, EDGA, and EDGX filed proposed rule changes with the Commission for immediate effectiveness to amend, among other things, their rules to reflect a non-substantive corporate rebranding which included changing each exchange's name as described herein.[11]

B. Governing or Constituent Documents

Not applicable.

C. Implementation of Amendment

Because the amendments involve solely ministerial matters, the Participants are filing this change for immediate effectiveness pursuant to Rule 608(b)(3)(iii) of Regulation NMS under the Exchange Act.[12]

D. Development and Implementation Phases

Not applicable

E. Analysis of Impact on Competition

The amendments do not impose any burden on competition because they simply effectuate a change in the names and addresses of certain Participants. For the same reasons, the Participants do not believe that the amendments introduce terms that are unreasonably discriminatory for purposes of Section 11A(c)(1)(D) of the Exchange Act.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable

G. Approval of Amendment of the Plan

Each of the Plan's Participants has executed a written amended Plan.

H. Terms and Conditions of Access

Section II(C) of the Plan provides that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (1) Becoming a participant in the applicable Market Data Plans, as defined in Section I(F) of the Plan; (2) executing a copy of the Plan, as then in effect; (3) providing each then-current Participant with a copy of such executed Plan; and (4) effecting an amendment to the Plan as specified in Section III(B) of the Plan.

I. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

J. Method and Frequency of Processor Evaluation

Not applicable.

K. Dispute Resolution

Section III(C) of the Plan provides that each Participant shall designate an individual to represent the Participant as a member of an Operating Committee. No later than the initial date of the Plan, the Operating Committee shall designate one member of the Operating Committee to act as the Chair of the Operating Committee. Any recommendation for an amendment to the Plan from the Operating Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the Commission as a request for an amendment to the Plan initiated by the Commission under Rule 608.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment is consistent with the Exchange Act and the rules thereunder. 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 4–631 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–631.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 plan amendment that are filed with the Commission, and all written communications relating to the amendment 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 Participants' offices. 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 4–631 and should be submitted on or before April 11, 2018.

By the Commission.

Brent J. Fields,

Secretary.

Exhibit A

Proposed new language is *italicized;* proposed deletions are in [brackets].

[6] 17 CFR 242.608.

[7] 17 CFR 242.608(b)(1).

[8] *See* 17 CFR 242.608(a)(4) and (a)(5).

[9] *See* Transmittal Letter, *supra* note 4.

[10] *See supra* note 5.

[11] *Id.*

[12] 17 CFR 242.608.

Plan To Address Extraordinary Market Volatility Submitted to the Securities and Exchange CommissionPursuant to Rule 608 of Regulation NMS Under the Securities Exchange Act of 1934

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Preamble

The Participants submit to the SEC this Plan establishing procedures to address extraordinary volatility in NMS Stocks. The procedures provide for market-wide limit up-limit down requirements that prevent trades in individual NMS Stocks from occurring outside of the specified Price Bands. These limit up-limit down requirements are coupled with Trading Pauses to accommodate more fundamental price moves. The Plan procedures are designed, among other things, to protect investors and promote fair and orderly markets. The Participants developed this Plan pursuant to Rule 608(a)(3) of Regulation NMS under the Exchange Act, which authorizes the Participants to act jointly in preparing, filing, and implementing national market system plans.

I. Definitions

(A) ''Eligible Reported Transactions'' shall have the meaning prescribed by the Operating Committee and shall generally mean transactions that are eligible to update the last sale price of an NMS Stock.

(B) ''Exchange Act'' means the Securities Exchange Act of 1934, as amended.

(C) ''Limit State'' shall have the meaning provided in Section VI of the Plan.

(D) ''Limit State Quotation'' shall have the meaning provided in Section VI of the Plan.

(E) ''Lower Price Band'' shall have the meaning provided in Section V of the Plan.

(F) ''Market Data Plans'' shall mean the effective national market system plans through which the Participants act jointly to disseminate consolidated information in compliance with Rule 603(b) of Regulation NMS under the Exchange Act.

(G) ''National Best Bid'' and ''National Best Offer'' shall have the meaning provided in Rule 600(b)(42) of Regulation NMS under the Exchange Act.

(H) ''NMS Stock'' shall have the meaning provided in Rule 600(b)(47) of Regulation NMS under the Exchange Act.

(I) ''Opening Price'' shall mean the price of a transaction that opens trading on the Primary Listing Exchange. If the Primary Listing Exchange opens with quotations, the ''Opening Price'' shall mean the closing price of the NMS Stock on the Primary Listing Exchange on the previous trading day, or if no such closing price exists, the last sale on the Primary Listing Exchange.

(J) ''Operating Committee'' shall have the meaning provided in Section III(C) of the Plan.

(K) ''Participant'' means a party to the Plan.

(L) ''Plan'' means the plan set forth in this instrument, as amended from time to time in accordance with its provisions.

(M) ''Percentage Parameter'' shall mean the percentages for each tier of NMS Stocks set forth in Appendix A of the Plan.

(N) ''Price Bands'' shall have the meaning provided in Section V of the Plan.

(O) ''Primary Listing Exchange'' shall mean the Participant on which an NMS Stock is listed. If an NMS Stock is listed on more than one Participant, the Participant on which the NMS Stock has been listed the longest shall be the Primary Listing Exchange.

(P) ''Processor'' shall mean the single plan processor responsible for the consolidation of information for an NMS Stock pursuant to Rule 603(b) of Regulation NMS under the Exchange Act.

(Q) ''Pro-Forma Reference Price'' shall have the meaning provided in Section V(A)(2) of the Plan.

(R) ''Reference Price'' shall have the meaning provided in Section V of the Plan.

(S) ''Regular Trading Hours'' shall have the meaning provided in Rule 600(b)(64) of Regulation NMS under the Exchange Act. For purposes of the Plan, Regular Trading Hours can end earlier than 4:00 p.m. ET in the case of an early scheduled close.

(T) ''Regulatory Halt'' shall have the meaning specified in the Market Data Plans.

(U) ''Reopening Price'' shall mean the price of a transaction that reopens trading on the Primary Listing Exchange following a Trading Pause or a Regulatory Halt, or, if the Primary Listing Exchange reopens with quotations, the midpoint of those quotations.

(V) ''SEC'' shall mean the United States Securities and Exchange Commission.

(W) ''Straddle State'' shall have the meaning provided in Section VII(A)(2) of the Plan.

(X) ''Trading center'' shall have the meaning provided in Rule 600(b)(78) of Regulation NMS under the Exchange Act.

(Y) ''Trading Pause'' shall have the meaning provided in Section VII of the Plan.

(Z) ''Upper Price Band'' shall have the meaning provided in Section V of the Plan.

II. Parties

(A) List of Parties

The parties to the Plan are as follows:

(1) [Bats]*Cboe* BZX Exchange, Inc., [8050 Marshall Drive, Lenexa, Kansas 66214], 400 South LaSalle Street, Chicago, Illinois 60605

(2) [Bats]*Cboe* BYX Exchange, Inc., [8050 Marshall Drive, Lenexa, Kansas 66214], 400 South LaSalle Street, Chicago, Illinois 60605

(3) [Bats]*Cboe* EDGA Exchange, Inc., [8050 Marshall Drive, Lenexa, Kansas 66214], 400 South LaSalle Street, Chicago, Illinois 60605

(4) [Bats]*Cboe* EDGX Exchange, Inc., [8050 Marshall Drive, Lenexa, Kansas 66214], 400 South LaSalle Street, Chicago, Illinois 60605

(5) Chicago Stock Exchange, Inc., 440 South LaSalle Street, Chicago, Illinois 60605

(6) Financial Industry Regulatory Authority, Inc., 1735 K Street NW, Washington, DC 20006

(7) Investors Exchange LLC, 4 World Trade Center, 44th Floor, New York, New York 10007

(8) NASDAQ BX, Inc., One Liberty Plaza, New York, New York 10006

(9) NASDAQ PHLX LLC, 1900 Market Street, Philadelphia, Pennsylvania 19103

(10) The Nasdaq Stock Market LLC, 1 Liberty Plaza, 165 Broadway, New York, NY 10006

(11) NYSE National, Inc., 11 Wall Street, New York, NY 10005

(12) New York Stock Exchange LLC, 11 Wall Street, New York, New York 10005

(13) NYSE American LLC, 11 Wall Street, New York, New York 10005

(14) NYSE Arca, Inc., 11 Wall Street, New York, New York 10005

(B) Compliance Undertaking

By subscribing to and submitting the Plan for approval by the SEC, each Participant agrees to comply with and to enforce compliance, as required by Rule 608(c) of Regulation NMS under the Exchange Act, by its members with the provisions of the Plan. To this end, each Participant shall adopt a rule requiring compliance by its members with the provisions of the Plan, and each Participant shall take such actions as are necessary and appropriate as a participant of the Market Data Plans to cause and enable the Processor for each NMS Stock to fulfill the functions set forth in this Plan.

(C) New Participants

The Participants agree that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (1) Becoming a participant in the applicable Market Data Plans; (2) executing a copy of the Plan, as then in effect; (3) providing each then-current Participant with a copy of such executed Plan; and (4) effecting an amendment to the Plan as specified in Section III (B) of the Plan.

(D) Advisory Committee

(1) *Formation.* Notwithstanding other provisions of this Plan, an Advisory Committee to the Plan shall be formed and shall function in accordance with the provisions set forth in this section.

(2) *Composition.* Members of the Advisory Committee shall be selected for two-year terms as follows:

(A) *Advisory Committee Selections.* By affirmative vote of a majority of the Participants, the Participants shall select at least one representatives from each of the following categories to be members of the Advisory Committee: (1) A broker-dealer with a substantial retail investor customer base; (2) a broker-dealer with a substantial institutional investor customer base; (3) an alternative trading system; (4) a broker-dealer that primarily engages in trading for its own account; and (5) an investor.

(3) *Function.* Members of the Advisory Committee shall have the right to submit their views to the Operating Committee on Plan matters, prior to a decision by the Operating Committee on such matters. Such matters shall include, but not be limited to, proposed material amendments to the Plan.

(4) *Meetings and Information.* Members of the Advisory Committee shall have the right to attend meetings of the Operating Committee and to receive any information concerning Plan matters; provided, however, that the Operating Committee may meet in executive session if, by affirmative vote of a majority of the Participants, the Operating Committee determines that an item of Plan business requires confidential treatment.

III. Amendments to Plan

(A) General Amendments

Except with respect to the addition of new Participants to the Plan, any proposed change in, addition to, or deletion from the Plan shall be effected by means of a written amendment to the Plan that: (1) Sets forth the change, addition, or deletion; (2) is executed on behalf of each Participant; and, (3) is approved by the SEC pursuant to Rule 608 of Regulation NMS under the Exchange Act, or otherwise becomes effective under Rule 608 of Regulation NMS under the Exchange Act.

(B) New Participants

With respect to new Participants, an amendment to the Plan may be effected by the new national securities exchange or national securities association executing a copy of the Plan, as then in effect (with the only changes being the addition of the new Participant's name in Section II(A) of the Plan) and submitting such executed Plan to the SEC for approval. The amendment shall be effective when it is approved by the SEC in accordance with Rule 608 of Regulation NMS under the Exchange Act or otherwise becomes effective pursuant to Rule 608 of Regulation NMS under the Exchange Act.

(C) Operating Committee

(1) Each Participant shall select from its staff one individual to represent the Participant as a member of an Operating Committee, together with a substitute for such individual. The substitute may participate in deliberations of the Operating Committee and shall be considered a voting member thereof only in the absence of the primary representative. Each Participant shall have one vote on all matters considered by the Operating Committee. No later than the initial date of Plan operations, the Operating Committee shall designate one member of the Operating Committee to act as the Chair of the Operating Committee.

(2) The Operating Committee shall monitor the procedures established pursuant to this Plan and advise the Participants with respect to any deficiencies, problems, or recommendations as the Operating Committee may deem appropriate. The Operating Committee shall establish specifications and procedures for the implementation and operation of the Plan that are consistent with the provisions of this Plan and the Appendixes thereto. With respect to matters in this paragraph, Operating Committee decisions shall be approved by a simple majority vote.

(3) Any recommendation for an amendment to the Plan from the Operating Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the SEC as a request for an amendment to the Plan initiated by the Commission under Rule 608 of Regulation NMS.

IV. Trading Center Policies and Procedures

All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up—limit down requirements specified in Sections VI of the Plan, and to comply with the Trading Pauses specified in Section VII of the Plan.

V. Price Bands

(A) *Calculation and Dissemination of Price Bands*

(1) The Processor for each NMS stock shall calculate and disseminate to the public a Lower Price Band and an Upper Price Band during Regular Trading Hours for such NMS Stock. The Price Bands shall be based on a Reference Price for each NMS Stock that equals the arithmetic mean price of Eligible Reported Transactions for the NMS stock over the immediately preceding five-minute period (except for periods following openings and reopenings, which are addressed below). If no Eligible Reported Transactions for the NMS Stock have occurred over the immediately preceding five-minute period, the previous Reference Price shall remain in effect. The Price Bands for an NMS Stock shall be calculated by applying the Percentage Parameter for such NMS Stock to the Reference Price, with the Lower Price Band being a Percentage Parameter below the Reference Price, and the Upper Price Band being a Percentage Parameter above the Reference Price. The Price Bands shall be calculated during Regular Trading Hours. Between 9:30 a.m. and 9:45 a.m. ET, and 3:35 p.m. and 4:00 p.m. ET, or in the case of an early scheduled close, during the last 25 minutes of trading before the early scheduled close, the

Price Bands shall be calculated by applying double the Percentage Parameters set forth in Appendix A. If the Processor has not yet disseminated Price Bands, but a Reference Price is available, a trading center may calculate and apply Price Bands based on the same Reference Price that the Processor would use for calculating such Price Bands until such trading center receives Price Bands from the Processor. If, under Section VII(B)(2), the Primary Listing Exchange notifies the Processor that it is unable to reopen an NMS Stock due to a systems or technology issue and it has not declared a Regulatory Halt, the Processor will calculate and disseminate Price Bands by applying triple the Percentage Parameters set forth in Appendix A for the first 30 seconds such Price Bands are disseminated.

(2) The Processor shall calculate a Pro-Forma Reference Price on a continuous basis during Regular Trading Hours, as specified in Section V(A)(1) of the Plan. If a Pro-Forma Reference Price has not moved by 1% or more from the Reference Price currently in effect, no new Price Bands shall be disseminated, and the current Reference Price shall remain the effective Reference Price. When the Pro-Forma Reference Price has moved by 1% or more from the Reference Price currently in effect, the Pro-Forma Reference Price shall become the Reference Price, and the Processor shall disseminate new Price Bands based on the new Reference Price; provided, however, that each new Reference Price shall remain in effect for at least 30 seconds.

(B) Openings

(1) Except when a Regulatory Halt is in effect at the start of Regular Trading Hours, the first Reference Price for a trading day shall be the Opening Price on the Primary Listing Exchange in an NMS Stock if such Opening Price occurs less than five minutes after the start of Regular Trading Hours. During the period less than five minutes after the Opening Price, a Pro-Forma Reference Price shall be updated on a continuous basis to be the arithmetic mean price of Eligible Reported Transactions for the NMS Stock during the period following the Opening Price (including the Opening Price), and if it differs from the current Reference Price by 1% or more shall become the new Reference Price, except that a new Reference Price shall remain in effect for at least 30 seconds. Subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(2) If the Opening Price on the Primary Listing Exchange in an NMS Stock does not occur within five minutes after the start of Regular Trading Hours, the first Reference Price for a trading day shall be the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the preceding five minute time period, and subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(C) Reopenings

(1) Following a Trading Pause in an NMS Stock, and if the Primary Listing Exchange has not declared a Regulatory Halt, if the Primary Listing Exchange reopens trading with a transaction or quotation that does not include a zero bid or zero offer, the next Reference Price shall be the Reopening Price on the Primary Listing Exchange. Subsequent Reference Prices shall be determined in the manner prescribed for normal openings, as specified in Section V(B)(1) of the Plan. If the Primary Listing Exchange notifies the Processor that it is unable to reopen an NMS Stock due to a systems or technology issue, or if the Primary Listing Exchange reopens trading with a quotation that has a zero bid or zero offer, or both, the next Reference Price shall be the last effective Price Band that was in a Limit State before the Trading Pause. Subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(2) Following a Regulatory Halt, the next Reference Price shall be the Opening or Reopening Price on the Primary Listing Exchange if such Opening or Reopening Price occurs within five minutes after the end of the Regulatory Halt, and subsequent Reference Prices shall be determined in the manner prescribed for normal openings, as specified in Section V(B)(1) of the Plan. If such Opening or Reopening Price has not occurred within five minutes after the end of the Regulatory Halt, the Reference Price shall be equal to the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the preceding five minute time period, and subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

VI. Limit Up–Limit Down Requirements

(A) Limitations on Trades and Quotations Outside of Price Bands

(1) All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trades at prices that are below the Lower Price Band or above the Upper Price Band for an NMS Stock. Single-priced opening, reopening, and closing transactions on the Primary Listing Exchange, however, shall be excluded from this limitation. In addition, any transaction that both (i) does not update the last sale price (except if solely because the transaction was reported late or because the transaction was an odd-lot sized transaction), and (ii) is excepted or exempt from Rule 611 under Regulation NMS shall be excluded from this limitation.

(2) When a National Best Bid is below the Lower Price Band or a National Best Offer is above the Upper Price Band for an NMS Stock, the Processor shall disseminate such National Best Bid or National Best Offer with an appropriate flag identifying it as non-executable. When a National Best Offer is equal to the Lower Price Band or a National Best Bid is equal to the Upper Price Band for an NMS Stock, the Processor shall distribute such National Best Bid or National Best Offer with an appropriate flag identifying it as a ''Limit State Quotation''.

(3) All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent the display of offers below the Lower Price Band and bids above the Upper Price Band for an NMS Stock. The Processor shall disseminate an offer below the Lower Price Band or bid above the Upper Price Band that may be submitted despite such reasonable policies and procedures, but with an appropriate flag identifying it as non-executable; provided, however, that any such bid or offer shall not be included in National Best Bid or National Best Offer calculations.

(B) Entering and Exiting a Limit State

(1) All trading for an NMS Stock shall immediately enter a Limit State if the National Best Offer equals the Lower Price Band and does not cross the National Best Bid, or the National Best Bid equals the Upper Price Band and does not cross the National Best Offer.

(2) When trading for an NMS Stock enters a Limit State, the Processor shall disseminate this information by identifying the relevant quotation (*i.e.,* a National Best Offer that equals the Lower Price Band or a National Best Bid that equals the Upper Price Band) as a Limit State Quotation. At this point, the Processor shall cease calculating and disseminating updated Reference Prices and Price Bands for the NMS Stock until

either trading exits the Limit State or trading resumes with an opening or re-opening as provided in Section V.

(3) Trading for an NMS Stock shall exit a Limit State if, within 15 seconds of entering the Limit State, the entire size of all Limit State Quotations are executed or cancelled.

(4) If trading for an NMS Stock exits a Limit State within 15 seconds of entry, the Processor shall immediately calculate and disseminate updated Price Bands based on a Reference Price that equals the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the immediately preceding five-minute period (including the period of the Limit State).

(5) If trading for an NMS Stock does not exit a Limit State within 15 seconds of entry, the Limit State will terminate when the Primary Listing Exchange declares a Trading Pause pursuant to Section VII of the Plan or at the end of Regular Trading Hours.

VII. Trading Pauses

(A) Declaration of Trading Pauses

(1) If trading for an NMS Stock does not exit a Limit State within 15 seconds of entry during Regular Trading Hours, then the Primary Listing Exchange shall declare a Trading Pause for such NMS Stock and shall notify the Processor.

(2) The Primary Listing Exchange may also declare a Trading Pause for an NMS Stock when an NMS Stock is in a Straddle State, which is when National Best Bid (Offer) is below (above) the Lower (Upper) Price Band and the NMS Stock is not in a Limit State, and trading in that NMS Stock deviates from normal trading characteristics such that declaring a Trading Pause would support the Plan's goal to address extraordinary market volatility. The Primary Listing Exchange shall develop policies and procedures for determining when it would declare a Trading Pause in such circumstances. If a Trading Pause is declared for an NMS Stock under this provision, the Primary Listing Exchange shall notify the Processor.

(3) The Processor shall disseminate Trading Pause information to the public. No trades in an NMS Stock shall occur during a Trading Pause, but all bids and offers may be displayed.

(B) Reopening of Trading During Regular Trading Hours

(1) Five minutes after declaring a Trading Pause for an NMS Stock, and if the Primary Listing Exchange has not declared a Regulatory Halt, the Primary Listing Exchange shall attempt to reopen trading using its established reopening procedures. The Processor will publish the following information that the Primary Listing Exchange provides to the Processor in connection with such reopening: Auction reference price; auction collars; and number of extensions to the reopening auction. The Trading Pause shall end when the Primary Listing Exchange reports a Reopening Price.

(2) The Primary Listing Exchange shall notify the Processor if it is unable to reopen trading in an NMS Stock due to a systems or technology issue and if it has not declared a Regulatory Halt. The Processor shall disseminate this information to the public.

(3) Trading centers may not resume trading in an NMS Stock following a Trading Pause without Price Bands in such NMS Stock.

(4) The Processor shall update the Price Bands as set forth in Section V(C)(1)–(2) of the Plan after receiving notification from the Primary Listing Exchange of a Reopening Price following a Trading Pause (or a resume message in the case of a reopening quote that has a zero bid or zero offer, or both) or that it is unable to reopen trading following a Trading Pause due to a systems or technology issue, provided that if the Primary Listing Exchange is unable to reopen due to a systems or technology issue, the update to the Price Bands will be no earlier than ten minutes after the beginning of the Trading Pause.

(C) Trading Pauses Within Ten Minutes of the End of Regular Trading Hours

(1) If an NMS Stock is in a Trading Pause during the last ten minutes of trading before the end of Regular Trading Hours, the Primary Listing Exchange shall not reopen trading and shall attempt to execute a closing transaction using its established closing procedures. All trading centers may begin trading the NMS Stock when the Primary Listing Exchange executes a closing transaction.

(2) If the Primary Listing Exchange does not execute a closing transaction within five minutes after the end of Regular Trading Hours, all trading centers may begin trading the NMS Stock.

VIII. Implementation

The initial date of Plan operations shall be April 8, 2013.

The Plan shall be implemented on a pilot basis set to end on April 16, 2018.

IX. Withdrawal From Plan

If a Participant obtains SEC approval to withdraw from the Plan, such Participant may withdraw from the Plan at any time on not less than 30 days' prior written notice to each of the other Participants. At such time, the withdrawing Participant shall have no further rights or obligations under the Plan.

X. Counterparts and Signatures

The Plan may be executed in any number of counterparts, no one of which need contain all signatures of all Participants, and as many of such counterparts as shall together contain all such signatures shall constitute one and the same instrument.

In witness thereof, this Plan has been executed as of the 13th day of February 2018 by each of the parties hereto.

[BATS]Cboe BZX EXCHANGE, INC.

BY:_____

[BATS]Cboe BYX EXCHANGE, INC.

BY:_____

[BATS]Cboe EDGA EXCHANGE, INC.

BY:_____

[BATS]Cboe EDGX EXCHANGE, INC.

BY:_____

CHICAGO STOCK EXCHANGE, INC.

BY:_____

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

BY:_____

INVESTORS EXCHANGE LLC

BY:_____

NASDAQ BX, Inc.

BY:_____

NASDAQ PHLX LLC

BY:_____

THE NASDAQ STOCK MARKET LLC

BY:_____

NYSE NATIONAL, INC.

BY:_____

NEW YORK STOCK EXCHANGE LLC

BY:_____

NYSE American LLC

BY:_____

NYSE ARCA, INC.

BY:_____

Appendix A—Percentage Parameters

I. Tier 1 NMS Stocks

(1) Tier 1 NMS Stocks shall include all NMS Stocks included in the S&P 500 Index, the Russell 1000 Index, and the exchange-traded products (''ETP'') identified as Schedule 1 to this Appendix. Schedule 1 to the Appendix will be reviewed and updated semi-annually based on the fiscal year by the Primary Listing Exchange to add ETPs that meet the criteria, or delete ETPs that are no longer eligible. To determine eligibility for an ETP to be included as a Tier 1 NMS Stock, all ETPs across multiple asset classes and issuers, including domestic equity, international equity, fixed income, currency, and commodities and futures will be identified. Leveraged ETPs will be excluded and the list will be sorted by notional consolidated average daily volume (''CADV''). The period used to measure CADV will be from the first day of the previous fiscal half year up until one week before the beginning of the next fiscal half year. Daily volumes will be multiplied by closing prices and then averaged over the period. ETPs, including inverse ETPs, that trade over $2,000,000 CADV will be eligible to be included as a Tier 1 NMS Stock. The semi-annual updates to Schedule 1 do not require an amendment to the Plan. The Primary Listing Exchanges will maintain the updated Schedule 1 on their respective websites.

(2) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price more than $3.00 shall be 5%.

(3) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price equal to $0.75 and up to and including $3.00 shall be 20%.

(4) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price less than $0.75 shall be the lesser of (a) $0.15 or (b) 75%.

(5) The Reference Price used for determining which Percentage Parameter shall be applicable during a trading day shall be based on the closing price of the NMS

Stock on the Primary Listing Exchange on the previous trading day, or if no closing price exists, the last sale on the Primary Listing Exchange reported by the Processor.

II. Tier 2 NMS Stocks

(1) Tier 2 NMS Stocks shall include all NMS Stocks other than those in Tier 1, provided, however, that all rights and warrants are excluded from the Plan.

(2) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price more than $3.00 shall be 10%.

(3) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price equal to $0.75 and up to and including $3.00 shall be 20%.

(4) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price less than $0.75 shall be the lesser of (a) $0.15 or (b) 75%.

(5) Notwithstanding the foregoing, the Percentage Parameters for a Tier 2 NMS Stock that is a leveraged ETP shall be the applicable Percentage Parameter set forth in clauses (2), (3), or (4) above, multiplied by the leverage ratio of such product.

(6) The Reference Price used for determining which Percentage Parameter shall be applicable during a trading day shall be based on the closing price of the NMS Stock on the Primary Listing Exchange on the previous trading day, or if no closing price exists, the last sale on the Primary Listing Exchange reported by the Processor.

Appendix A—Schedule 1 (as of January 2, 2018)

Ticker	ETP name	Exchange
SPY	SPDR S&P 500® ETF	NYSE Arca.
QQQ	Powershares QQQ Trust Series 1	NASDAQ.
IWM	iShares Russell 2000 ETF	NYSE Arca.
EEM	iShares MSCI Emerging Markets ETF	NYSE Arca.
XLF	Financial Select Sector SPDR Fund	NYSE Arca.
VXX	iPath S&P 500 VIX Short-Term Futures ETN	NYSE Arca.
EFA	iShares MSCI EAFE ETF	NYSE Arca.
TLT	iShares 20+ Year Treasury Bond ETF	NASDAQ.
HYG	iShares iBoxx $ High Yield Corporate Bond ETF	NYSE Arca.
GDX	VanEck Vectors Gold Miners ETF	NYSE Arca.
XIV	VelocityShares Daily Inverse VIX Short Term ETN	NASDAQ.
IVV	iShares Core S&P 500 ETF	NYSE Arca.
GLD	SPDR Gold Trust	NYSE Arca.
XLE	Energy Select Sector SPDR Fund	NYSE Arca.
LQD	iShares iBoxx $ Investment Grade Corporate Bond ETF	NYSE Arca.
EWZ	iShares MSCI Brazil Capped ETF	NYSE Arca.
XLU	Utilities Select Sector SPDR Fund	NYSE Arca.
XLI	Industrial Select Sector SPDR Fund	NYSE Arca.
DIA	SPDR Dow Jones Industrial Average ETF Trust	NYSE Arca.
XLP	Consumer Staples Select Sector SPDR Fund	NYSE Arca.
XLK	Technology Select Sector SPDR Fund	NYSE Arca.
SVXY	ProShares Short VIX Short Term Futures	NYSE Arca.
FXI	iShares China Large-Cap ETF	NYSE Arca.
XLV	Health Care Select Sector SPDR Fund	NYSE Arca.
IYR	iShares U.S. Real Estate ETF	NYSE Arca.
XOP	SPDR S&P Oil & Gas Exploration & Production ETF	NYSE Arca.
VWO	Vanguard FTSE Emerging Markets ETF	NYSE Arca.
VOO	Vanguard S&P 500 ETF	NYSE Arca.
IEMG	iShares Core MSCI Emerging Markets ETF	NYSE Arca.
EWJ	iShares MSCI Japan ETF	NYSE Arca.
GDXJ	VanEck Vectors Junior Gold Miners ETF	NYSE Arca.
XLY	Consumer Discretionary Select Sector SPDR Fund	NYSE Arca.
SMH	VanEck Vectors Semiconductor ETF	NYSE Arca.
JNK	SPDR Bloomberg Barclays High Yield Bond ETF	NYSE Arca.
KRE	SPDR S&P Regional Banking ETF	NYSE Arca.
MDY	SPDR S&P MidCap 400® ETF	NYSE Arca.
XBI	SPDR S&P Biotech ETF	NYSE Arca.
VEA	Vanguard FTSE Developed Markets ETF	NYSE Arca.
IBB	iShares Nasdaq Biotechnology ETF	NASDAQ.
VNQ	Vanguard REIT ETF	NYSE Arca.
AGG	iShares Core U.S. Aggregate Bond ETF	NYSE Arca.
EZU	iShares MSCI Eurozone ETF	Cboe BZX.
VTI	Vanguard Total Stock Market ETF	NYSE Arca.
IEFA	iShares Core MSCI EAFE ETF	Cboe BZX.
XLB	Materials Select Sector SPDR Fund	NYSE Arca.
EMB	iShares JP Morgan USD Emerging Markets Bond ETF	NASDAQ.
IWD	iShares Russell 1000 Value ETF	NYSE Arca.
USO	United States Oil Fund LP	NYSE Arca.
XRT	SPDR S&P Retail ETF	NYSE Arca.
IEF	iShares 7–10 Year Treasury Bond ETF	NASDAQ.
IJR	iShares Core S&P Small-Cap ETF	NYSE Arca.
IJH	iShares Core S&P Mid-Cap ETF	NYSE Arca.
IWF	iShares Russell 1000 Growth ETF	NYSE Arca.
VGK	Vanguard FTSE Europe ETF	NYSE Arca.
EWY	iShares MSCI South Korea Capped ETF	NYSE Arca.
BND	Vanguard Total Bond Market ETF	NYSE Arca.
OIH	VanEck Vectors Oil Services ETF	NYSE Arca.
DXJ	WisdomTree Japan Hedged Equity Fund	NYSE Arca.
AMLP	Alerian MLP ETF	NYSE Arca.
EWW	iShares MSCI Mexico Capped ETF	NYSE Arca.

Ticker	ETP name	Exchange
IWB	iShares Russell 1000 ETF	NYSE Arca.
VTV	Vanguard Value ETF	NYSE Arca.
RSX	VanEck Vectors Russia ETF	NYSE Arca.
SLV	iShares Silver Trust	NYSE Arca.
EWT	iShares MSCI Taiwan Capped ETF	NYSE Arca.
IAU	iShares Gold Trust	NYSE Arca.
VCSH	Vanguard Short-Term Corporate Bond ETF	NASDAQ.
TIP	iShares TIPS Bond ETF	NYSE Arca.
ACWI	iShares MSCI ACWI ETF	NASDAQ.
IWO	iShares Russell 2000 Growth ETF	NYSE Arca.
BSV	Vanguard Short-Term Bond ETF	NYSE Arca.
MCHI	iShares MSCI China ETF	NASDAQ.
VCIT	Vanguard Intermediate-Term Corporate Bond ETF	NASDAQ.
IWN	iShares Russell 2000 Value ETF	NYSE Arca.
EWG	iShares MSCI Germany ETF	NYSE Arca.
INDA	iShares MSCI India ETF	Cboe BZX.
FEZ	SPDR EURO STOXX 50 ETF	NYSE Arca.
KBE	SPDR S&P Bank ETF	NYSE Arca.
IVW	iShares S&P 500 Growth ETF	NYSE Arca.
VEU	Vanguard FTSE All-World ex-US ETF	NYSE Arca.
PFF	iShares US Preferred Stock ETF	NASDAQ.
ITB	iShares U.S. Home Construction ETF	Cboe BZX.
AAXJ	iShares MSCI All Country Asia ex Japan ETF	NASDAQ.
EWH	iShares MSCI Hong Kong ETF	NYSE Arca.
HEDJ	WisdomTree Europe Hedged Equity Fund	NYSE Arca.
SOXX	iShares PHLX Semiconductor ETF	NASDAQ.
XME	SPDR S&P Metals & Mining ETF	NYSE Arca.
IVE	iShares S&P 500 Value ETF	NYSE Arca.
SHV	iShares Short Treasury Bond ETF	NASDAQ.
SHY	iShares 1–3 Year Treasury Bond ETF	NASDAQ.
VB	Vanguard Small-Cap ETF	NYSE Arca.
VUG	Vanguard Growth ETF	NYSE Arca.
BKLN	PowerShares Senior Loan Portfolio	NYSE Arca.
AMJ	JPMorgan Alerian MLP Index ETN	NYSE Arca.
VGT	Vanguard Information Technology ETF	NYSE Arca.
SH	ProShares Short S&P500	NYSE Arca.
USMV	iShares MSCI USA Minimum Volatility ETF	Cboe BZX.
EWU	iShares MSCI United Kingdom ETF	NYSE Arca.
VYM	Vanguard High Dividend Yield Index Fund	NYSE Arca.
XHB	SPDR S&P Homebuilders ETF	NYSE Arca.
IEI	iShares 3–7 Year Treasury Bond ETF	NASDAQ.
FXE	CurrencyShares Euro Trust	NYSE Arca.
EWC	iShares MSCI Canada ETF	NYSE Arca.
UNG	United States Natural Gas Fund LP	NYSE Arca.
MBB	iShares MBS ETF	NASDAQ.
XLRE	Real Estate Select Sector SPDR Fund	NYSE Arca.
SPLV	PowerShares S&P 500® Low Volatility Portfolio	NYSE Arca.
MUB	iShares National Muni Bond ETF	NYSE Arca.
VT	Vanguard Total World Stock Index Fund	NYSE Arca.
MINT	PIMCO Enhanced Short Maturity Strategy Exchange-Traded Fund	NYSE Arca.
DBEF	Xtrackers MSCI EAFE Hedged Equity ETF	NYSE Arca.
VO	Vanguard Mid-Cap ETF	NYSE Arca.
OEF	iShares S&P 100 ETF	NYSE Arca.
VIG	Vanguard Dividend Appreciation ETF	NYSE Arca.
EWP	iShares MSCI Spain Capped ETF	NYSE Arca.
FLOT	iShares Floating Rate Bond ETF	Cboe BZX.
EPI	WisdomTree India Earnings Fund	NYSE Arca.
DVY	iShares Select Dividend ETF	NASDAQ.
CSJ	iShares 1–3 Year Credit Bond ETF	NASDAQ.
VIXY	ProShares VIX Short-Term Futures ETF	NYSE Arca.
CWB	SPDR Bloomberg Barclays Convertible Securities ETF	NYSE Arca.
BIV	Vanguard Intermediate-Term Bond ETF	NYSE Arca.
SCHF	Schwab International Equity ETF	NYSE Arca.
ITA	iShares US Aerospace & Defense ETF	Cboe BZX.
SCZ	iShares MSCI EAFE Small-Cap ETF	NASDAQ.
RSP	Guggenheim S&P 500 Equal Weight ETF	NYSE Arca.
SJNK	SPDR Bloomberg Barclays Short Term High Yield Bond ETF	NYSE Arca.
ITOT	iShares Core S&P Total U.S. Stock Market ETF	NYSE Arca.
BNDX	Vanguard Total International Bond ETF	NASDAQ.
EWA	iShares MSCI Australia ETF	NYSE Arca.
IYT	iShares Transportation Average ETF	Cboe BZX.
ILF	iShares Latin America 40 ETF	NYSE Arca.
VFH	Vanguard Financials ETF	NYSE Arca.
PCY	PowerShares Emerging Markets Sovereign Debt Portfolio	NYSE Arca.

Ticker	ETP name	Exchange
HYS	PIMCO 0–5 Year High Yield Corporate Bond Index Exchange-Traded Fund	NYSE Arca.
FDN	First Trust Dow Jones Internet Index Fund	NYSE Arca.
CIU	iShares Intermediate Credit Bond ETF	NASDAQ.
MTUM	iShares MSCI USA Momentum Factor ETF	Cboe BZX.
VBR	Vanguard Small-Cap Value ETF	NYSE Arca.
VXUS	Vanguard Total International Stock ETF	NASDAQ.
SDY	SPDR S&P Dividend ETF	NYSE Arca.
IWR	iShares Russell Mid-Cap ETF	NYSE Arca.
EMLC	VanEck Vectors Emerging Markets Local Currency Bond ETF	NYSE Arca.
HEWJ	iShares Currency Hedged MSCI Japan ETF	NYSE Arca.
EFAV	iShares MSCI EAFE Minimum Volatility ETF	Cboe BZX.
EUFN	iShares MSCI Europe Financials ETF	NASDAQ.
IWS	iShares Russell Mid-Cap Value ETF	NYSE Arca.
SCHX	Schwab U.S. Large-Cap ETF	NYSE Arca.
NEAR	iShares Short Maturity Bond ETF	Cboe BZX.
IWP	iShares Russell Mid-Cap Growth ETF	NYSE Arca.
KWEB	KraneShares CSI China Internet ETF	NYSE Arca.
HEFA	iShares Currency Hedged MSCI EAFE ETF	Cboe BZX.
EWI	iShares MSCI Italy Capped ETF	NYSE Arca.
IWV	iShares Russell 3000 ETF	NYSE Arca.
IYF	iShares U.S. Financials ETF	NYSE Arca.
EZA	iShares MSCI South Africa ETF	NYSE Arca.
VXF	Vanguard Extended Market Index Fund	NYSE Arca.
IYW	iShares U.S. Technology ETF	NYSE Arca.
VHT	Vanguard Health Care ETF	NYSE Arca.
BIL	SPDR Bloomberg Barclays 1–3 Month T-Bill ETF	NYSE Arca.
UUP	PowerShares DB US Dollar Index Bullish Fund	NYSE Arca.
IEUR	iShares Core MSCI Europe ETF	NYSE Arca.
DBC	PowerShares DB Commodity Index Tracking Fund	NYSE Arca.
EFV	iShares MSCI EAFE Value ETF	Cboe BZX.
HEZU	iShares Currency Hedged MSCI Eurozone ETF	NYSE Arca.
SCHB	Schwab U.S. Broad Market ETF	NYSE Arca.
IEV	iShares Europe ETF	NYSE Arca.
SCHD	Schwab U.S. Dividend Equity ETF	NYSE Arca.
VV	Vanguard Large-Cap ETF	NYSE Arca.
PGX	PowerShares Preferred Portfolio	NYSE Arca.
EWL	iShares MSCI Switzerland Capped ETF	NYSE Arca.
VPL	Vanguard FTSE Pacific ETF	NYSE Arca.
IJK	iShares S&P Mid-Cap 400 Growth ETF	NYSE Arca.
BOTZ	Global X Robotics & Artificial Intelligence Thematic ETF	NASDAQ.
VMBS	Vanguard Mortgage-Backed Securities ETF	NASDAQ.
IXUS	iShares Core MSCI Total International Stock ETF	NASDAQ.
VCLT	Vanguard Long-Term Corporate Bond ETF	NASDAQ.
SCHE	Schwab Emerging Markets Equity ETF	NYSE Arca.
LIT	Global X Lithium & Battery Tech ETF	NYSE Arca.
ASHR	Xtrackers Harvest CSI 300 China A-Shares ETF	NYSE Arca.
ACWX	iShares MSCI ACWI ex US ETF	NASDAQ.
VOE	Vanguard Mid-Cap Value ETF	NYSE Arca.
VDE	Vanguard Energy ETF	NYSE Arca.
HDV	iShares Core High Dividend ETF	NYSE Arca.
IUSG	iShares Core US Growth ETF	NASDAQ.
SCHA	Schwab U.S. Small-Cap ETF	NYSE Arca.
PSQ	ProShares Short QQQ	NYSE Arca.
GOVT	iShares Core US Treasury Bond ETF	Cboe BZX.
KBWB	PowerShares KBW Bank Portfolio	NASDAQ.
EEMV	iShares MSCI Emerging Markets Minimum Volatility ETF/Dup	Cboe BZX.
VTIP	Vanguard Short-Term Inflation-Protected Securities ETF	NASDAQ.
RWX	SPDR Dow Jones International Real Estate ETF	NYSE Arca.
ROBO	ROBO Global Robotics and Automation Index ETF	NASDAQ.
DBJP	Xtrackers MSCI Japan Hedged Equity ETF	NYSE Arca.
VNQI	Vanguard Global ex-U.S. Real Estate ETF	NASDAQ.
SHYG	iShares 0–5 Year High Yield Corporate Bond ETF	NYSE Arca.
QUAL	iShares MSCI USA Quality Factor ETF	Cboe BZX.
IGV	iShares North American Tech-Software ETF	Cboe BZX.
EPP	iShares MSCI Pacific ex Japan ETF	NYSE Arca.
EWQ	iShares MSCI France ETF	NYSE Arca.
VLUE	iShares MSCI USA Value Factor ETF	Cboe BZX.
VSS	Vanguard FTSE All-World Ex-US Small-Cap Index Fund	NYSE Arca.
ECH	iShares MSCI Chile Capped ETF	Cboe BZX.
SCHZ	Schwab U.S. Aggregate Bond ETF	NYSE Arca.
IDV	iShares International Select Dividend ETF	Cboe BZX.
IJS	iShares S&P Small-Cap 600 Value ETF	NYSE Arca.
DBEU	Xtrackers MSCI Europe Hedged Equity ETF	NYSE Arca.
SPIB	SPDR Bloomberg Barclays Intermediate Term Corporate Bond ETF	NYSE Arca.

Ticker	ETP name	Exchange
IHI	iShares U.S. Medical Devices ETF	NYSE Arca.
HYD	VanEck Vectors High Yield Municipal Index ETF	NYSE Arca.
SCHO	Schwab Short-Term U.S. Treasury ETF	NYSE Arca.
SCHH	Schwab U.S. REIT ETF	NYSE Arca.
IUSV	iShares Core US Value ETF	NASDAQ.
SCHG	Schwab U.S. Large-Cap Growth ETF	NYSE Arca.
SHM	SPDR Nuveen Bloomberg Barclays Short Term Municipal Bond ETF	NYSE Arca.
FPE	First Trust Preferred Securities and Income ETF	NYSE Arca.
SPSB	SPDR Bloomberg Barclays Short Term Corporate Bond ETF	NYSE Arca.
VBK	Vanguard Small-Cap Growth ETF	NYSE Arca.
ACWV	iShares MSCI All Country World Minimum Volatility ETF	Cboe BZX.
TOTL	SPDR DoubleLine Total Return Tactical ETF	NYSE Arca.
VTEB	Vanguard Tax-Exempt Bond Index Fund	NYSE Arca.
FXU	First Trust Utilities AlphaDEX Fund	NYSE Arca.
IJT	iShares S&P Small-Cap 600 Growth ETF	NASDAQ.
IYM	iShares U.S. Basic Materials ETF	NYSE Arca.
MLPI	ETRACS Alerian MLP Infrastructure ETN	NYSE Arca.
VPU	Vanguard Utilities Index Fund	NYSE Arca.
SRLN	SPDR Blackstone/GSO Senior Loan ETF	NYSE Arca.
FXL	First Trust Technology AlphaDEX Fund	NYSE Arca.
BLV	Vanguard Long-Term Bond ETF	NYSE Arca.
SPHD	PowerShares S&P 500 High Dividend Low Volatility Portfolio	NYSE Arca.
IYH	iShares U.S. Healthcare ETF	NYSE Arca.
TFI	SPDR Nuveen Bloomberg Barclays Municipal Bond ETF	NYSE Arca.
ICF	iShares Cohen & Steers REIT ETF	Cboe BZX.
VDC	Vanguard Consumer Staples ETF	NYSE Arca.
EWM	iShares MSCI Malaysia ETF	NYSE Arca.
VOX	Vanguard Telecommunication Services ETF	NYSE Arca.
IJJ	iShares S&P Mid-Cap 400 Value ETF	NYSE Arca.
SCHP	Schwab U.S. TIPS ETF	NYSE Arca.
DBA	PowerShares DB Agriculture Fund	NYSE Arca.
THD	iShares MSCI Thailand Capped ETF	NYSE Arca.
VIS	Vanguard Industrials ETF	NYSE Arca.
EIDO	iShares MSCI Indonesia ETF	NYSE Arca.
IYG	iShares U.S. Financial Services ETF	NYSE Arca.
ANGL	VanEck Vectors Fallen Angel High Yield Bond ETF	NYSE Arca.
RWM	ProShares Short Russell2000	NYSE Arca.
FTSM	First Trust Enhanced Short Maturity ETF	NASDAQ.
EWS	iShares MSCI Singapore Capped ETF	NYSE Arca.
FVD	First Trust Value Line Dividend Index Fund	NYSE Arca.
BWX	SPDR Bloomberg Barclays International Treasury Bond ETF	NYSE Arca.
OIL	iPath S&P GSCI Crude Oil Total Return Index ETNs	NYSE Arca.
IYE	iShares U.S. Energy ETF	NYSE Arca.
QTEC	First Trust NASDAQ–100 Technology Index Fund	NASDAQ.
DGRO	iShares Core Dividend Growth ETF	NYSE Arca.
TUR	iShares MSCI Turkey ETF	NASDAQ.
VOT	Vanguard Mid-Cap Growth ETF	NYSE Arca.
IYZ	iShares US Telecommunications ETF	Cboe BZX.
PHB	PowerShares High Yield Corporate Bond Portfolio	NYSE Arca.
SCHV	Schwab U.S. Large-Cap Value ETF	NYSE Arca.
KIE	SPDR S&P Insurance ETF	NYSE Arca.
IDU	iShares U.S. Utilities ETF	NYSE Arca.
EMLP	First Trust North American Energy Infrastructure Fund	NYSE Arca.
REM	iShares Mortgage Real Estate Capped ETF	Cboe BZX.
RWR	SPDR Dow Jones REIT ETF	NYSE Arca.
ERUS	iShares MSCI Russia Capped ETF	NYSE Arca.
MGK	Vanguard Mega Cap Growth ETF	NYSE Arca.
VGSH	Vanguard Short-Term Government Bond ETF	NASDAQ.
FXB	CurrencyShares British Pound Sterling Trust	NYSE Arca.
NOBL	ProShares S&P 500 Dividend Aristocrats ETF	Cboe BZX.
GBIL	Goldman Sachs TreasuryAccess® 0–1 Year ETF	NYSE Arca.
PRF	PowerShares FTSE RAFI U.S. 1000 Portfolio	NYSE Arca.
EFG	iShares MSCI EAFE Growth ETF	Cboe BZX.
AMZA	InfraCap MLP ETF	NYSE Arca.
GVI	iShares Intermediate Government/Credit Bond ETF	Cboe BZX.
GUNR	FlexShares Global Upstream Natural Resources Index Fund	NYSE Arca.
VAW	Vanguard Materials ETF	NYSE Arca.
XAR	SPDR S&P Aerospace & Defense ETF	NYSE Arca.
BOND	PIMCO Active Bond Exchange-Traded Fund	NYSE Arca.
VTWO	Vanguard Russell 2000	NASDAQ.
IGF	iShares Global Infrastructure ETF	NASDAQ.
FLRN	SPDR Bloomberg Barclays Investment Grade Floating Rate ETF	NYSE Arca.
SCHM	Schwab U.S. Mid-Cap ETF	NYSE Arca.
FNDX	Schwab Fundamental U.S. Large Company Index ETF	NYSE Arca.

Ticker	ETP name	Exchange
RWO	SPDR Dow Jones Global Real Estate ETF	NYSE Arca.
EWD	iShares MSCI Sweden Capped ETF	NYSE Arca.
CQQQ	Guggenheim China Technology ETF	NYSE Arca.
VRP	PowerShares Variable Rate Preferred Portfolio	NYSE Arca.
FTEC	Fidelity MSCI Information Technology Index ETF	NYSE Arca.
ZIV	VelocityShares Daily Inverse VIX Medium Term ETN	NASDAQ.
IYJ	iShares U.S. Industrials ETF	Cboe BZX.
DEM	WisdomTree Emerging Markets High Dividend Fund	NYSE Arca.
USMC	Principal U.S. Mega-Cap Multi-Factor ETF	NASDAQ.
GSY	Guggenheim Ultra Short Duration ETF	NYSE Arca.
XES	SPDR S&P Oil & Gas Equipment & Services ETF	NYSE Arca.
VGIT	Vanguard Intermediate-Term Government Bond ETF	NASDAQ.
VCR	Vanguard Consumer Discretionary ETF	NYSE Arca.
FNDF	Schwab Fundamental International Large Company Index ETF	NYSE Arca.
FXY	CurrencyShares Japanese Yen Trust	NYSE Arca.
FNDA	Schwab Fundamental U.S. Small Company Index ETF	NYSE Arca.
IDEV	iShares Core MSCI International Developed Markets ETF	NYSE Arca.
DON	WisdomTree U.S. MidCap Dividend Fund	NYSE Arca.
ITM	VanEck Vectors AMT-Free Intermediate Municipal Index ETF	NYSE Arca.
HACK	ETFMG Prime Cyber Security ETF	NYSE Arca.
CRED	iShares Core US Credit Bond ETF	NASDAQ.
FNCL	Fidelity MSCI Financials Index ETF	NYSE Arca.
IXN	iShares Global Tech ETF	NYSE Arca.
ONEQ	Fidelity NASDAQ Composite Index Tracking Stock ETF	NASDAQ.
SPDW	SPDR S&P World ex-US ETF	NYSE Arca.
HEWG	iShares Currency Hedged MSCI Germany ETF	NASDAQ.
TBF	ProShares Short 20+ Year Treasury	NYSE Arca.
RPG	Guggenheim S&P 500 Pure Growth ETF	NYSE Arca.
DOG	ProShares Short Dow30	NYSE Arca.
RYT	Guggenheim S&P Equal Weight Technology ETF	NYSE Arca.
LMBS	First Trust Low Duration Opportunities ETF	NASDAQ.
GXC	SPDR S&P China ETF	NYSE Arca.
SPHB	PowerShares S&P 500® High Beta Portfolio	NYSE Arca.
INDY	iShares India 50 ETF	NASDAQ.
IYC	iShares U.S. Consumer Services ETF	NYSE Arca.
RING	iShares MSCI Global Gold Miners ETF	NASDAQ.
MDYG	SPDR S&P 400 Mid Cap Growth ETF	NYSE Arca.
DFE	WisdomTree Europe SmallCap Dividend Fund	NYSE Arca.
DGRW	WisdomTree U.S. Quality Dividend Growth Fund	NASDAQ.
SPEM	SPDR S&P Emerging Markets ETF	NYSE Arca.
FNDE	Schwab Fundamental Emerging Markets Large Company Index ETF	NYSE Arca.
IXC	iShares Global Energy ETF	NYSE Arca.
EPHE	iShares MSCI Philippines ETF	NYSE Arca.
DGS	WisdomTree Emerging Markets SmallCap Dividend Fund	NYSE Arca.
FXC	CurrencyShares Canadian Dollar Trust	NYSE Arca.
EPOL	iShares MSCI Poland Capped ETF	NYSE Arca.
GSLC	Goldman Sachs ActiveBeta U.S. Large Cap Equity ETF	NYSE Arca.
ISTB	iShares Core 1–5 Year USD Bond ETF	NASDAQ.
VWOB	Vanguard Emerging Markets Government Bond ETF	NASDAQ.
STIP	iShares 0–5 Year TIPS Bond ETF	NYSE Arca.
SUB	iShares Short-Term National Muni Bond ETF	NYSE Arca.
TLH	iShares 10–20 Year Treasury Bond ETF	NYSE Arca.
EMHY	iShares Emerging Markets High Yield Bond ETF	Cboe BZX.
FXO	First Trust Financial AlphaDEX Fund	NYSE Arca.
LDRS	Innovator IBD® ETF Leaders ETF	NYSE Arca.
SPAB	SPDR Bloomberg Barclays Aggregate Bond ETF	NYSE Arca.
SLYV	SPDR S&P 600 Small Cap Value ETF	NYSE Arca.
DJP	iPath Bloomberg Commodity Index Total Return ETN	NYSE Arca.
SDOG	ALPS Sector Dividend Dogs ETF	NYSE Arca.
MLPA	Global X MLP ETF	NYSE Arca.
FBT	First Trust NYSE Arca Biotechnology Index Fund	NYSE Arca.
FV	First Trust Dorsey Wright Focus 5 ETF	NASDAQ.
SCHR	Schwab Intermediate-Term U.S. Treasury ETF	NYSE Arca.
MDYV	SPDR S&P 400 Mid Cap Value ETF	NYSE Arca.
TAN	Guggenheim Solar ETF	NYSE Arca.
FTSL	First Trust Senior Loan ETF	NASDAQ.
PZA	PowerShares National AMT-Free Municipal Bond Portfolio	NYSE Arca.
VOOG	Vanguard S&P 500 Growth ETF	NYSE Arca.
FEX	First Trust Large Cap Core AlphaDEX Fund	NASDAQ.
SKYY	First Trust ISE Cloud Computing Index Fund	NASDAQ.
SDIV	Global X SuperDividend ETF	NYSE Arca.
IAT	iShares U.S. Regional Banks ETF	NYSE Arca.
SLYG	SPDR S&P 600 Small Cap Growth ETF	NYSE Arca.
IYK	iShares U.S. Consumer Goods ETF	NYSE Arca.

Ticker	ETP name	Exchange
IUSB	iShares Core Total USD Bond Market ETF	NASDAQ.
VGLT	Vanguard Long-Term Government Bond ETF	NASDAQ.
XSD	SPDR S&P Semiconductor ETF	NYSE Arca.
EDV	Vanguard Extended Duration Treasury ETF	NYSE Arca.
HYLS	First Trust Exchange-Traded Fund IV First Trust Tactical High Yield ETF	NASDAQ.
CWI	SPDR MSCI ACWI ex-US ETF	NYSE Arca.
GREK	Global X MSCI Greece ETF	NYSE Arca.
XT	iShares Exponential Technologies ETF	NASDAQ.
SPTM	SPDR Portfolio Total Stock Market ETF	NYSE Arca.
PPLT	ETFS Physical Platinum Shares	NYSE Arca.
XMLV	PowerShares S&P MidCap Low Volatility Portfolio	NYSE Arca.
VIGI	Vanguard International Dividend Appreciation ETF	NASDAQ.
SCHK	Schwab 1000 Index® ETF	NYSE Arca.
SPYG	SPDR Portfolio S&P 500 Growth ETF	NYSE Arca.
IGM	iShares North American Tech ETF	NYSE Arca.
ARKK	ARK Innovation ETF	NYSE Arca.
XSLV	PowerShares S&P SmallCap Low Volatility Portfolio	NYSE Arca.
FXH	First Trust Health Care AlphaDEX Fund	NYSE Arca.
IWY	iShares Russell Top 200 Growth ETF	NYSE Arca.
VONG	Vanguard Russell 1000 Growth ETF	NASDAQ.
EWN	iShares MSCI Netherlands ETF	NYSE Arca.
CLRG	IQ Chaikin U.S. Large Cap ETF	NASDAQ.
PICK	iShares MSCI Global Metals & Mining Producers ETF	Cboe BZX.
DES	WisdomTree U.S. SmallCap Dividend Fund	NYSE Arca.
SCHC	Schwab International Small-Cap Equity ETF	NYSE Arca.
IGOV	iShares International Treasury Bond ETF	NASDAQ.
GNR	SPDR S&P Global Natural Resources ETF	NYSE Arca.
CLY	iShares 10+ Year Credit Bond ETF	NYSE Arca.
IPAC	iShares Core MSCI Pacific ETF	NYSE Arca.
EMQQ	EMQQ The Emerging Markets Internet & Ecommerce ETF	NYSE Arca.
FFTY	Innovator IBD® 50 ETF	NYSE Arca.
AIEQ	AI Powered Equity ETF	NYSE Arca.
FEP	First Trust Europe AlphaDEX Fund	NASDAQ.
DLS	WisdomTree International SmallCap Dividend Fund	NYSE Arca.
IXJ	iShares Global Healthcare ETF	NYSE Arca.
AOM	iShares Core Moderate Allocation Fund	NYSE Arca.
PGF	PowerShares Financial Preferred Portfolio	NYSE Arca.
FXR	First Trust Industrials/Producer Durables AlphaDEX Fund	NYSE Arca.
JO	iPath Bloomberg Coffee Subindex Total Return ETN	NYSE Arca.
FDL	First Trust Morningstar Dividend Leaders Index Fund	NYSE Arca.
FHLC	Fidelity MSCI Health Care Index ETF	NYSE Arca.
VXZ	iPATH S&P 500 VIX Mid-Term Futures ETN	NYSE Arca.
SIL	Global X Silver Miners ETF	NYSE Arca.
LRGF	iShares Edge MSCI Multifactor USA ETF	NYSE Arca.
SPLG	SPDR Portfolio Large Cap ETF	NYSE Arca.
DFJ	WisdomTree Japan SmallCap Dividend Fund	NYSE Arca.
PHYS	Sprott Physical Gold Trust	NYSE Arca.
SPTL	SPDR Bloomberg Barclays Long Term Treasury ETF	NYSE Arca.
URA	Global X Uranium ETF	NYSE Arca.
JPIN	JPMorgan Diversified Return International Equity ETF	NYSE Arca.
PDBC	PowerShares DB Optimum Yield Diversified Commodity Strategy Portfolio	NASDAQ.
HYMB	SPDR Nuveen S&P High Yield Municipal Bond ETF	NYSE Arca.
FNDC	Schwab Fundamental International Small Company Index ETF	NYSE Arca.
HYLB	Xtrackers USD High Yield Corporate Bond ETF	NYSE Arca.
PXH	PowerShares FTSE RAFI Emerging Markets Portfolio	NYSE Arca.
DBO	PowerShares DB Oil Fund	NYSE Arca.
PRFZ	PowerShares FTSE RAFI US 1500 Small-Mid Portfolio	NASDAQ.
AIA	iShares Asia 50 ETF	NASDAQ.
DWX	SPDR S&P International Dividend ETF	NYSE Arca.
MOAT	VanEck Vectors Morningstar Wide Moat ETF	NYSE Arca.
XPH	SPDR S&P Pharmaceuticals ETF	NYSE Arca.
RPV	Guggenheim S&P 500 Pure Value ETF	NYSE Arca.
AOR	iShares Core Growth Allocation Fund	NYSE Arca.
ITE	SPDR Bloomberg Barclays Intermediate Term Treasury ETF	NYSE Arca.
PSI	PowerShares Dynamic Semiconductors Portfolio	NYSE Arca.
VYMI	Vanguard International High Dividend Yield ETF	NASDAQ.
PPA	PowerShares Aerospace & Defense Portfolio	NYSE Arca.
JPMF	JPMorgan Managed Futures Strategy ETF	NYSE Arca.
SCIF	VanEck Vectors India Small-Cap Index ETF	NYSE Arca.
FM	iShares MSCI Frontier 100 ETF	NYSE Arca.
FDT	First Trust Developed Markets ex-US AlphaDEX Fund	NASDAQ.
DSI	iShares MSCI KLD 400 Social ETF	NYSE Arca.
GWX	SPDR S&P International Small Cap ETF	NYSE Arca.
SLQD	iShares 0–5 Year Investment Grade Corporate Bond ETF	NASDAQ.

Ticker	ETP name	Exchange
ARKW	ARK Web x.0 ETF	NYSE Arca.
STPZ	PIMCO 1–5 Year U.S. TIPS Index Exchange-Traded Fund	NYSE Arca.
SPSM	SPDR Portfolio Small Cap ETF	NYSE Arca.
IEO	iShares U.S. Oil & Gas Exploration & Production ETF	Cboe BZX.
SPHQ	PowerShares S&P 500 Quality Portfolio	NYSE Arca.
PNQI	PowerShares NASDAQ Internet Portfolio	NASDAQ.
IWC	iShares Micro-Cap ETF	NYSE Arca.
VIOO	Vanguard S&P Small-Cap 600 ETF	NYSE Arca.
RYH	Guggenheim S&P Equal Weight Health Care ETF	NYSE Arca.
SGOL	ETFS Physical Swiss Gold Shares	NYSE Arca.
REMX	VanEck Vectors Rare Earth/Strategic Metals ETF	NYSE Arca.
REET	iShares Global REIT ETF	NYSE Arca.
VONV	Vanguard Russell 1000 Value	NASDAQ.
IHF	iShares U.S. Healthcare Providers ETF	NYSE Arca.
BSCI	Guggenheim BulletShares 2018 Corporate Bond ETF	NYSE Arca.
MGV	Vanguard Mega Cap Value ETF	NYSE Arca.
BSJJ	Guggenheim BulletShares 2019 High Yield Corporate Bond ETF	NYSE Arca.
BBH	VanEck Vectors Biotech ETF	NASDAQ.
IGE	iShares North American Natural Resources ETF	Cboe BZX.
BSJK	Guggenheim BulletShares 2020 High Yield Corporate Bond ETF	NYSE Arca.
PDP	PowerShares DWA Momentum Portfolio	NASDAQ.
FXA	CurrencyShares Australian Dollar Trust	NYSE Arca.
BSJI	Guggenheim BulletShares 2018 High Yield Corporate Bond ETF	NYSE Arca.
RFDI	First Trust RiverFront Dynamic Developed International ETF	NASDAQ.
CORP	PIMCO Investment Grade Corporate Bond Index Exchange-Traded Fund	NYSE Arca.
FPX	First Trust US IPO Index Fund	NYSE Arca.
GEM	Goldman Sachs ActiveBeta Emerging Markets Equity ETF	NYSE Arca.
PWV	PowerShares Dynamic Large Cap Value Portfolio	NYSE Arca.
BSCK	Guggenheim BulletShares 2020 Corporate Bond ETF	NYSE Arca.
TDTT	FlexShares iBoxx 3-Year Target Duration TIPS Index Fund	NYSE Arca.
AMU	ETRACS Alerian MLP Index ETN	NYSE Arca.
IXG	iShares Global Financials ETF	NYSE Arca.
FXD	First Trust Consumer Discretionary AlphaDEX Fund	NYSE Arca.
DLN	WisdomTree U.S. LargeCap Dividend Fund	NYSE Arca.
ILTB	iShares Core Long-Term USD Bond ETF	NYSE Arca.
FREL	Fidelity MSCI Real Estate Index ETF	NYSE Arca.
SCJ	iShares MSCI Japan Small-Cap ETF	NYSE Arca.
SPMD	SPDR S&P 1000 ETF	NYSE Arca.
GSG	iShares S&P GSCI Commodity-Indexed Trust	NYSE Arca.
FENY	Fidelity MSCI Energy Index ETF	NYSE Arca.
BSCJ	Guggenheim BulletShares 2019 Corporate Bond ETF	NYSE Arca.
FXG	First Trust Consumer Staples AlphaDEX Fund	NYSE Arca.
BAB	PowerShares Taxable Municipal Bond Portfolio	NYSE Arca.
QAI	IQ Hedge Multi-Strategy Tracker ETF	NYSE Arca.
SPYV	SPDR Portfolio S&P 500 Value ETF	NYSE Arca.
PPH	VanEck Vectors Pharmaceutical ETF	NASDAQ.
SMIN	iShares MSCI India Small-Cap ETF	Cboe BZX.
DBB	PowerShares DB Base Metals Fund	NYSE Arca.
TOK	iShares MSCI Kokusai ETF	NYSE Arca.
SECT	Main Sector Rotation ETF	Cboe BZX.
FCG	First Trust Natural Gas ETF	NYSE Arca.
IVOG	Vanguard S&P Mid-Cap 400 Growth ETF	NYSE Arca.
EXI	iShares Global Industrials ETF	NYSE Arca.
EWO	iShares MSCI Austria Capped ETF	NYSE Arca.
SGG	iPath Bloomberg Sugar Subindex Total Return ETN	NYSE Arca.
IDLV	PowerShares S&P International Developed Low Volatility Portfolio	NYSE Arca.
SIZE	iShares Edge MSCI USA Size Factor ETF	NYSE Arca.
FTA	First Trust Large Cap Value AlphaDEX Fund	NASDAQ.
FLEE	Franklin FTSE Europe ETF	NYSE Arca.
PJP	PowerShares Dynamic Pharmaceuticals Portfolio	NYSE Arca.
ECON	EGShares Emerging Markets Consumer ETF	NYSE Arca.
FEM	First Trust Emerging Markets AlphaDEX Fund	NASDAQ.
HFXI	IQ 50 Percent Hedged FTSE International ETF	NYSE Arca.
EBND	SPDR Bloomberg Barclays Emerging Markets Local Bond ETF	NYSE Arca.
INTF	iShares Edge MSCI Multifactor Intl ETF	NYSE Arca.
EUM	ProShares Short MSCI Emerging Markets	NYSE Arca.
IFV	First Trust Dorsey Wright International Focus 5 ETF	NASDAQ.
LEMB	iShares J.P. Morgan EM Local Currency Bond ETF	NYSE Arca.
IPE	SPDR Bloomberg Barclays TIPS ETF	NYSE Arca.
BSCL	Guggenheim BulletShares 2021 Corporate Bond ETF	NYSE Arca.
AOK	iShares Core Conservative Allocation Fund	NYSE Arca.
IHE	iShares U.S. Pharmaceuticals ETF	NYSE Arca.
FXZ	First Trust Materials AlphaDEX Fund	NYSE Arca.
IYY	iShares Dow Jones U.S. ETF	NYSE Arca.

Ticker	ETP name	Exchange
PXF	PowerShares FTSE RAFI Developed Markets ex-U.S. Portfolio	NYSE Arca.
QDF	FlexShares Quality Dividend Index Fund	NYSE Arca.
HYEM	VanEck Vectors Emerging Markets High Yield Bond ETF	NYSE Arca.
AOA	iShares Core Aggressive Allocation Fund	NYSE Arca.
RYF	Guggenheim S&P Equal Weight Financial ETF	NYSE Arca.
PSLV	Sprott Physical Silver Trust	NYSE Arca.
FXN	First Trust Energy AlphaDEX Fund	NYSE Arca.
SPYD	SPDR Portfolio S&P 500 High Dividend ETF	NYSE Arca.
MOO	VanEck Vectors Agribusiness ETF	NYSE Arca.
ULVM	USAA MSCI USA Value Momentum Blend Index ETF	NYSE Arca.
PKW	PowerShares Buyback Achievers Portfolio	NASDAQ.
PWS	Pacer WealthShield ETF	Cboe BZX.
QQEW	First Trust NASDAQ–100 Equal Weighted Index Fund	NASDAQ.
DHS	WisdomTree U.S. High Dividend Fund	NYSE Arca.
IVOO	Vanguard S&P Mid-Cap 400 ETF	NYSE Arca.
CMF	iShares California Muni Bond ETF	NYSE Arca.
IGHG	ProShares Investment Grade-Interest Rate Hedged ETF	Cboe BZX.
SPLB	SPDR Bloomberg Barclays Long Term Corporate Bond ET	NYSE Arca.
PID	PowerShares International Dividend Achievers Portfolio	NASDAQ.
VONE	Vanguard Russell 1000	NASDAQ.
IAGG	iShares International Aggregate Bond Fund	Cboe BZX.
EPU	iShares MSCI All Peru Capped ETF	NYSE Arca.
RWL	Oppenheimer Large Cap Revenue ETF	NYSE Arca.
RHS	Guggenheim S&P 500 Equal Weight Consumer Staples ETF	NYSE Arca.
USRT	iShares U.S. Core REIT ETF	NYSE Arca.
MGC	Vanguard Mega Cap 300 Index Fund	NYSE Arca.
PTLC	Pacer Trendpilot 750 ETF	Cboe BZX.
IQDF	FlexShares International Quality Dividend Index Fund	NYSE Arca.
EWX	SPDR S&P Emerging Markets Small Cap ETF	NYSE Arca.
JKD	iShares Morningstar Large-Cap ETF	NYSE Arca.
FXF	CurrencyShares Swiss Franc Trust	NYSE Arca.
PFXF	VanEck Vectors Preferred Securities ex Financials ETF	NYSE Arca.
LVHD	Legg Mason Low Volatility High Dividend ETF	NASDAQ.
KBWY	PowerShares KBW Premium Yield Equity REIT Portfolio	NASDAQ.
FEMS	First Trust Emerging Markets Small Cap AlphaDEX Fund	NASDAQ.
CFO	Victory CEMP US 500 Enhanced Volatility Wtd Index ETF	NASDAQ.
PSCT	PowerShares S&P SmallCap Information Technology Portfolio	NASDAQ.
NIB	iPath Bloomberg Cocoa Subindex Total Return ETN	NYSE Arca.
CSML	IQ Chaikin U.S. Small Cap ETF	NASDAQ.
BSCM	Guggenheim BulletShares 2022 Corporate Bond ETF	NYSE Arca.
IEZ	iShares U.S. Oil Equipment & Services ETF	NYSE Arca.
FUTY	Fidelity MSCI Utilities Index ETF	NYSE Arca.
FTCS	First Trust Capital Strength ETF	NASDAQ.
PALL	ETFS Physical Palladium Shares	NYSE Arca.
XLG	Guggenheim S&P 500 ® Top 50 ETF	NYSE Arca.
BSJL	Guggenheim BulletShares 2021 High Yield Corporate Bond ETF	NYSE Arca.
RDIV	Oppenheimer Ultra Dividend Revenue ETF	NYSE Arca.
CGW	Guggenheim S&P Global Water Index ETF	NYSE Arca.
BSCH	Guggenheim BulletShares 2017 Corporate Bond ETF	NYSE Arca.
FSTA	Fidelity MSCI Consumer Staples Index ETF	NYSE Arca.
FDD	First Trust STOXX European Select Dividend Income Fund	NYSE Arca.
PSP	PowerShares Global Listed Private Equity Portfolio	NYSE Arca.
FIDU	Fidelity MSCI Industrials Index ETF	NYSE Arca.
VNM	VanEck Vectors Vietnam ETF	NYSE Arca.
PSK	SPDR Wells Fargo Preferred Stock ETF	NYSE Arca.
MDIV	First Trust Multi-Asset Diversified Income Index Fund	NASDAQ.
ARGT	Global X MSCI Argentina ETF	NYSE Arca.
EEMA	iShares MSCI Emerging Markets Asia ETF	NASDAQ.
EZM	WisdomTree U.S. MidCap Earnings Fund	NYSE Arca.
IFGL	iShares International Developed Real Estate ETF	NASDAQ.
RWJ	Oppenheimer Small Cap Revenue ETF	NYSE Arca.
TDTF	FlexShares iBoxx 5-Year Target Duration TIPS Index Fund	NYSE Arca.
PEY	PowerShares High Yield Equity Dividend Achievers Portfolio	NASDAQ.
ATMP	Barclays ETN+ Select MLP ETN	NYSE Arca.
PTH	PowerShares DWA Healthcare Momentum Portfolio	NASDAQ.
IOO	iShares Global 100 ETF	NYSE Arca.
GBF	iShares Government/Credit Bond ETF	NYSE Arca.
FTXO	First Trust Nasdaq Bank ETF	NASDAQ.
FIXD	First Trust TCW Opportunistic Fixed Income ETF	NASDAQ.
HEEM	iShares Currency Hedged MSCI Emerging Markets ETF	Cboe BZX.
PIN	PowerShares India Portfolio	NYSE Arca.
PCEF	PowerShares CEF Income Composite Portfolio	NYSE Arca.
CHIQ	Global X China Consumer ETF	NYSE Arca.
DWM	WisdomTree International Equity Fund	NYSE Arca.

Ticker	ETP name	Exchange
CXSE	WisdomTree Trust WisdomTree China ex-State-Owned Enterprises Fund	NASDAQ.
VOOV	Vanguard S&P 500 Value ETF	NYSE Arca.
RYE	Guggenheim S&P 500 Equal Weight Energy ETF	NYSE Arca.
PKB	PowerShares Dynamic Building & Construction Portfolio	NYSE Arca.
GMF	SPDR S&P Emerging Asia Pacific ETF	NYSE Arca.
MNA	IQ Merger Arbitrage ETF	NYSE Arca.
FMAT	Fidelity MSCI Materials Index ETF	NYSE Arca.
OUSA	O'Shares FTSE U.S. Quality Dividend ETF	NYSE Arca.
RZV	Guggenheim S&P Smallcap 600 Pure Value ETF	NYSE Arca.
IBDM	iShares iBonds Dec 2021 Term Corporate ETF	NYSE Arca.
FLTR	VanEck Vectors Investment Grade Floating Rate ETF	NYSE Arca.
BNO	United States Brent Oil Fund, LP	NYSE Arca.
QABA	First Trust NASDAQ ABA Community Bank Index Fund	NASDAQ.
FDIS	Fidelity MSCI Consumer Discretionary Index ETF	NYSE Arca.
SLY	SPDR S&P 600 Small Cap ETF	NYSE Arca.
CDC	Victory CEMP US EQ Income Enhanced Volatility Wtd Index ETF	NASDAQ.
FYX	First Trust Small Cap Core AlphaDEX Fund	NASDAQ.
SUSA	iShares MSCI USA ESG Select ETF	NYSE Arca.
REZ	iShares Residential Real Estate Capped ETF	NYSE Arca.
IBDL	iShares iBonds Dec 2020 Term Corporate ETF	NYSE Arca.
BSJH	Guggenheim BulletShares 2017 High Yield Corporate Bond ETF	NYSE Arca.
UIVM	USAA MSCI International Value Momentum Blend Index ETF	NYSE Arca.
GSIE	Goldman Sachs ActiveBeta International Equity ETF	NYSE Arca.
AGGY	WisdomTree Barclays Yield Enhanced U.S. Aggregate Bond Fund	NYSE Arca.
JPUS	JPMorgan Diversified Return US Equity ETF	NYSE Arca.
RGI	Guggenheim S&P 500 Equal Weight Industrials ETF	NYSE Arca.
IHDG	WisdomTree International Hedged Quality Dividend Growth Fund	NYSE Arca.
URTH	iShares MSCI World ETF	NYSE Arca.
DGL	PowerShares DB Gold Fund	NYSE Arca.
CIBR	First Trust NASDAQ Cybersecurity ETF	NASDAQ.
FMB	First Trust Managed Municipal ETF	NASDAQ.
FTC	First Trust Large Cap Growth AlphaDEX Fund	NASDAQ.
RDVY	First Trust NASDAQ Rising Dividend Achievers ETF	NASDAQ.
KBA	KraneShares Bosera MSCI China A Share ETF	NYSE Arca.
DXJS	WisdomTree Japan Hedged SmallCap Equity Fund	NASDAQ.
TDIV	First Trust NASDAQ Technology Dividend Index Fund	NASDAQ.
IXP	iShares Global Telecom ETF	NYSE Arca.
SLX	VanEck Vectors Steel ETF	NYSE Arca.

Appendix B—Data

Unless otherwise specified, the following data shall be collected and transmitted to the SEC in an agreed-upon format on a monthly basis, to be provided 30 calendar days following month end. Unless otherwise specified, the Primary Listing Exchanges shall be responsible for collecting and transmitting the data to the SEC. Data collected in connection with Sections II(E)—(G) below shall be transmitted to the SEC with a request for confidential treatment under the Freedom of Information Act. 5 U.S.C. 552, and the SEC's rules and regulations thereunder.

I. Summary Statistics

A. Frequency with which NMS Stocks enter a Limit State. Such summary data shall be broken down as follows:

1. Partition stocks by category
   a. Tier 1 non-ETP issues >$3.00
   b. Tier 1 non-ETP issues >=$0.75 and = $3.00
   c. Tier 1 non-ETP issues <$0.75
   d. Tier 1 non-leveraged ETPs in each of above categories
   e. Tier 1 leveraged ETPs in each of above categories
   f. Tier 2 non-ETPs in each of above categories
   g. Tier 2 non-leveraged ETPs in each of above categories
   h. Tier 2 leveraged ETPs in each of above categories
2. Partition by time of day
   a. Opening (prior to 9:45 a.m. ET)
   b. Regular (between 9:45 a.m. ET and 3:35 p.m. ET)
   c. Closing (after 3:35 p.m. ET)
   d. Within five minutes of a Trading Pause re-open or IPO open
3. Track reasons for entering a Limit State, such as:
   a. Liquidity gap—price reverts from a Limit State Quotation and returns to trading within the Price Bands
   b. Broken trades
   c. Primary Listing Exchange manually declares a Trading Pause pursuant to Section (VII)(2) of the Plan
   d. Other

B. Determine (1), (2) and (3) for when a Trading Pause has been declared for an NMS Stock pursuant to the Plan.

II. Raw Data *(All Participants, Except A–E, Which Are For the Primary Listing Exchanges Only)*

A. Record of every Straddle State.

1. Ticker, date, time entered, time exited, flag for ending with Limit State, flag for ending with manual override.
2. Pipe delimited with field names as first record.

B. Record of every Price Band.

1. Ticker, date, time at beginning of Price Band, Upper Price Band, Lower Price Band
2. Pipe delimited with field names as first record

C. Record of every Limit State.

1. Ticker, date, time entered, time exited, flag for halt
2. Pipe delimited with field names as first record

D. Record of every Trading Pause or halt.

1. Ticker, date, time entered, time exited, type of halt (*i.e.,* regulatory halt, non-regulatory halt, Trading Pause pursuant to the Plan, other)
2. Pipe delimited with field names as first record

E. Data set or orders entered into reopening auctions during halts or Trading Pauses.

1. Arrivals, Changes, Cancels, # shares, limit/market, side, Limit State side
2. Pipe delimited with field name as first record

F. Data set of order events received during Limit States.

G. Summary data on order flow of arrivals and cancellations for each 15-second period for discrete time periods and sample stocks to be determined by the SEC in subsequent

data requests. Must indicate side(s) of Limit State.

1. Market/marketable sell orders arrivals and executions
   a. Count
   b. Shares
   c. Shares executed
2. Market/marketable buy orders arrivals and executions
   a. Count
   b. Shares
   c. Shares executed
3. Count arriving, volume arriving and shares executing in limit sell orders above NBBO mid-point
4. Count arriving, volume arriving and shares executing in limit sell orders at or below NBBO mid-point (non-marketable)
5. Count arriving, volume arriving and shares executing in limit buy orders at or above NBBO mid-point (non-marketable)
6. Count arriving, volume arriving and shares executing in limit buy orders below NBBO mid-point
7. Count and volume arriving of limit sell orders priced at or above NBBO mid-point plus $0.05
8. Count and volume arriving of limit buy orders priced at or below NBBO mid-point minus $0.05
9. Count and volume of (3–8) for cancels
10. Include: Ticker, date, time at start, time of Limit State, all data item fields in 1, last sale prior to 15-second period (null if no trades today), range during 15-second period, last trade during 15-second period

III. On May 28, 2015, Participants Provided to the SEC a Supplemental Joint Assessment Relating to the Impact of the Plan and Calibration of the Percentage Parameters as Follows

A. Assess the statistical and economic impact on liquidity of approaching Price Bands.

B. Assess the statistical and economic impact of the Price Bands on erroneous trades.

C. Assess the statistical and economic impact of the appropriateness of the Percentage Parameters used for the Price Bands.

D. Assess whether the Limit State is the appropriate length to allow for liquidity replenishment when a Limit State is reached because of a temporary liquidity gap.

E. Evaluate concerns from the options markets regarding the statistical and economic impact of Limit States on liquidity and market quality in the options markets. (Participants that operate options exchange should also prepare such assessment reports.)

F. Assess whether the process for entering a Limit State should be adjusted and whether Straddle States are problematic.

G. Assess whether the process for exiting a Limit State should be adjusted.

H. Assess whether the Trading Pauses are too long or short and whether the reopening procedures should be adjusted.

[FR Doc. 2018–05660 Filed 3–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82885; File No. 4–533]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the National Market System Plan for the Selection and Reservation of Securities Symbols To Add Miami International Securities Exchange, LLC as a Party Thereto

March 15, 2018.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] notice is hereby given that on February 26, 2018, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') an amendment to the National Market System Plan for the Selection and Reservation of Securities Symbols (''Symbology Plan'' or ''Plan'').[3] The amendment proposes to add MIAX as a party to the Symbology Plan. The Commission is publishing this notice to solicit comments on the proposed amendment from interested persons.

I. Description and Purpose of the Amendment

The current parties to the Symbology Plan are BOX Options Exchange, LLC (''BOX''), Nasdaq BX, Inc. (''BX''), Cboe BZX Exchange, Inc. (''CboeBZX''), Cboe EDGA Exchange, Inc. (''CboeEDGA''), Cboe EDGX Exchange, Inc. (''CboeEDGX''), Cboe Exchange, Inc. (''Cboe''), CHX, FINRA, Investors Exchange, LLC (''IEX''), Nasdaq ISE, LLC (''ISE''), Nasdaq, New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE National, NYSE Arca, Inc. (''NYSE Arca''), and Phlx.[4] The proposed amendment to the Symbology Plan would add MIAX as a party to the Symbology Plan. A self-regulatory organization (''SRO'') may become a party to the Symbology Plan if it satisfies the requirements of Section I(c) of the Plan. Specifically, an SRO may become a party to the Symbology Plan if: (i) It maintains a market for the listing or trading of Plan Securities [5] in accordance with rules approved by the Commission; (ii) it signs a current copy of the Plan; and (iii) it pays to the other parties a proportionate share of the aggregate development costs, based upon the number of symbols reserved by the new party during the first twelve (12) months of such party's membership.[6]

MIAX has submitted a signed copy of the Symbology Plan to the Commission in accordance with the requirement set forth in the Symbology Plan regarding new parties to the plan. Additionally, MIAX has represented that it maintains a market for the listing or trading of Plan Securities. Finally, MIAX has agreed to pay all costs required by MIAX pursuant to the Symbology Plan, including its proportionate share of the aggregate development costs previously paid by the other parties to the Processor.

II. Effectiveness of the Proposed Symbology Plan Amendment

The foregoing proposed Symbology Plan amendment has become effective pursuant to Rule 608(b)(3)(iii) [7] because it involves solely technical or

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] On November 6, 2008, the Commission approved the Symbology Plan that was originally proposed by the Chicago Stock Exchange, Inc. (''CHX''), The Nasdaq Stock Market, Inc. (n/k/a The Nasdaq Stock Market LLC) (''Nasdaq''), National Association of Securities Dealers, Inc. (''NASD'') (n/k/a Financial Industry Regulatory Authority, Inc. (''FINRA'')), National Stock Exchange, Inc. (''NSX'') (n/k/a NYSE National, Inc. (''NYSE National'')), and Philadelphia Stock Exchange, Inc. (n/k/a Nasdaq PHLX LLC (''Phlx'')), subject to certain changes. *See* Securities Exchange Act Release No. 58904, 73 FR 67218 (November 13, 2008) (File No. 4–533).

[4] On November 18, 2008, ISE filed with the Commission an amendment to the Plan to add ISE as a member to the Plan. *See* Securities and Exchange Act Release No. 59024 (November 26, 2008), 73 FR 74538 (December 8, 2008) (File No. 4–533). On December 22, 2008, NYSE, NYSE Arca, and NYSE Alternext (n/k/a NYSE American) (''NYSE Group Exchanges''), and Cboe filed with the Commission amendments to the Plan to add the NYSE Group Exchanges and Cboe as members to the Plan. *See* Securities Exchange Act Release No. 59162 (December 24, 2008), 74 FR 132 (January 2, 2009) (File No. 4–533). On December 24, 2008, BSE (n/k/a BX) filed with the Commission an amendment to the Plan to add BSE as a member to the Plan. *See* Securities Exchange Act Release No. 59187 (December 30, 2008), 74 FR 729 (January 7, 2009) (File No. 4–533). On September 30, 2009, BATS (n/k/a CboeBZX) filed with the Commission an amendment to the Plan to add BATS as a member to the Plan. *See* Securities Exchange Act Release No. 60856 (October 21, 2009), 74 FR 55276 (October 27, 2009) (File No. 4–533). On July 7, 2010, EDGA (n/k/a CboeEDGA) and EDGX (n/k/a CboeEDGX) filed with the Commission an amendment to the Plan to add EDGA and EDGX, each as a party to the Symbology Plan. *See* Securities Exchange Act Release No. 62573 (July 26, 2010), 75 FR 45682 (August 3, 2010) (File No. 4–533). On May 7, 2012, BOX filed with the Commission an amendment to the Plan to add BOX as a member to the Plan. *See* Securities and Exchange Act Release No. 66957 (May 10, 2012), 77 FR 28904 (May 16, 2012). On November 4, 2016, IEX filed with the Commission an amendment to the Plan to add IEX as a member to the Plan. *See* Securities Exchange Act Release No. 79422 (November 29, 2016), 81 FR 87645 (December 5, 2016).

[5] ''Plan Securities'' are defined in the Symbology Plan as securities that: (i) Are NMS securities as currently defined in Rule 600(a)(46) under the Act; and (ii) any other equity securities quoted, traded and/or trade reported through an SRO facility.

[6] Sections I(c) and V(a) of the Plan.

[7] 17 CFR 242.608(b)(3)(iii).

ministerial matters. At any time within sixty days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (b)(1) of Rule 608,[8] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the Amendment 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 4–533 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–533. 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 Plan that are filed with the Commission, and all written communications relating to the Plan 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 Parties' principal offices. 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 4–533, and should be submitted on or before April 11, 2018.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05645 Filed 3–20–18; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 242.608(b)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82884; File No. 265–30]

Meeting of the Fixed Income Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Fixed Income Market Structure Advisory Committee is providing notice that it will hold a public meeting on Monday, April 9, 2018, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE, Washington, DC. The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. The public portions of the meeting will be webcast on the Commission's website at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will focus on updates and presentations from the three subcommittees.

DATES: The public meeting will be held on Monday, April 9, 2018. Written statements should be received on or before April 4, 2018.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–30 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–30. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's internet website at SEC website at (*http://www.sec.gov/comments/265-30/265-30.shtml*).

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: David Dimitrious, Senior Special Counsel, at (202) 551–5131, or Benjamin Bernstein, Attorney-Adviser, at (202) 551–5354, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Brett Redfearn, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: March 15, 2018.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2018–05643 Filed 3–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82888; File No. 4–631]

Joint Industry Plan; Notice of Filing of the Seventeenth Amendment to the National Market System Plan To Address Extraordinary Market Volatility by Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc.

March 15, 2018.

I. Introduction

On February 26, 2018, NYSE Group, Inc., on behalf of the following parties to the National Market System Plan to Address Extraordinary Market Volatility (''the Plan''): [1] Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Chicago Stock Exchange, Inc., the Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, The NASDAQ Stock Market LLC (''Nasdaq''), New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., NYSE National Inc., and NYSE American LLC (collectively, the ''Participants'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and Rule 608 thereunder,[3] a proposal to amend the Plan (''Seventeenth Amendment'').[4] The proposal reflects changes unanimously approved by the Participants. The Seventeenth Amendment proposes to extend the pilot period of the Plan for one year, as discussed below. A copy of the Plan, as proposed to be amended is attached as Exhibit A hereto. The Commission is publishing this notice to solicit comments from interested persons on the Seventeenth Amendment.[5]

II. Description of the Plan

Set forth in this Section II is the statement of the purpose and summary of the Seventeenth Amendment, along with the information required by Rule 608(a)(4) and (5) under the Exchange Act,[6] prepared and submitted by the Participants to the Commission.[7]

A. Statement of Purpose and Summary of the Plan Amendment

The Participants filed the Plan on April 5, 2011, to create a market-wide limit up-limit down mechanism intended to address extraordinary market volatility in NMS Stocks, as defined in Rule 600(b)(47) of Regulation NMS under the Exchange Act. The Plan sets forth procedures that provide for market-wide limit up-limit down requirements that would prevent trades in individual NMS Stocks from occurring outside of the specified price bands. These limit up-limit down requirements are coupled with Trading Pauses,[8] as defined in Section I(Y) of the Plan, to accommodate more fundamental price moves. In particular, the Participants adopted this Plan to address the type of sudden price movements that the market experienced on the afternoon of May 6, 2010.

As set forth in more detail in the Plan, all trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up-limit down requirements specified in the Plan. More specifically, the single plan processor responsible for consolidation of information for an NMS Stock pursuant to Rule 603(b) of Regulation NMS under the Exchange Act will be responsible for calculating and disseminating a lower price band and upper price band, as provided for in Section V of the Plan. Section VI of the Plan sets forth the limit up-limit down requirements of the Plan, and in particular, that all trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trades at prices that are below the lower price band or above the upper price band for an NMS Stock, consistent with the Plan.

The Plan was initially approved for a one-year pilot period, which began on April 8, 2013.[9] Accordingly, the pilot period was scheduled to end on April 8, 2014. As initially contemplated, the Plan would have been fully implemented across all NMS Stocks within six months of initial Plan operations, which meant there would have been full implementation of the Plan for six months before the end of the pilot period. However, pursuant to the fourth amendment to the Plan,[10] the Participants modified the implementation schedule of Phase II of the Plan to extend the time period as to when the Plan would fully apply to all NMS Stocks. Accordingly, the Plan was not implemented across all NMS Stocks until December 8, 2013. Pursuant to the sixth amendment to the Plan,[11] which further modified the implementation schedule of Phase II of the Plan, the date

[1] On May 31, 2012, the Commission approved the Plan, as modified by Amendment No. 1. *See* Securities Exchange Act Release No. 67091, 77 FR 33498 (June 6, 2012) (File No. 4- 631) (''Approval Order''). On February 20, 2013, the Commission noticed for immediate effectiveness the Second Amendment to the Plan. *See* Securities Exchange Act Release No. 68953, 78 FR 13113 (February 26, 2013). On April 3, 2013, the Commission approved the Third Amendment to the Plan. *See* Securities Exchange Act Release No. 69287, 78 FR 21483 (April 10, 2013). On August 27, 2013, the Commission noticed for immediate effectiveness the Fourth Amendment to the Plan. *See* Securities Exchange Act Release No. 70273, 78 FR 54321 (September 3, 2013). On September 26, 2013, the Commission approved the Fifth Amendment to the Plan. *See* Securities Exchange Act Release No. 70530, 78 FR 60937 (October 2, 2013). On January 7, 2014, the Commission noticed for immediate effectiveness the Sixth Amendment to the Plan. *See* Securities Exchange Act Release No. 71247, 79 FR 2204 (January 13, 2014). On April 3, 2014, the Commission approved the Seventh Amendment to the Plan. *See* Securities Exchange Act Release No. 71851, 79 FR 19687 (April 9, 2014). On February 19, 2015, the Commission approved the Eight Amendment to the Plan. *See* Securities Exchange Act Release No. 74323, 80 FR 10169 (February 25, 2015). On October 22, 2015, the Commission approved the Ninth Amendment to the Plan. *See* Securities Exchange Act Release No. 76244, 80 FR 66099 (October 28, 2015). On April 21, 2016, the Commission approved the Tenth Amendment to the Plan. *See* Securities Exchange Act Release No. 77679, 81 FR 24908 (April 27, 2016). On August 26, 2016, the Commission noticed for immediate effectiveness the Eleventh Amendment to the Plan. *See* Securities Exchange Act Release No. 78703, 81 FR 60397 (September 1, 2016). On January 19, 2017, the Commission approved the Twelfth Amendment to the Plan. *See* Securities Exchange Act Release No. 79845, 82 FR 8551 (January 26, 2017). On April 13, 2017, the Commission approved the Thirteenth Amendment to the Plan. *See* Securities Exchange Act Release No. 80455, 82 FR 18519 (April 19, 2017). On April 28, 2017, the Commission noticed for immediate effectiveness the Fourteenth Amendment to the Plan. *See* Securities Exchange Act Release No. 80549, 82 FR 20928 (May 4, 2017). On September 26, 2017, the Commission noticed for immediate effectiveness the Fifteenth Amendment to Plan. *See* Securities Exchange Act Release No. 81720, 82 FR 45922 (October 2, 2017) (''Fifteenth Amendment''). On February 14, 2018, the Commission received the Sixteenth Amendment to the Plan, which was effective on filing but notice of which has not yet been published.

[2] 15 U.S.C. 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] *See* Letter from Elizabeth King, General Counsel and Corporate Secretary, NYSE, to Brent Fields, Secretary, Commission, dated February 23, 2018. (''Transmittal Letter'').

[5] 17 CFR 242.608.

[6] *See* 17 CFR 242.608(a)(4) and (a)(5).

[7] *See* Transmittal Letter, *supra* note 4.

[8] Unless otherwise specified, the terms used herein have the same meaning as set forth in the Plan.

[9] *See* Section VIII of the Plan.

[10] *See supra* note 1.

[11] *See supra* note 1.

for full implementation of the Plan was moved to February 24, 2014. Pursuant to the seventh, ninth, tenth, and thirteenth amendments to the Plan,[12] the pilot period was extended from April 8, 2014 to February 20, 2015, from February 20, 2015 to April 22, 2016, from April 22, 2016 to April 17, 2017, and from April 17, 2017 to April 16, 2018.

The Participants propose to amend Section VIII(C) of the Plan to extend the pilot period through April 15, 2019, to allow the Participants time to assess the changes to the Plan as described in the twelfth and thirteenth amendments to the Plan,[13] which were implemented on November 20, 2017. In the twelfth amendment, the Participants amended the Plan to provide that a Trading Pause will continue until the Primary Listing Exchange has reopened trading using its established reopening procedures and reports a Reopening Price. The Plan was further amended to eliminate the current allowance for a trading center to resume trading in an NMS Stock following a Trading Pause if the Primary Listing Exchange has not reported a Reopening Price within ten minutes after the declaration of a Trading Pause and has not declared a Regulatory Halt. In addition, to preclude potential scenarios when trading may resume without Price Bands, the Plan was amended to provide that a trading center may not resume trading in an NMS Stock following a Trading Pause without Price Bands in such NMS Stock. To address potential scenarios in which there is no Reopening Price from the Primary Listing Exchange to use to calculate Price Bands, the Plan was amended to address when trading may resume if the Primary Listing Exchange is unable to reopen due to a systems or technology issue and how the Reference Price would be determined in such a scenario or if the Primary Listing Exchange reopens trading on a zero bid or zero offer, or both. The thirteenth amendment to the Plan further provided authority for the Processors to publish the following information provided by a primary listing exchange in connection with the reopening of trading following a Trading Pause: auction reference price; auction collars; and number of extensions to the reopening auction.

In conjunction with amending the Plan, the Primary Listing Exchanges amended their rules for automated reopenings following a Trading Pause consistent with a standardized approach agreed to by Participants that would allow for extensions of a Trading Pause if equilibrium cannot be met for a Reopening Price within specified parameters.[14] The Primary Listing Exchanges implemented the changes to their automated reopenings on November 20, 2017.

Because both the twelfth and thirteenth amendments to the Plan and the Primary Listing Exchange's amended reopening procedures were implemented on November 20, 2017, the Participants propose to extend the current Pilot an additional year to April 15, 2019. The Participants believe that this additional time will be beneficial in that it allows ''the public, the Participants, and the Commission to assess the operation of the Plan and whether the Plan should be modified prior to approval on a permanent basis.'' [15] In particular, this additional time will allow the public, the Participants, and the Commission time to assess the operation of the twelfth and thirteenth amendments to the Plan.

The Participants further believe that extending the Pilot another year would provide additional time for the Participants, the Commission, and the public to consider other potential modifications to the Plan that are currently under consideration. These include consideration of changes to how NMS Stocks are tiered under the Plan, and the applicable percentage parameters associated with such tiers, consideration of the elimination of double-wide Price Bands at the open and close of trading, and consideration of recommendations made by the Equity Market Structure Advisory Committee with respect to Plan operations.[16] The Participants believe that the Plan should continue to operate as a Pilot uninterrupted to provide time to consider whether to make any such further modifications to the Plan.

B. Governing or Constituent Documents

The governing documents of the Processor, as defined in Section I(P) of the Plan, will not be affected by the Plan, but once the Plan is implemented, the Processor's obligations will change, as set forth in detail in the Plan.

C. Implementation of Plan

The initial date of the Plan operations was April 8, 2013.

D. Development and Implementation Phases

The Plan was initially implemented as a one-year pilot program in two Phases, consistent with Section VIII of the Plan: Phase I of Plan implementation began on April 8, 2013 and was completed on May 3, 2013. Implementation of Phase II of the Plan began on August 5, 2013 and was completed on February 24, 2014. The tenth amendment to the Plan was implemented on July 18, 2016 and the twelfth and thirteenth amendments to the Plan were implemented on November 20, 2017.[17] Pursuant to this proposed amendment, the Participants propose to extend the pilot period until April 15, 2019.

E. Analysis of Impact on Competition

The proposed Plan does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Participants do not believe that the proposed Plan introduces terms that are unreasonably discriminatory for the purposes of Section 11A(c)(1)(D) of the Exchange Act.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

The Participants have no written understandings or agreements relating to interpretation of the Plan. Section II(C) of the Plan sets forth how any entity registered as a national securities exchange or national securities association may become a Participant.

G. Approval of Amendment of the Plan

Each of the Plan's Participants has executed a written amended Plan.

H. Terms and Conditions of Access

Section II(C) of the Plan provides that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (1) Becoming a participant in the applicable Market Data Plans, as defined in Section I(F) of the Plan; (2) executing a copy of the Plan, as then in effect; (3) providing each then-current Participant with a copy of such executed Plan; and (4) effecting an amendment to the Plan as specified in Section III(B) of the Plan.

[12] *See supra* note 1.

[13] *See supra* note 1.

[14] *See* Securities Exchange Act Release Nos. 79846 (January 19, 2017), 82 FR 8548 (January 26, 2017) (SR–NYSEArca–2016–130) (Approval Order); 79884 (January 26, 2017), 82 FR 8968 (February 1, 2017) (SR-BatsBZX–2016–61) (Approval Order); 79876 (January 25, 2017), 82 FR 8888 (January 31, 2017) (SR–Nasdaq–2016–131) (Approval Order).

[15] *See* Approval Order, *supra* note 1, 77 FR 33498 at 33508.

[16] *See* U.S. Securities and Exchange Commission Equity Market Structure Advisory Committee, *Recommendations for Rulemaking on Issues of Market Quality,* dated November 29, 2016, available here: *https://www.sec.gov/spotlight/emsac/emsac-recommendations-rulemaking-market-quality.pdf.*

[17] *See* Fifteenth Amendment, *supra* note 1.

I. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

J. Method and Frequency of Processor Evaluation

Not applicable.

K. Dispute Resolution

Section III(C) of the Plan provides that each Participant shall designate an individual to represent the Participant as a member of an Operating Committee. No later than the initial date of the Plan, the Operating Committee shall designate one member of the Operating Committee to act as the Chair of the Operating Committee. Any recommendation for an amendment to the Plan from the Operating Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the Commission as a request for an amendment to the Plan initiated by the Commission under Rule 608.

On February 22, 2018, the Operating Committee, duly constituted and chaired by Mr. Robert Books of Cboe, voted unanimously to amend the Plan as set forth herein in accordance with Section III(C) of the Plan. The Plan Advisory Committee was notified in connection with the Seventeenth Amendment and was in favor.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment is consistent with the Exchange Act and the rules thereunder. 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 4–631 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–631.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 plan amendment that are filed with the Commission, and all written communications relating to the amendment 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 Participants' offices. 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 4–631 and should be submitted on or before April 11, 2018.

By the Commission.

Brent J. Fields,

Secretary.

Exhibit A

Proposed new language is *italicized;* proposed deletions are in [brackets].

Plan To Address Extraordinary Market Volatility Submitted to the Securities and Exchange Commission Pursuant to Rule 608 of Regulation NMS Under the Securities Exchange Act of 1934

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Preamble

The Participants submit to the SEC this Plan establishing procedures to address extraordinary volatility in NMS Stocks. The procedures provide for market-wide limit up-limit down requirements that prevent trades in individual NMS Stocks from occurring outside of the specified Price Bands. These limit up-limit down requirements are coupled with Trading Pauses to accommodate more fundamental price moves. The Plan procedures are designed, among other things, to protect investors and promote fair and orderly markets. The Participants developed this Plan pursuant to Rule 608(a)(3) of Regulation NMS under the Exchange Act, which authorizes the Participants to act jointly in preparing, filing, and implementing national market system plans.

I. Definitions

(A) ''Eligible Reported Transactions'' shall have the meaning prescribed by the Operating Committee and shall generally mean transactions that are eligible to update the last sale price of an NMS Stock.

(B) ''Exchange Act'' means the Securities Exchange Act of 1934, as amended.

(C) ''Limit State'' shall have the meaning provided in Section VI of the Plan.

(D) ''Limit State Quotation'' shall have the meaning provided in Section VI of the Plan.

(E) ''Lower Price Band'' shall have the meaning provided in Section V of the Plan.

(F) ''Market Data Plans'' shall mean the effective national market system plans through which the Participants act jointly to disseminate consolidated information in compliance with Rule 603(b) of Regulation NMS under the Exchange Act.

(G) ''National Best Bid'' and ''National Best Offer'' shall have the meaning provided in Rule 600(b)(42) of Regulation NMS under the Exchange Act.

(H) ''NMS Stock'' shall have the meaning provided in Rule 600(b)(47) of Regulation NMS under the Exchange Act.

(I) ''Opening Price'' shall mean the price of a transaction that opens trading on the Primary Listing Exchange. If the Primary Listing Exchange opens with quotations, the ''Opening Price'' shall mean the closing price of the NMS Stock on the Primary Listing Exchange on the previous trading day, or if no such closing price exists, the last sale on the Primary Listing Exchange.

(J) ''Operating Committee'' shall have the meaning provided in Section III(C) of the Plan.

(K) ''Participant'' means a party to the Plan.

(L) ''Plan'' means the plan set forth in this instrument, as amended from time to time in accordance with its provisions.

(M) ''Percentage Parameter'' shall mean the percentages for each tier of NMS Stocks set forth in Appendix A of the Plan.

(N) ''Price Bands'' shall have the meaning provided in Section V of the Plan.

(O) ''Primary Listing Exchange'' shall mean the Participant on which an NMS Stock is listed. If an NMS Stock is listed on more than one Participant, the Participant on which the NMS Stock has been listed the longest shall be the Primary Listing Exchange.

(P) ''Processor'' shall mean the single plan processor responsible for the consolidation of information for an NMS Stock pursuant to Rule 603(b) of Regulation NMS under the Exchange Act.

(Q) ''Pro-Forma Reference Price'' shall have the meaning provided in Section V(A)(2) of the Plan.

(R) ''Reference Price'' shall have the meaning provided in Section V of the Plan.

(S) ''Regular Trading Hours'' shall have the meaning provided in Rule 600(b)(64) of Regulation NMS under the Exchange Act. For purposes of the Plan, Regular Trading Hours can end earlier than 4:00 p.m. ET in the case of an early scheduled close.

(T) ''Regulatory Halt'' shall have the meaning specified in the Market Data Plans.

(U) ''Reopening Price'' shall mean the price of a transaction that reopens trading on the Primary Listing Exchange following a Trading Pause or a Regulatory Halt, or, if the Primary Listing Exchange reopens with quotations, the midpoint of those quotations.

(V) ''SEC'' shall mean the United States Securities and Exchange Commission.

(W) ''Straddle State'' shall have the meaning provided in Section VII(A)(2) of the Plan.

(X) ''Trading center'' shall have the meaning provided in Rule 600(b)(78) of Regulation NMS under the Exchange Act.

(Y) ''Trading Pause'' shall have the meaning provided in Section VII of the Plan.

(Z) ''Upper Price Band'' shall have the meaning provided in Section V of the Plan.

II. Parties

(A) List of Parties

The parties to the Plan are as follows:

(1) Cboe BZX Exchange, Inc., 400 South LaSalle Street, Chicago, Illinois 60605
(2) Cboe BYX Exchange, Inc., 400 South LaSalle Street, Chicago, Illinois 60605
(3) Cboe EDGA Exchange, Inc., 400 South LaSalle Street, Chicago, Illinois 60605
(4) Cboe EDGX Exchange, Inc., 400 South LaSalle Street, Chicago, Illinois 60605
(5) Chicago Stock Exchange, Inc., 440 South LaSalle Street, Chicago, Illinois 60605
(6) Financial Industry Regulatory Authority, Inc., 1735 K Street NW, Washington, DC 20006
(7) Investors Exchange LLC, 4 World Trade Center, 44th Floor, New York, New York 10007
(8) NASDAQ BX, Inc., One Liberty Plaza, New York, New York 10006
(9) NASDAQ PHLX LLC, 1900 Market Street, Philadelphia, Pennsylvania 19103
(10) The Nasdaq Stock Market LLC, 1 Liberty Plaza, 165 Broadway, New York, NY 10006
(11) NYSE National, Inc., 11 Wall Street, New York, NY 10005
(12) New York Stock Exchange LLC, 11 Wall Street, New York, New York 10005
(13) NYSE American LLC, 11 Wall Street, New York, New York 10005
(14) NYSE Arca, Inc., 11 Wall Street, New York, New York 10005

(B) Compliance Undertaking

By subscribing to and submitting the Plan for approval by the SEC, each Participant agrees to comply with and to enforce compliance, as required by Rule 608(c) of Regulation NMS under the Exchange Act, by its members with the provisions of the Plan. To this end, each Participant shall adopt a rule requiring compliance by its members with the provisions of the Plan, and each Participant shall take such actions as are necessary and appropriate as a participant of the Market Data Plans to cause and enable the Processor for each NMS Stock to fulfill the functions set forth in this Plan.

(C) New Participants

The Participants agree that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (1) Becoming a participant in the applicable Market Data Plans; (2) executing a copy of the Plan, as then in effect; (3) providing each then-current Participant with a copy of such executed Plan; and (4) effecting an amendment to the Plan as specified in Section III(B) of the Plan.

(D) Advisory Committee

(1) *Formation.* Notwithstanding other provisions of this Plan, an Advisory Committee to the Plan shall be formed and shall function in accordance with the provisions set forth in this section.

(2) *Composition.* Members of the Advisory Committee shall be selected for two-year terms as follows:

(A) *Advisory Committee Selections.* By affirmative vote of a majority of the Participants, the Participants shall select at least one representatives from each of the following categories to be members of the Advisory Committee: (1) A broker-dealer with a substantial retail investor customer base; (2) a broker-dealer with a substantial institutional investor customer base; (3) an alternative trading system; (4) a broker-dealer that primarily engages in trading for its own account; and (5) an investor.

(3) *Function.* Members of the Advisory Committee shall have the right to submit their views to the Operating Committee on Plan matters, prior to a decision by the Operating Committee on such matters. Such matters shall include, but not be limited to, proposed material amendments to the Plan.

(4) *Meetings and Information.* Members of the Advisory Committee shall have the right to attend meetings of the Operating Committee and to receive any information concerning Plan matters; provided, however, that the Operating Committee may meet in executive session if, by affirmative vote of a majority of the Participants, the Operating Committee determines that an item of Plan business requires confidential treatment.

III. Amendments to Plan

(A) General Amendments

Except with respect to the addition of new Participants to the Plan, any proposed change in, addition to, or deletion from the Plan shall be effected by means of a written amendment to the Plan that: (1) Sets forth the change, addition, or deletion; (2) is executed on behalf of each Participant; and, (3) is approved by the SEC pursuant to Rule 608 of Regulation NMS under the Exchange Act, or otherwise becomes effective under Rule 608 of Regulation NMS under the Exchange Act.

(B) New Participants

With respect to new Participants, an amendment to the Plan may be effected by the new national securities exchange or national securities association executing a copy of the Plan, as then in effect (with the only changes being the addition of the new Participant's name in Section II(A) of the Plan) and submitting such executed Plan to the SEC for approval. The amendment shall be effective when it is approved by the SEC in accordance with Rule 608 of Regulation NMS under the Exchange Act or otherwise becomes effective pursuant to Rule 608 of Regulation NMS under the Exchange Act.

(C) Operating Committee

(1) Each Participant shall select from its staff one individual to represent the Participant as a member of an Operating Committee, together with a substitute for such individual. The substitute may participate in deliberations of the Operating Committee and shall be considered a voting member thereof only in the absence of the primary representative. Each Participant shall have one vote on all matters considered by the Operating Committee. No later than the initial date of Plan operations, the Operating Committee shall designate one member of the Operating Committee to act as the Chair of the Operating Committee.

(2) The Operating Committee shall monitor the procedures established pursuant to this Plan and advise the Participants with respect to any deficiencies, problems, or recommendations as the Operating Committee may deem appropriate. The Operating Committee shall establish specifications and procedures for the implementation and operation of the Plan that are consistent with the provisions of this Plan and the Appendixes thereto. With respect to matters in this paragraph, Operating Committee decisions shall be approved by a simple majority vote.

(3) Any recommendation for an amendment to the Plan from the Operating Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the SEC as a request for an amendment to the Plan initiated by the Commission under Rule 608 of Regulation NMS.

IV. Trading Center Policies and Procedures

All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up–limit down requirements specified in Sections VI of the Plan, and to comply with the Trading Pauses specified in Section VII of the Plan.

V. Price Bands

(A) Calculation and Dissemination of Price Bands

(1) The Processor for each NMS stock shall calculate and disseminate to the public a Lower Price Band and an Upper Price Band during Regular Trading Hours for such NMS Stock. The Price Bands shall be based on a Reference Price for each NMS Stock that equals the arithmetic mean price of Eligible Reported Transactions for the NMS stock over the immediately preceding five-minute period (except for periods following openings and reopenings, which are addressed below). If no Eligible Reported Transactions for the

NMS Stock have occurred over the immediately preceding five-minute period, the previous Reference Price shall remain in effect. The Price Bands for an NMS Stock shall be calculated by applying the Percentage Parameter for such NMS Stock to the Reference Price, with the Lower Price Band being a Percentage Parameter below the Reference Price, and the Upper Price Band being a Percentage Parameter above the Reference Price. The Price Bands shall be calculated during Regular Trading Hours. Between 9:30 a.m. and 9:45 a.m. ET, and 3:35 p.m. and 4:00 p.m. ET, or in the case of an early scheduled close, during the last 25 minutes of trading before the early scheduled close, the Price Bands shall be calculated by applying double the Percentage Parameters set forth in Appendix A. If the Processor has not yet disseminated Price Bands, but a Reference Price is available, a trading center may calculate and apply Price Bands based on the same Reference Price that the Processor would use for calculating such Price Bands until such trading center receives Price Bands from the Processor. If, under Section VII(B)(2), the Primary Listing Exchange notifies the Processor that it is unable to reopen an NMS Stock due to a systems or technology issue and it has not declared a Regulatory Halt, the Processor will calculate and disseminate Price Bands by applying triple the Percentage Parameters set forth in Appendix A for the first 30 seconds such Price Bands are disseminated.

(2) The Processor shall calculate a Pro-Forma Reference Price on a continuous basis during Regular Trading Hours, as specified in Section V(A)(1) of the Plan. If a Pro-Forma Reference Price has not moved by 1% or more from the Reference Price currently in effect, no new Price Bands shall be disseminated, and the current Reference Price shall remain the effective Reference Price. When the Pro-Forma Reference Price has moved by 1% or more from the Reference Price currently in effect, the Pro-Forma Reference Price shall become the Reference Price, and the Processor shall disseminate new Price Bands based on the new Reference Price; provided, however, that each new Reference Price shall remain in effect for at least 30 seconds.

(B) Openings

(1) Except when a Regulatory Halt is in effect at the start of Regular Trading Hours, the first Reference Price for a trading day shall be the Opening Price on the Primary Listing Exchange in an NMS Stock if such Opening Price occurs less than five minutes after the start of Regular Trading Hours. During the period less than five minutes after the Opening Price, a Pro-Forma Reference Price shall be updated on a continuous basis to be the arithmetic mean price of Eligible Reported Transactions for the NMS Stock during the period following the Opening Price (including the Opening Price), and if it differs from the current Reference Price by 1% or more shall become the new Reference Price, except that a new Reference Price shall remain in effect for at least 30 seconds. Subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(2) If the Opening Price on the Primary Listing Exchange in an NMS Stock does not occur within five minutes after the start of Regular Trading Hours, the first Reference Price for a trading day shall be the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the preceding five minute time period, and subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(C) Reopenings

(1) Following a Trading Pause in an NMS Stock, and if the Primary Listing Exchange has not declared a Regulatory Halt, if the Primary Listing Exchange reopens trading with a transaction or quotation that does not include a zero bid or zero offer, the next Reference Price shall be the Reopening Price on the Primary Listing Exchange. Subsequent Reference Prices shall be determined in the manner prescribed for normal openings, as specified in Section V(B)(1) of the Plan. If the Primary Listing Exchange notifies the Processor that it is unable to reopen an NMS Stock due to a systems or technology issue, or if the Primary Listing Exchange reopens trading with a quotation that has a zero bid or zero offer, or both, the next Reference Price shall be the last effective Price Band that was in a Limit State before the Trading Pause. Subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

(2) Following a Regulatory Halt, the next Reference Price shall be the Opening or Reopening Price on the Primary Listing Exchange if such Opening or Reopening Price occurs within five minutes after the end of the Regulatory Halt, and subsequent Reference Prices shall be determined in the manner prescribed for normal openings, as specified in Section V(B)(1) of the Plan. If such Opening or Reopening Price has not occurred within five minutes after the end of the Regulatory Halt, the Reference Price shall be equal to the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the preceding five minute time period, and subsequent Reference Prices shall be calculated as specified in Section V(A) of the Plan.

VI. Limit Up–Limit Down Requirements

(A) Limitations on Trades and Quotations Outside of Price Bands

(1) All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent trades at prices that are below the Lower Price Band or above the Upper Price Band for an NMS Stock. Single-priced opening, reopening, and closing transactions on the Primary Listing Exchange, however, shall be excluded from this limitation. In addition, any transaction that both (i) does not update the last sale price (except if solely because the transaction was reported late or because the transaction was an odd-lot sized transaction), and (ii) is excepted or exempt from Rule 611 under Regulation NMS shall be excluded from this limitation.

(2) When a National Best Bid is below the Lower Price Band or a National Best Offer is above the Upper Price Band for an NMS Stock, the Processor shall disseminate such National Best Bid or National Best Offer with an appropriate flag identifying it as non-executable. When a National Best Offer is equal to the Lower Price Band or a National Best Bid is equal to the Upper Price Band for an NMS Stock, the Processor shall distribute such National Best Bid or National Best Offer with an appropriate flag identifying it as a ''Limit State Quotation''.

(3) All trading centers in NMS Stocks, including both those operated by Participants and those operated by members of Participants, shall establish, maintain, and enforce written policies and procedures that are reasonably designed to prevent the display of offers below the Lower Price Band and bids above the Upper Price Band for an NMS Stock. The Processor shall disseminate an offer below the Lower Price Band or bid above the Upper Price Band that may be submitted despite such reasonable policies and procedures, but with an appropriate flag identifying it as non-executable; provided, however, that any such bid or offer shall not be included in National Best Bid or National Best Offer calculations.

(B) Entering and Exiting a Limit State

(1) All trading for an NMS Stock shall immediately enter a Limit State if the National Best Offer equals the Lower Price Band and does not cross the National Best Bid, or the National Best Bid equals the Upper Price Band and does not cross the National Best Offer.

(2) When trading for an NMS Stock enters a Limit State, the Processor shall disseminate this information by identifying the relevant quotation (*i.e.,* a National Best Offer that equals the Lower Price Band or a National Best Bid that equals the Upper Price Band) as a Limit State Quotation. At this point, the Processor shall cease calculating and disseminating updated Reference Prices and Price Bands for the NMS Stock until either trading exits the Limit State or trading resumes with an opening or re-opening as provided in Section V.

(3) Trading for an NMS Stock shall exit a Limit State if, within 15 seconds of entering the Limit State, the entire size of all Limit State Quotations are executed or cancelled.

(4) If trading for an NMS Stock exits a Limit State within 15 seconds of entry, the Processor shall immediately calculate and disseminate updated Price Bands based on a Reference Price that equals the arithmetic mean price of Eligible Reported Transactions for the NMS Stock over the immediately preceding five-minute period (including the period of the Limit State).

(5) If trading for an NMS Stock does not exit a Limit State within 15 seconds of entry, the Limit State will terminate when the Primary Listing Exchange declares a Trading Pause pursuant to Section VII of the Plan or at the end of Regular Trading Hours.

VII. Trading Pauses

(A) Declaration of Trading Pauses

(1) If trading for an NMS Stock does not exit a Limit State within 15 seconds of entry during Regular Trading Hours, then the Primary Listing Exchange shall declare a

Trading Pause for such NMS Stock and shall notify the Processor.

(2) The Primary Listing Exchange may also declare a Trading Pause for an NMS Stock when an NMS Stock is in a Straddle State, which is when National Best Bid (Offer) is below (above) the Lower (Upper) Price Band and the NMS Stock is not in a Limit State, and trading in that NMS Stock deviates from normal trading characteristics such that declaring a Trading Pause would support the Plan's goal to address extraordinary market volatility. The Primary Listing Exchange shall develop policies and procedures for determining when it would declare a Trading Pause in such circumstances. If a Trading Pause is declared for an NMS Stock under this provision, the Primary Listing Exchange shall notify the Processor.

(3) The Processor shall disseminate Trading Pause information to the public. No trades in an NMS Stock shall occur during a Trading Pause, but all bids and offers may be displayed.

(B) Reopening of Trading During Regular Trading Hours

(1) Five minutes after declaring a Trading Pause for an NMS Stock, and if the Primary Listing Exchange has not declared a Regulatory Halt, the Primary Listing Exchange shall attempt to reopen trading using its established reopening procedures. The Processor will publish the following information that the Primary Listing Exchange provides to the Processor in connection with such reopening: Auction reference price; auction collars; and number of extensions to the reopening auction. The Trading Pause shall end when the Primary Listing Exchange reports a Reopening Price.

(2) The Primary Listing Exchange shall notify the Processor if it is unable to reopen trading in an NMS Stock due to a systems or technology issue and if it has not declared a Regulatory Halt. The Processor shall disseminate this information to the public.

(3) Trading centers may not resume trading in an NMS Stock following a Trading Pause without Price Bands in such NMS Stock.

(4) The Processor shall update the Price Bands as set forth in Section V(C)(1)–(2) of the Plan after receiving notification from the Primary Listing Exchange of a Reopening Price following a Trading Pause (or a resume message in the case of a reopening quote that has a zero bid or zero offer, or both) or that it is unable to reopen trading following a Trading Pause due to a systems or technology issue, provided that if the Primary Listing Exchange is unable to reopen due to a systems or technology issue, the update to the Price Bands will be no earlier than ten minutes after the beginning of the Trading Pause.

(C) Trading Pauses Within Ten Minutes of the End of Regular Trading Hours

(1) If an NMS Stock is in a Trading Pause during the last ten minutes of trading before the end of Regular Trading Hours, the Primary Listing Exchange shall not reopen trading and shall attempt to execute a closing transaction using its established closing procedures. All trading centers may begin trading the NMS Stock when the Primary Listing Exchange executes a closing transaction.

(2) If the Primary Listing Exchange does not execute a closing transaction within five minutes after the end of Regular Trading Hours, all trading centers may begin trading the NMS Stock.

VIII. Implementation

The initial date of Plan operations shall be April 8, 2013.

The Plan shall be implemented on a pilot basis set to end on [April 16, 2018]*April 15, 2019.*

IX. Withdrawal From Plan

If a Participant obtains SEC approval to withdraw from the Plan, such Participant may withdraw from the Plan at any time on not less than 30 days' prior written notice to each of the other Participants. At such time, the withdrawing Participant shall have no further rights or obligations under the Plan.

X. Counterparts and Signatures

The Plan may be executed in any number of counterparts, no one of which need contain all signatures of all Participants, and as many of such counterparts as shall together contain all such signatures shall constitute one and the same instrument.

In Witness Thereof, this Plan has been executed as of the ___day of February 2018 by each of the parties hereto.

Cboe BZX EXCHANGE, INC.

Cboe BYX EXCHANGE, INC.

BY: _____

BY: _____

Cboe EDGA EXCHANGE, INC.

Cboe EDGX EXCHANGE, INC.

BY: _____

BY: _____

CHICAGO STOCK EXCHANGE, INC.

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

BY: _____

BY: _____

INVESTORS EXCHANGE LLC

NASDAQ BX, Inc.

BY: _____

BY: _____

NASDAQ PHLX LLC

THE NASDAQ STOCK MARKET LLC

BY: _____

BY: _____

NYSE NATIONAL, INC.

NEW YORK STOCK EXCHANGE LLC

BY: _____

BY: _____

NYSE American LLC

NYSE ARCA, INC.

BY: _____

BY: _____

Appendix A—Percentage Parameters

I. Tier 1 NMS Stocks

(1) Tier 1 NMS Stocks shall include all NMS Stocks included in the S&P 500 Index, the Russell 1000 Index, and the exchange-traded products (''ETP'') identified as Schedule 1 to this Appendix. Schedule 1 to the Appendix will be reviewed and updated semi-annually based on the fiscal year by the Primary Listing Exchange to add ETPs that meet the criteria, or delete ETPs that are no longer eligible. To determine eligibility for an ETP to be included as a Tier 1 NMS Stock, all ETPs across multiple asset classes and issuers, including domestic equity, international equity, fixed income, currency, and commodities and futures will be identified. Leveraged ETPs will be excluded and the list will be sorted by notional consolidated average daily volume (''CADV''). The period used to measure CADV will be from the first day of the previous fiscal half year up until one week before the beginning of the next fiscal half year. Daily volumes will be multiplied by closing prices and then averaged over the period. ETPs, including inverse ETPs, that trade over $2,000,000 CADV will be eligible to be included as a Tier 1 NMS Stock. The semi-annual updates to Schedule 1 do not require an amendment to the Plan. The Primary Listing Exchanges will maintain the updated Schedule 1 on their respective websites.

(2) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price more than $3.00 shall be 5%.

(3) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price equal to $0.75 and up to and including $3.00 shall be 20%.

(4) The Percentage Parameters for Tier 1 NMS Stocks with a Reference Price less than $0.75 shall be the lesser of (a) $0.15 or (b) 75%.

(5) The Reference Price used for determining which Percentage Parameter shall be applicable during a trading day shall be based on the closing price of the NMS Stock on the Primary Listing Exchange on the previous trading day, or if no closing price exists, the last sale on the Primary Listing Exchange reported by the Processor.

II. Tier 2 NMS Stocks

(1) Tier 2 NMS Stocks shall include all NMS Stocks other than those in Tier 1, provided, however, that all rights and warrants are excluded from the Plan.

(2) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price more than $3.00 shall be 10%.

(3) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price equal to $0.75 and up to and including $3.00 shall be 20%.

(4) The Percentage Parameters for Tier 2 NMS Stocks with a Reference Price less than $0.75 shall be the lesser of (a) $0.15 or (b) 75%.

(5) Notwithstanding the foregoing, the Percentage Parameters for a Tier 2 NMS Stock that is a leveraged ETP shall be the applicable Percentage Parameter set forth in clauses (2), (3), or (4) above, multiplied by the leverage ratio of such product.

(6) The Reference Price used for determining which Percentage Parameter shall be applicable during a trading day shall be based on the closing price of the NMS Stock on the Primary Listing Exchange on the previous trading day, or if no closing price

exists, the last sale on the Primary Listing Exchange reported by the Processor.

APPENDIX A—SCHEDULE 1

[As of January 2, 2018]

Ticker	ETP name	Exchange
SPY	SPDR S&P 500® ETF	NYSE Arca.
QQQ	Powershares QQQ Trust Series 1	NASDAQ.
IWM	iShares Russell 2000 ETF	NYSE Arca.
EEM	iShares MSCI Emerging Markets ETF	NYSE Arca.
XLF	Financial Select Sector SPDR Fund	NYSE Arca.
VXX	iPath S&P 500 VIX Short-Term Futures ETN	NYSE Arca.
EFA	iShares MSCI EAFE ETF	NYSE Arca.
TLT	iShares 20+ Year Treasury Bond ETF	NASDAQ.
HYG	iShares iBoxx $ High Yield Corporate Bond ETF	NYSE Arca.
GDX	VanEck Vectors Gold Miners ETF	NYSE Arca.
XIV	VelocityShares Daily Inverse VIX Short Term ETN	NASDAQ.
IVV	iShares Core S&P 500 ETF	NYSE Arca.
GLD	SPDR Gold Trust	NYSE Arca.
XLE	Energy Select Sector SPDR Fund	NYSE Arca.
LQD	iShares iBoxx $ Investment Grade Corporate Bond ETF	NYSE Arca.
EWZ	iShares MSCI Brazil Capped ETF	NYSE Arca.
XLU	Utilities Select Sector SPDR Fund	NYSE Arca.
XLI	Industrial Select Sector SPDR Fund	NYSE Arca.
DIA	SPDR Dow Jones Industrial Average ETF Trust	NYSE Arca.
XLP	Consumer Staples Select Sector SPDR Fund	NYSE Arca.
XLK	Technology Select Sector SPDR Fund	NYSE Arca.
SVXY	ProShares Short VIX Short Term Futures	NYSE Arca.
FXI	iShares China Large-Cap ETF	NYSE Arca.
XLV	Health Care Select Sector SPDR Fund	NYSE Arca.
IYR	iShares U.S. Real Estate ETF	NYSE Arca.
XOP	SPDR S&P Oil & Gas Exploration & Production ETF	NYSE Arca.
VWO	Vanguard FTSE Emerging Markets ETF	NYSE Arca.
VOO	Vanguard S&P 500 ETF	NYSE Arca.
IEMG	iShares Core MSCI Emerging Markets ETF	NYSE Arca.
EWJ	iShares MSCI Japan ETF	NYSE Arca.
GDXJ	VanEck Vectors Junior Gold Miners ETF	NYSE Arca.
XLY	Consumer Discretionary Select Sector SPDR Fund	NYSE Arca.
SMH	VanEck Vectors Semiconductor ETF	NYSE Arca.
JNK	SPDR Bloomberg Barclays High Yield Bond ETF	NYSE Arca.
KRE	SPDR S&P Regional Banking ETF	NYSE Arca.
MDY	SPDR S&P MidCap 400® ETF	NYSE Arca.
XBI	SPDR S&P Biotech ETF	NYSE Arca.
VEA	Vanguard FTSE Developed Markets ETF	NYSE Arca.
IBB	iShares Nasdaq Biotechnology ETF	NASDAQ.
VNQ	Vanguard REIT ETF	NYSE Arca.
AGG	iShares Core U.S. Aggregate Bond ETF	NYSE Arca.
EZU	iShares MSCI Eurozone ETF	Cboe BZX.
VTI	Vanguard Total Stock Market ETF	NYSE Arca.
IEFA	iShares Core MSCI EAFE ETF	Cboe BZX.
XLB	Materials Select Sector SPDR Fund	NYSE Arca.
EMB	iShares JP Morgan USD Emerging Markets Bond ETF	NASDAQ.
IWD	iShares Russell 1000 Value ETF	NYSE Arca.
USO	United States Oil Fund LP	NYSE Arca.
XRT	SPDR S&P Retail ETF	NYSE Arca.
IEF	iShares 7–10 Year Treasury Bond ETF	NASDAQ.
IJR	iShares Core S&P Small-Cap ETF	NYSE Arca.
IJH	iShares Core S&P Mid-Cap ETF	NYSE Arca.
IWF	iShares Russell 1000 Growth ETF	NYSE Arca.
VGK	Vanguard FTSE Europe ETF	NYSE Arca.
EWY	iShares MSCI South Korea Capped ETF	NYSE Arca.
BND	Vanguard Total Bond Market ETF	NYSE Arca.
OIH	VanEck Vectors Oil Services ETF	NYSE Arca.
DXJ	WisdomTree Japan Hedged Equity Fund	NYSE Arca.
AMLP	Alerian MLP ETF	NYSE Arca.
EWW	iShares MSCI Mexico Capped ETF	NYSE Arca.
IWB	iShares Russell 1000 ETF	NYSE Arca.
VTV	Vanguard Value ETF	NYSE Arca.
RSX	VanEck Vectors Russia ETF	NYSE Arca.
SLV	iShares Silver Trust	NYSE Arca.
EWT	iShares MSCI Taiwan Capped ETF	NYSE Arca.
IAU	iShares Gold Trust	NYSE Arca.
VCSH	Vanguard Short-Term Corporate Bond ETF	NASDAQ.
TIP	iShares TIPS Bond ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
ACWI	iShares MSCI ACWI ETF	NASDAQ.
IWO	iShares Russell 2000 Growth ETF	NYSE Arca.
BSV	Vanguard Short-Term Bond ETF	NYSE Arca.
MCHI	iShares MSCI China ETF	NASDAQ.
VCIT	Vanguard Intermediate-Term Corporate Bond ETF	NASDAQ.
IWN	iShares Russell 2000 Value ETF	NYSE Arca.
EWG	iShares MSCI Germany ETF	NYSE Arca.
INDA	iShares MSCI India ETF	Cboe BZX.
FEZ	SPDR EURO STOXX 50 ETF	NYSE Arca.
KBE	SPDR S&P Bank ETF	NYSE Arca.
IVW	iShares S&P 500 Growth ETF	NYSE Arca.
VEU	Vanguard FTSE All-World ex-US ETF	NYSE Arca.
PFF	iShares US Preferred Stock ETF	NASDAQ.
ITB	iShares U.S. Home Construction ETF	Cboe BZX.
AAXJ	iShares MSCI All Country Asia ex Japan ETF	NASDAQ.
EWH	iShares MSCI Hong Kong ETF	NYSE Arca.
HEDJ	WisdomTree Europe Hedged Equity Fund	NYSE Arca.
SOXX	iShares PHLX Semiconductor ETF	NASDAQ.
XME	SPDR S&P Metals & Mining ETF	NYSE Arca.
IVE	iShares S&P 500 Value ETF	NYSE Arca.
SHV	iShares Short Treasury Bond ETF	NASDAQ.
SHY	iShares 1–3 Year Treasury Bond ETF	NASDAQ.
VB	Vanguard Small-Cap ETF	NYSE Arca.
VUG	Vanguard Growth ETF	NYSE Arca.
BKLN	PowerShares Senior Loan Portfolio	NYSE Arca.
AMJ	JPMorgan Alerian MLP Index ETN	NYSE Arca.
VGT	Vanguard Information Technology ETF	NYSE Arca.
SH	ProShares Short S&P500	NYSE Arca.
USMV	iShares MSCI USA Minimum Volatility ETF	Cboe BZX.
EWU	iShares MSCI United Kingdom ETF	NYSE Arca.
VYM	Vanguard High Dividend Yield Index Fund	NYSE Arca.
XHB	SPDR S&P Homebuilders ETF	NYSE Arca.
IEI	iShares 3–7 Year Treasury Bond ETF	NASDAQ.
FXE	CurrencyShares Euro Trust	NYSE Arca.
EWC	iShares MSCI Canada ETF	NYSE Arca.
UNG	United States Natural Gas Fund LP	NYSE Arca.
MBB	iShares MBS ETF	NASDAQ.
XLRE	Real Estate Select Sector SPDR Fund	NYSE Arca.
SPLV	PowerShares S&P 500® Low Volatility Portfolio	NYSE Arca.
MUB	iShares National Muni Bond ETF	NYSE Arca.
VT	Vanguard Total World Stock Index Fund	NYSE Arca.
MINT	PIMCO Enhanced Short Maturity Strategy Exchange-Traded Fund	NYSE Arca.
DBEF	Xtrackers MSCI EAFE Hedged Equity ETF	NYSE Arca.
VO	Vanguard Mid-Cap ETF	NYSE Arca.
OEF	iShares S&P 100 ETF	NYSE Arca.
VIG	Vanguard Dividend Appreciation ETF	NYSE Arca.
EWP	iShares MSCI Spain Capped ETF	NYSE Arca.
FLOT	iShares Floating Rate Bond ETF	Cboe BZX.
EPI	WisdomTree India Earnings Fund	NYSE Arca.
DVY	iShares Select Dividend ETF	NASDAQ.
CSJ	iShares 1–3 Year Credit Bond ETF	NASDAQ.
VIXY	ProShares VIX Short-Term Futures ETF	NYSE Arca.
CWB	SPDR Bloomberg Barclays Convertible Securities ETF	NYSE Arca.
BIV	Vanguard Intermediate-Term Bond ETF	NYSE Arca.
SCHF	Schwab International Equity ETF	NYSE Arca.
ITA	iShares US Aerospace & Defense ETF	Cboe BZX.
SCZ	iShares MSCI EAFE Small-Cap ETF	NASDAQ.
RSP	Guggenheim S&P 500 Equal Weight ETF	NYSE Arca.
SJNK	SPDR Bloomberg Barclays Short Term High Yield Bond ETF	NYSE Arca.
ITOT	iShares Core S&P Total U.S. Stock Market ETF	NYSE Arca.
BNDX	Vanguard Total International Bond ETF	NASDAQ.
EWA	iShares MSCI Australia ETF	NYSE Arca.
IYT	iShares Transportation Average ETF	Cboe BZX.
ILF	iShares Latin America 40 ETF	NYSE Arca.
VFH	Vanguard Financials ETF	NYSE Arca.
PCY	PowerShares Emerging Markets Sovereign Debt Portfolio	NYSE Arca.
HYS	PIMCO 0–5 Year High Yield Corporate Bond Index Exchange-Traded Fund	NYSE Arca.
FDN	First Trust Dow Jones Internet Index Fund	NYSE Arca.
CIU	iShares Intermediate Credit Bond ETF	NASDAQ.
MTUM	iShares MSCI USA Momentum Factor ETF	Cboe BZX.
VBR	Vanguard Small-Cap Value ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
VXUS	Vanguard Total International Stock ETF	NASDAQ.
SDY	SPDR S&P Dividend ETF	NYSE Arca.
IWR	iShares Russell Mid-Cap ETF	NYSE Arca.
EMLC	VanEck Vectors Emerging Markets Local Currency Bond ETF	NYSE Arca.
HEWJ	iShares Currency Hedged MSCI Japan ETF	NYSE Arca.
EFAV	iShares MSCI EAFE Minimum Volatility ETF	Cboe BZX.
EUFN	iShares MSCI Europe Financials ETF	NASDAQ.
IWS	iShares Russell Mid-Cap Value ETF	NYSE Arca.
SCHX	Schwab U.S. Large-Cap ETF	NYSE Arca.
NEAR	iShares Short Maturity Bond ETF	Cboe BZX.
IWP	iShares Russell Mid-Cap Growth ETF	NYSE Arca.
KWEB	KraneShares CSI China Internet ETF	NYSE Arca.
HEFA	iShares Currency Hedged MSCI EAFE ETF	Cboe BZX.
EWI	iShares MSCI Italy Capped ETF	NYSE Arca.
IWV	iShares Russell 3000 ETF	NYSE Arca.
IYF	iShares U.S. Financials ETF	NYSE Arca.
EZA	iShares MSCI South Africa ETF	NYSE Arca.
VXF	Vanguard Extended Market Index Fund	NYSE Arca.
IYW	iShares U.S. Technology ETF	NYSE Arca.
VHT	Vanguard Health Care ETF	NYSE Arca.
BIL	SPDR Bloomberg Barclays 1–3 Month T-Bill ETF	NYSE Arca.
UUP	PowerShares DB US Dollar Index Bullish Fund	NYSE Arca.
IEUR	iShares Core MSCI Europe ETF	NYSE Arca.
DBC	PowerShares DB Commodity Index Tracking Fund	NYSE Arca.
EFV	iShares MSCI EAFE Value ETF	Cboe BZX.
HEZU	iShares Currency Hedged MSCI Eurozone ETF	NYSE Arca.
SCHB	Schwab U.S. Broad Market ETF	NYSE Arca.
IEV	iShares Europe ETF	NYSE Arca.
SCHD	Schwab U.S. Dividend Equity ETF	NYSE Arca.
VV	Vanguard Large-Cap ETF	NYSE Arca.
PGX	PowerShares Preferred Portfolio	NYSE Arca.
EWL	iShares MSCI Switzerland Capped ETF	NYSE Arca.
VPL	Vanguard FTSE Pacific ETF	NYSE Arca.
IJK	iShares S&P Mid-Cap 400 Growth ETF	NYSE Arca.
BOTZ	Global X Robotics & Artificial Intelligence Thematic ETF	NASDAQ.
VMBS	Vanguard Mortgage-Backed Securities ETF	NASDAQ.
IXUS	iShares Core MSCI Total International Stock ETF	NASDAQ.
VCLT	Vanguard Long-Term Corporate Bond ETF	NASDAQ.
SCHE	Schwab Emerging Markets Equity ETF	NYSE Arca.
LIT	Global X Lithium & Battery Tech ETF	NYSE Arca.
ASHR	Xtrackers Harvest CSI 300 China A-Shares ETF	NYSE Arca.
ACWX	iShares MSCI ACWI ex US ETF	NASDAQ.
VOE	Vanguard Mid-Cap Value ETF	NYSE Arca.
VDE	Vanguard Energy ETF	NYSE Arca.
HDV	iShares Core High Dividend ETF	NYSE Arca.
IUSG	iShares Core US Growth ETF	NASDAQ.
SCHA	Schwab U.S. Small-Cap ETF	NYSE Arca.
PSQ	ProShares Short QQQ	NYSE Arca.
GOVT	iShares Core US Treasury Bond ETF	Cboe BZX.
KBWB	PowerShares KBW Bank Portfolio	NASDAQ.
EEMV	iShares MSCI Emerging Markets Minimum Volatility ETF/Dup	Cboe BZX.
VTIP	Vanguard Short-Term Inflation-Protected Securities ETF	NASDAQ.
RWX	SPDR Dow Jones International Real Estate ETF	NYSE Arca.
ROBO	ROBO Global Robotics and Automation Index ETF	NASDAQ.
DBJP	Xtrackers MSCI Japan Hedged Equity ETF	NYSE Arca.
VNQI	Vanguard Global ex-U.S. Real Estate ETF	NASDAQ.
SHYG	iShares 0–5 Year High Yield Corporate Bond ETF	NYSE Arca.
QUAL	iShares MSCI USA Quality Factor ETF	Cboe BZX.
IGV	iShares North American Tech-Software ETF	Cboe BZX.
EPP	iShares MSCI Pacific ex Japan ETF	NYSE Arca.
EWQ	iShares MSCI France ETF	NYSE Arca.
VLUE	iShares MSCI USA Value Factor ETF	Cboe BZX.
VSS	Vanguard FTSE All-World Ex-US Small-Cap Index Fund	NYSE Arca.
ECH	iShares MSCI Chile Capped ETF	Cboe BZX.
SCHZ	Schwab U.S. Aggregate Bond ETF	NYSE Arca.
IDV	iShares International Select Dividend ETF	Cboe BZX.
IJS	iShares S&P Small-Cap 600 Value ETF	NYSE Arca.
DBEU	Xtrackers MSCI Europe Hedged Equity ETF	NYSE Arca.
SPIB	SPDR Bloomberg Barclays Intermediate Term Corporate Bond ETF	NYSE Arca.
IHI	iShares U.S. Medical Devices ETF	NYSE Arca.
HYD	VanEck Vectors High Yield Municipal Index ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
SCHO	Schwab Short-Term U.S. Treasury ETF	NYSE Arca.
SCHH	Schwab U.S. REIT ETF	NYSE Arca.
IUSV	iShares Core US Value ETF	NASDAQ.
SCHG	Schwab U.S. Large-Cap Growth ETF	NYSE Arca.
SHM	SPDR Nuveen Bloomberg Barclays Short Term Municipal Bond ETF	NYSE Arca.
FPE	First Trust Preferred Securities and Income ETF	NYSE Arca.
SPSB	SPDR Bloomberg Barclays Short Term Corporate Bond ETF	NYSE Arca.
VBK	Vanguard Small-Cap Growth ETF	NYSE Arca.
ACWV	iShares MSCI All Country World Minimum Volatility ETF	Cboe BZX.
TOTL	SPDR DoubleLine Total Return Tactical ETF	NYSE Arca.
VTEB	Vanguard Tax-Exempt Bond Index Fund	NYSE Arca.
FXU	First Trust Utilities AlphaDEX Fund	NYSE Arca.
IJT	iShares S&P Small-Cap 600 Growth ETF	NASDAQ.
IYM	iShares U.S. Basic Materials ETF	NYSE Arca.
MLPI	ETRACS Alerian MLP Infrastructure ETN	NYSE Arca.
VPU	Vanguard Utilities Index Fund	NYSE Arca.
SRLN	SPDR Blackstone/GSO Senior Loan ETF	NYSE Arca.
FXL	First Trust Technology AlphaDEX Fund	NYSE Arca.
BLV	Vanguard Long-Term Bond ETF	NYSE Arca.
SPHD	PowerShares S&P 500 High Dividend Low Volatility Portfolio	NYSE Arca.
IYH	iShares U.S. Healthcare ETF	NYSE Arca.
TFI	SPDR Nuveen Bloomberg Barclays Municipal Bond ETF	NYSE Arca.
ICF	iShares Cohen & Steers REIT ETF	Cboe BZX.
VDC	Vanguard Consumer Staples ETF	NYSE Arca.
EWM	iShares MSCI Malaysia ETF	NYSE Arca.
VOX	Vanguard Telecommunication Services ETF	NYSE Arca.
IJJ	iShares S&P Mid-Cap 400 Value ETF	NYSE Arca.
SCHP	Schwab U.S. TIPS ETF	NYSE Arca.
DBA	PowerShares DB Agriculture Fund	NYSE Arca.
THD	iShares MSCI Thailand Capped ETF	NYSE Arca.
VIS	Vanguard Industrials ETF	NYSE Arca.
EIDO	iShares MSCI Indonesia ETF	NYSE Arca.
IYG	iShares U.S. Financial Services ETF	NYSE Arca.
ANGL	VanEck Vectors Fallen Angel High Yield Bond ETF	NYSE Arca.
RWM	ProShares Short Russell2000	NYSE Arca.
FTSM	First Trust Enhanced Short Maturity ETF	NASDAQ.
EWS	iShares MSCI Singapore Capped ETF	NYSE Arca.
FVD	First Trust Value Line Dividend Index Fund	NYSE Arca.
BWX	SPDR Bloomberg Barclays International Treasury Bond ETF	NYSE Arca.
OIL	iPath S&P GSCI Crude Oil Total Return Index ETNs	NYSE Arca.
IYE	iShares U.S. Energy ETF	NYSE Arca.
QTEC	First Trust NASDAQ.–100 Technology Index Fund	NASDAQ.
DGRO	iShares Core Dividend Growth ETF	NYSE Arca.
TUR	iShares MSCI Turkey ETF	NASDAQ.
VOT	Vanguard Mid-Cap Growth ETF	NYSE Arca.
IYZ	iShares US Telecommunications ETF	Cboe BZX.
PHB	PowerShares High Yield Corporate Bond Portfolio	NYSE Arca.
SCHV	Schwab U.S. Large-Cap Value ETF	NYSE Arca.
KIE	SPDR S&P Insurance ETF	NYSE Arca.
IDU	iShares U.S. Utilities ETF	NYSE Arca.
EMLP	First Trust North American Energy Infrastructure Fund	NYSE Arca.
REM	iShares Mortgage Real Estate Capped ETF	Cboe BZX.
RWR	SPDR Dow Jones REIT ETF	NYSE Arca.
ERUS	iShares MSCI Russia Capped ETF	NYSE Arca.
MGK	Vanguard Mega Cap Growth ETF	NYSE Arca.
VGSH	Vanguard Short-Term Government Bond ETF	NASDAQ.
FXB	CurrencyShares British Pound Sterling Trust	NYSE Arca.
NOBL	ProShares S&P 500 Dividend Aristocrats ETF	Cboe BZX.
GBIL	Goldman Sachs TreasuryAccess® 0–1 Year ETF	NYSE Arca.
PRF	PowerShares FTSE RAFI U.S. 1000 Portfolio	NYSE Arca.
EFG	iShares MSCI EAFE Growth ETF	Cboe BZX.
AMZA	InfraCap MLP ETF	NYSE Arca.
GVI	iShares Intermediate Government/Credit Bond ETF	Cboe BZX.
GUNR	FlexShares Global Upstream Natural Resources Index Fund	NYSE Arca.
VAW	Vanguard Materials ETF	NYSE Arca.
XAR	SPDR S&P Aerospace & Defense ETF	NYSE Arca.
BOND	PIMCO Active Bond Exchange-Traded Fund	NYSE Arca.
VTWO	Vanguard Russell 2000	NASDAQ.
IGF	iShares Global Infrastructure ETF	NASDAQ.
FLRN	SPDR Bloomberg Barclays Investment Grade Floating Rate ETF	NYSE Arca.
SCHM	Schwab U.S. Mid-Cap ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
FNDX	Schwab Fundamental U.S. Large Company Index ETF	NYSE Arca.
RWO	SPDR Dow Jones Global Real Estate ETF	NYSE Arca.
EWD	iShares MSCI Sweden Capped ETF	NYSE Arca.
CQQQ	Guggenheim China Technology ETF	NYSE Arca.
VRP	PowerShares Variable Rate Preferred Portfolio	NYSE Arca.
FTEC	Fidelity MSCI Information Technology Index ETF	NYSE Arca.
ZIV	VelocityShares Daily Inverse VIX Medium Term ETN	NASDAQ.
IYJ	iShares U.S. Industrials ETF	Cboe BZX.
DEM	WisdomTree Emerging Markets High Dividend Fund	NYSE Arca.
USMC	Principal U.S. Mega-Cap Multi-Factor ETF	NASDAQ.
GSY	Guggenheim Ultra Short Duration ETF	NYSE Arca.
XES	SPDR S&P Oil & Gas Equipment & Services ETF	NYSE Arca.
VGIT	Vanguard Intermediate-Term Government Bond ETF	NASDAQ.
VCR	Vanguard Consumer Discretionary ETF	NYSE Arca.
FNDF	Schwab Fundamental International Large Company Index ETF	NYSE Arca.
FXY	CurrencyShares Japanese Yen Trust	NYSE Arca.
FNDA	Schwab Fundamental U.S. Small Company Index ETF	NYSE Arca.
IDEV	iShares Core MSCI International Developed Markets ETF	NYSE Arca.
DON	WisdomTree U.S. MidCap Dividend Fund	NYSE Arca.
ITM	VanEck Vectors AMT-Free Intermediate Municipal Index ETF	NYSE Arca.
HACK	ETFMG Prime Cyber Security ETF	NYSE Arca.
CRED	iShares Core US Credit Bond ETF	NASDAQ.
FNCL	Fidelity MSCI Financials Index ETF	NYSE Arca.
IXN	iShares Global Tech ETF	NYSE Arca.
ONEQ	Fidelity NASDAQ. Composite Index Tracking Stock ETF	NASDAQ.
SPDW	SPDR S&P World ex-US ETF	NYSE Arca.
HEWG	iShares Currency Hedged MSCI Germany ETF	NASDAQ.
TBF	ProShares Short 20+ Year Treasury	NYSE Arca.
RPG	Guggenheim S&P 500 Pure Growth ETF	NYSE Arca.
DOG	ProShares Short Dow30	NYSE Arca.
RYT	Guggenheim S&P Equal Weight Technology ETF	NYSE Arca.
LMBS	First Trust Low Duration Opportunities ETF	NASDAQ.
GXC	SPDR S&P China ETF	NYSE Arca.
SPHB	PowerShares S&P 500® High Beta Portfolio	NYSE Arca.
INDY	iShares India 50 ETF	NASDAQ.
IYC	iShares U.S. Consumer Services ETF	NYSE Arca.
RING	iShares MSCI Global Gold Miners ETF	NASDAQ.
MDYG	SPDR S&P 400 Mid Cap Growth ETF	NYSE Arca.
DFE	WisdomTree Europe SmallCap Dividend Fund	NYSE Arca.
DGRW	WisdomTree U.S. Quality Dividend Growth Fund	NASDAQ.
SPEM	SPDR S&P Emerging Markets ETF	NYSE Arca.
FNDE	Schwab Fundamental Emerging Markets Large Company Index ETF	NYSE Arca.
IXC	iShares Global Energy ETF	NYSE Arca.
EPHE	iShares MSCI Philippines ETF	NYSE Arca.
DGS	WisdomTree Emerging Markets SmallCap Dividend Fund	NYSE Arca.
FXC	CurrencyShares Canadian Dollar Trust	NYSE Arca.
EPOL	iShares MSCI Poland Capped ETF	NYSE Arca.
GSLC	Goldman Sachs ActiveBeta U.S. Large Cap Equity ETF	NYSE Arca.
ISTB	iShares Core 1–5 Year USD Bond ETF	NASDAQ.
VWOB	Vanguard Emerging Markets Government Bond ETF	NASDAQ.
STIP	iShares 0–5 Year TIPS Bond ETF	NYSE Arca.
SUB	iShares Short-Term National Muni Bond ETF	NYSE Arca.
TLH	iShares 10–20 Year Treasury Bond ETF	NYSE Arca.
EMHY	iShares Emerging Markets High Yield Bond ETF	Cboe BZX.
FXO	First Trust Financial AlphaDEX Fund	NYSE Arca.
LDRS	Innovator IBD® ETF Leaders ETF	NYSE Arca.
SPAB	SPDR Bloomberg Barclays Aggregate Bond ETF	NYSE Arca.
SLYV	SPDR S&P 600 Small Cap Value ETF	NYSE Arca.
DJP	iPath Bloomberg Commodity Index Total Return ETN	NYSE Arca.
SDOG	ALPS Sector Dividend Dogs ETF	NYSE Arca.
MLPA	Global X MLP ETF	NYSE Arca.
FBT	First Trust NYSE Arca. Biotechnology Index Fund	NYSE Arca.
FV	First Trust Dorsey Wright Focus 5 ETF	NASDAQ.
SCHR	Schwab Intermediate-Term U.S. Treasury ETF	NYSE Arca.
MDYV	SPDR S&P 400 Mid Cap Value ETF	NYSE Arca.
TAN	Guggenheim Solar ETF	NYSE Arca.
FTSL	First Trust Senior Loan ETF	NASDAQ.
PZA	PowerShares National AMT-Free Municipal Bond Portfolio	NYSE Arca.
VOOG	Vanguard S&P 500 Growth ETF	NYSE Arca.
FEX	First Trust Large Cap Core AlphaDEX Fund	NASDAQ.
SKYY	First Trust ISE Cloud Computing Index Fund	NASDAQ.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
SDIV	Global X SuperDividend ETF	NYSE Arca.
IAT	iShares U.S. Regional Banks ETF	NYSE Arca.
SLYG	SPDR S&P 600 Small Cap Growth ETF	NYSE Arca.
IYK	iShares U.S. Consumer Goods ETF	NYSE Arca.
IUSB	iShares Core Total USD Bond Market ETF	NASDAQ.
VGLT	Vanguard Long-Term Government Bond ETF	NASDAQ.
XSD	SPDR S&P Semiconductor ETF	NYSE Arca.
EDV	Vanguard Extended Duration Treasury ETF	NYSE Arca.
HYLS	First Trust Exchange-Traded Fund IV First Trust Tactical High Yield ETF	NASDAQ.
CWI	SPDR MSCI ACWI ex-US ETF	NYSE Arca.
GREK	Global X MSCI Greece ETF	NYSE Arca.
XT	iShares Exponential Technologies ETF	NASDAQ.
SPTM	SPDR Portfolio Total Stock Market ETF	NYSE Arca.
PPLT	ETFS Physical Platinum Shares	NYSE Arca.
XMLV	PowerShares S&P MidCap Low Volatility Portfolio	NYSE Arca.
VIGI	Vanguard International Dividend Appreciation ETF	NASDAQ.
SCHK	Schwab 1000 Index® ETF	NYSE Arca.
SPYG	SPDR Portfolio S&P 500 Growth ETF	NYSE Arca.
IGM	iShares North American Tech ETF	NYSE Arca.
ARKK	ARK Innovation ETF	NYSE Arca.
XSLV	PowerShares S&P SmallCap Low Volatility Portfolio	NYSE Arca.
FXH	First Trust Health Care AlphaDEX Fund	NYSE Arca.
IWY	iShares Russell Top 200 Growth ETF	NYSE Arca.
VONG	Vanguard Russell 1000 Growth ETF	NASDAQ.
EWN	iShares MSCI Netherlands ETF	NYSE Arca.
CLRG	IQ Chaikin U.S. Large Cap ETF	NASDAQ.
PICK	iShares MSCI Global Metals & Mining Producers ETF	Cboe BZX.
DES	WisdomTree U.S. SmallCap Dividend Fund	NYSE Arca.
SCHC	Schwab International Small-Cap Equity ETF	NYSE Arca.
IGOV	iShares International Treasury Bond ETF	NASDAQ.
GNR	SPDR S&P Global Natural Resources ETF	NYSE Arca.
CLY	iShares 10+ Year Credit Bond ETF	NYSE Arca.
IPAC	iShares Core MSCI Pacific ETF	NYSE Arca.
EMQQ	EMQQ The Emerging Markets Internet & Ecommerce ETF	NYSE Arca.
FFTY	Innovator IBD® 50 ETF	NYSE Arca.
AIEQ	AI Powered Equity ETF	NYSE Arca.
FEP	First Trust Europe AlphaDEX Fund	NASDAQ.
DLS	WisdomTree International SmallCap Dividend Fund	NYSE Arca.
IXJ	iShares Global Healthcare ETF	NYSE Arca.
AOM	iShares Core Moderate Allocation Fund	NYSE Arca.
PGF	PowerShares Financial Preferred Portfolio	NYSE Arca.
FXR	First Trust Industrials/Producer Durables AlphaDEX Fund	NYSE Arca.
JO	iPath Bloomberg Coffee Subindex Total Return ETN	NYSE Arca.
FDL	First Trust Morningstar Dividend Leaders Index Fund	NYSE Arca.
FHLC	Fidelity MSCI Health Care Index ETF	NYSE Arca.
VXZ	iPATH S&P 500 VIX Mid-Term Futures ETN	NYSE Arca.
SIL	Global X Silver Miners ETF	NYSE Arca.
LRGF	iShares Edge MSCI Multifactor USA ETF	NYSE Arca.
SPLG	SPDR Portfolio Large Cap ETF	NYSE Arca.
DFJ	WisdomTree Japan SmallCap Dividend Fund	NYSE Arca.
PHYS	Sprott Physical Gold Trust	NYSE Arca.
SPTL	SPDR Bloomberg Barclays Long Term Treasury ETF	NYSE Arca.
URA	Global X Uranium ETF	NYSE Arca.
JPIN	JPMorgan Diversified Return International Equity ETF	NYSE Arca.
PDBC	PowerShares DB Optimum Yield Diversified Commodity Strategy Portfolio	NASDAQ.
HYMB	SPDR Nuveen S&P High Yield Municipal Bond ETF	NYSE Arca.
FNDC	Schwab Fundamental International Small Company Index ETF	NYSE Arca.
HYLB	Xtrackers USD High Yield Corporate Bond ETF	NYSE Arca.
PXH	PowerShares FTSE RAFI Emerging Markets Portfolio	NYSE Arca.
DBO	PowerShares DB Oil Fund	NYSE Arca.
PRFZ	PowerShares FTSE RAFI US 1500 Small-Mid Portfolio	NASDAQ.
AIA	iShares Asia 50 ETF	NASDAQ.
DWX	SPDR S&P International Dividend ETF	NYSE Arca.
MOAT	VanEck Vectors Morningstar Wide Moat ETF	NYSE Arca.
XPH	SPDR S&P Pharmaceuticals ETF	NYSE Arca.
RPV	Guggenheim S&P 500 Pure Value ETF	NYSE Arca.
AOR	iShares Core Growth Allocation Fund	NYSE Arca.
ITE	SPDR Bloomberg Barclays Intermediate Term Treasury ETF	NYSE Arca.
PSI	PowerShares Dynamic Semiconductors Portfolio	NYSE Arca.
VYMI	Vanguard International High Dividend Yield ETF	NASDAQ.
PPA	PowerShares Aerospace & Defense Portfolio	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
JPMF	JPMorgan Managed Futures Strategy ETF	NYSE Arca.
SCIF	VanEck Vectors India Small-Cap Index ETF	NYSE Arca.
FM	iShares MSCI Frontier 100 ETF	NYSE Arca.
FDT	First Trust Developed Markets ex-US AlphaDEX Fund	NASDAQ.
DSI	iShares MSCI KLD 400 Social ETF	NYSE Arca.
GWX	SPDR S&P International Small Cap ETF	NYSE Arca.
SLQD	iShares 0–5 Year Investment Grade Corporate Bond ETF	NASDAQ.
ARKW	ARK Web x.0 ETF	NYSE Arca.
STPZ	PIMCO 1–5 Year U.S. TIPS Index Exchange-Traded Fund	NYSE Arca.
SPSM	SPDR Portfolio Small Cap ETF	NYSE Arca.
IEO	iShares U.S. Oil & Gas Exploration & Production ETF	Cboe BZX.
SPHQ	PowerShares S&P 500 Quality Portfolio	NYSE Arca.
PNQI	PowerShares NASDAQ. Internet Portfolio	NASDAQ.
IWC	iShares Micro-Cap ETF	NYSE Arca.
VIOO	Vanguard S&P Small-Cap 600 ETF	NYSE Arca.
RYH	Guggenheim S&P Equal Weight Health Care ETF	NYSE Arca.
SGOL	ETFS Physical Swiss Gold Shares	NYSE Arca.
REMX	VanEck Vectors Rare Earth/Strategic Metals ETF	NYSE Arca.
REET	iShares Global REIT ETF	NYSE Arca.
VONV	Vanguard Russell 1000 Value	NASDAQ.
IHF	iShares U.S. Healthcare Providers ETF	NYSE Arca.
BSCI	Guggenheim BulletShares 2018 Corporate Bond ETF	NYSE Arca.
MGV	Vanguard Mega Cap Value ETF	NYSE Arca.
BSJJ	Guggenheim BulletShares 2019 High Yield Corporate Bond ETF	NYSE Arca.
BBH	VanEck Vectors Biotech ETF	NASDAQ.
IGE	iShares North American Natural Resources ETF	Cboe BZX.
BSJK	Guggenheim BulletShares 2020 High Yield Corporate Bond ETF	NYSE Arca.
PDP	PowerShares DWA Momentum Portfolio	NASDAQ.
FXA	CurrencyShares Australian Dollar Trust	NYSE Arca.
BSJI	Guggenheim BulletShares 2018 High Yield Corporate Bond ETF	NYSE Arca.
RFDI	First Trust RiverFront Dynamic Developed International ETF	NASDAQ.
CORP	PIMCO Investment Grade Corporate Bond Index Exchange-Traded Fund	NYSE Arca.
FPX	First Trust US IPO Index Fund	NYSE Arca.
GEM	Goldman Sachs ActiveBeta Emerging Markets Equity ETF	NYSE Arca.
PWV	PowerShares Dynamic Large Cap Value Portfolio	NYSE Arca.
BSCK	Guggenheim BulletShares 2020 Corporate Bond ETF	NYSE Arca.
TDTT	FlexShares iBoxx 3-Year Target Duration TIPS Index Fund	NYSE Arca.
AMU	ETRACS Alerian MLP Index ETN	NYSE Arca.
IXG	iShares Global Financials ETF	NYSE Arca.
FXD	First Trust Consumer Discretionary AlphaDEX Fund	NYSE Arca.
DLN	WisdomTree U.S. LargeCap Dividend Fund	NYSE Arca.
ILTB	iShares Core Long-Term USD Bond ETF	NYSE Arca.
FREL	Fidelity MSCI Real Estate Index ETF	NYSE Arca.
SCJ	iShares MSCI Japan Small-Cap ETF	NYSE Arca.
SPMD	SPDR S&P 1000 ETF	NYSE Arca.
GSG	iShares S&P GSCI Commodity-Indexed Trust	NYSE Arca.
FENY	Fidelity MSCI Energy Index ETF	NYSE Arca.
BSCJ	Guggenheim BulletShares 2019 Corporate Bond ETF	NYSE Arca.
FXG	First Trust Consumer Staples AlphaDEX Fund	NYSE Arca.
BAB	PowerShares Taxable Municipal Bond Portfolio	NYSE Arca.
QAI	IQ Hedge Multi-Strategy Tracker ETF	NYSE Arca.
SPYV	SPDR Portfolio S&P 500 Value ETF	NYSE Arca.
PPH	VanEck Vectors Pharmaceutical ETF	NASDAQ.
SMIN	iShares MSCI India Small-Cap ETF	Cboe BZX.
DBB	PowerShares DB Base Metals Fund	NYSE Arca.
TOK	iShares MSCI Kokusai ETF	NYSE Arca.
SECT	Main Sector Rotation ETF	Cboe BZX.
FCG	First Trust Natural Gas ETF	NYSE Arca.
IVOG	Vanguard S&P Mid-Cap 400 Growth ETF	NYSE Arca.
EXI	iShares Global Industrials ETF	NYSE Arca.
EWO	iShares MSCI Austria Capped ETF	NYSE Arca.
SGG	iPath Bloomberg Sugar Subindex Total Return ETN	NYSE Arca.
IDLV	PowerShares S&P International Developed Low Volatility Portfolio	NYSE Arca.
SIZE	iShares Edge MSCI USA Size Factor ETF	NYSE Arca.
FTA	First Trust Large Cap Value AlphaDEX Fund	NASDAQ.
FLEE	Franklin FTSE Europe ETF	NYSE Arca.
PJP	PowerShares Dynamic Pharmaceuticals Portfolio	NYSE Arca.
ECON	EGShares Emerging Markets Consumer ETF	NYSE Arca.
FEM	First Trust Emerging Markets AlphaDEX Fund	NASDAQ.
HFXI	IQ 50 Percent Hedged FTSE International ETF	NYSE Arca.
EBND	SPDR Bloomberg Barclays Emerging Markets Local Bond ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
INTF	iShares Edge MSCI Multifactor Intl ETF	NYSE Arca.
EUM	ProShares Short MSCI Emerging Markets	NYSE Arca.
IFV	First Trust Dorsey Wright International Focus 5 ETF	NASDAQ.
LEMB	iShares J.P. Morgan EM Local Currency Bond ETF	NYSE Arca.
IPE	SPDR Bloomberg Barclays TIPS ETF	NYSE Arca.
BSCL	Guggenheim BulletShares 2021 Corporate Bond ETF	NYSE Arca.
AOK	iShares Core Conservative Allocation Fund	NYSE Arca.
IHE	iShares U.S. Pharmaceuticals ETF	NYSE Arca.
FXZ	First Trust Materials AlphaDEX Fund	NYSE Arca.
IYY	iShares Dow Jones U.S. ETF	NYSE Arca.
PXF	PowerShares FTSE RAFI Developed Markets ex-U.S. Portfolio	NYSE Arca.
QDF	FlexShares Quality Dividend Index Fund	NYSE Arca.
HYEM	VanEck Vectors Emerging Markets High Yield Bond ETF	NYSE Arca.
AOA	iShares Core Aggressive Allocation Fund	NYSE Arca.
RYF	Guggenheim S&P Equal Weight Financial ETF	NYSE Arca.
PSLV	Sprott Physical Silver Trust	NYSE Arca.
FXN	First Trust Energy AlphaDEX Fund	NYSE Arca.
SPYD	SPDR Portfolio S&P 500 High Dividend ETF	NYSE Arca.
MOO	VanEck Vectors Agribusiness ETF	NYSE Arca.
ULVM	USAA MSCI USA Value Momentum Blend Index ETF	NYSE Arca.
PKW	PowerShares Buyback Achievers Portfolio	NASDAQ.
PWS	Pacer WealthShield ETF	Cboe BZX.
QQEW	First Trust NASDAQ.–100 Equal Weighted Index Fund	NASDAQ.
DHS	WisdomTree U.S. High Dividend Fund	NYSE Arca.
IVOO	Vanguard S&P Mid-Cap 400 ETF	NYSE Arca.
CMF	iShares California Muni Bond ETF	NYSE Arca.
IGHG	ProShares Investment Grade-Interest Rate Hedged ETF	Cboe BZX.
SPLB	SPDR Bloomberg Barclays Long Term Corporate Bond ET	NYSE Arca.
PID	PowerShares International Dividend Achievers Portfolio	NASDAQ.
VONE	Vanguard Russell 1000	NASDAQ.
IAGG	iShares International Aggregate Bond Fund	Cboe BZX.
EPU	iShares MSCI All Peru Capped ETF	NYSE Arca.
RWL	Oppenheimer Large Cap Revenue ETF	NYSE Arca.
RHS	Guggenheim S&P 500 Equal Weight Consumer Staples ETF	NYSE Arca.
USRT	iShares U.S. Core REIT ETF	NYSE Arca.
MGC	Vanguard Mega Cap 300 Index Fund	NYSE Arca.
PTLC	Pacer Trendpilot 750 ETF	Cboe BZX.
IQDF	FlexShares International Quality Dividend Index Fund	NYSE Arca.
EWX	SPDR S&P Emerging Markets Small Cap ETF	NYSE Arca.
JKD	iShares Morningstar Large-Cap ETF	NYSE Arca.
FXF	CurrencyShares Swiss Franc Trust	NYSE Arca.
PFXF	VanEck Vectors Preferred Securities ex Financials ETF	NYSE Arca.
LVHD	Legg Mason Low Volatility High Dividend ETF	NASDAQ.
KBWY	PowerShares KBW Premium Yield Equity REIT Portfolio	NASDAQ.
FEMS	First Trust Emerging Markets Small Cap AlphaDEX Fund	NASDAQ.
CFO	Victory CEMP US 500 Enhanced Volatility Wtd Index ETF	NASDAQ.
PSCT	PowerShares S&P SmallCap Information Technology Portfolio	NASDAQ.
NIB	iPath Bloomberg Cocoa Subindex Total Return ETN	NYSE Arca.
CSML	IQ Chaikin U.S. Small Cap ETF	NASDAQ.
BSCM	Guggenheim BulletShares 2022 Corporate Bond ETF	NYSE Arca.
IEZ	iShares U.S. Oil Equipment & Services ETF	NYSE Arca.
FUTY	Fidelity MSCI Utilities Index ETF	NYSE Arca.
FTCS	First Trust Capital Strength ETF	NASDAQ.
PALL	ETFS Physical Palladium Shares	NYSE Arca.
XLG	Guggenheim S&P 500® Top 50 ETF	NYSE Arca.
BSJL	Guggenheim BulletShares 2021 High Yield Corporate Bond ETF	NYSE Arca.
RDIV	Oppenheimer Ultra Dividend Revenue ETF	NYSE Arca.
CGW	Guggenheim S&P Global Water Index ETF	NYSE Arca.
BSCH	Guggenheim BulletShares 2017 Corporate Bond ETF	NYSE Arca.
FSTA	Fidelity MSCI Consumer Staples Index ETF	NYSE Arca.
FDD	First Trust STOXX European Select Dividend Income Fund	NYSE Arca.
PSP	PowerShares Global Listed Private Equity Portfolio	NYSE Arca.
FIDU	Fidelity MSCI Industrials Index ETF	NYSE Arca.
VNM	VanEck Vectors Vietnam ETF	NYSE Arca.
PSK	SPDR Wells Fargo Preferred Stock ETF	NYSE Arca.
MDIV	First Trust Multi-Asset Diversified Income Index Fund	NASDAQ.
ARGT	Global X MSCI Argentina ETF	NYSE Arca.
EEMA	iShares MSCI Emerging Markets Asia ETF	NASDAQ.
EZM	WisdomTree U.S. MidCap Earnings Fund	NYSE Arca.
IFGL	iShares International Developed Real Estate ETF	NASDAQ.
RWJ	Oppenheimer Small Cap Revenue ETF	NYSE Arca.

APPENDIX A—SCHEDULE 1—Continued

[As of January 2, 2018]

Ticker	ETP name	Exchange
TDTF	FlexShares iBoxx 5-Year Target Duration TIPS Index Fund	NYSE Arca.
PEY	PowerShares High Yield Equity Dividend Achievers Portfolio	NASDAQ.
ATMP	Barclays ETN+ Select MLP ETN	NYSE Arca.
PTH	PowerShares DWA Healthcare Momentum Portfolio	NASDAQ.
IOO	iShares Global 100 ETF	NYSE Arca.
GBF	iShares Government/Credit Bond ETF	NYSE Arca.
FTXO	First Trust Nasdaq Bank ETF	NASDAQ.
FIXD	First Trust TCW Opportunistic Fixed Income ETF	NASDAQ.
HEEM	iShares Currency Hedged MSCI Emerging Markets ETF	Cboe BZX.
PIN	PowerShares India Portfolio	NYSE Arca.
PCEF	PowerShares CEF Income Composite Portfolio	NYSE Arca.
CHIQ	Global X China Consumer ETF	NYSE Arca.
DWM	WisdomTree International Equity Fund	NYSE Arca.
CXSE	WisdomTree Trust WisdomTree China ex-State-Owned Enterprises Fund	NASDAQ.
VOOV	Vanguard S&P 500 Value ETF	NYSE Arca.
RYE	Guggenheim S&P 500 Equal Weight Energy ETF	NYSE Arca.
PKB	PowerShares Dynamic Building & Construction Portfolio	NYSE Arca.
GMF	SPDR S&P Emerging Asia Pacific ETF	NYSE Arca.
MNA	IQ Merger Arbitrage ETF	NYSE Arca.
FMAT	Fidelity MSCI Materials Index ETF	NYSE Arca.
OUSA	O'Shares FTSE U.S. Quality Dividend ETF	NYSE Arca.
RZV	Guggenheim S&P Smallcap 600 Pure Value ETF	NYSE Arca.
IBDM	iShares iBonds Dec 2021 Term Corporate ETF	NYSE Arca.
FLTR	VanEck Vectors Investment Grade Floating Rate ETF	NYSE Arca.
BNO	United States Brent Oil Fund, LP	NYSE Arca.
QABA	First Trust NASDAQ. ABA Community Bank Index Fund	NASDAQ.
FDIS	Fidelity MSCI Consumer Discretionary Index ETF	NYSE Arca.
SLY	SPDR S&P 600 Small Cap ETF	NYSE Arca.
CDC	Victory CEMP US EQ Income Enhanced Volatility Wtd Index ETF	NASDAQ.
FYX	First Trust Small Cap Core AlphaDEX Fund	NASDAQ.
SUSA	iShares MSCI USA ESG Select ETF	NYSE Arca.
REZ	iShares Residential Real Estate Capped ETF	NYSE Arca.
IBDL	iShares iBonds Dec 2020 Term Corporate ETF	NYSE Arca.
BSJH	Guggenheim BulletShares 2017 High Yield Corporate Bond ETF	NYSE Arca.
UIVM	USAA MSCI International Value Momentum Blend Index ETF	NYSE Arca.
GSIE	Goldman Sachs ActiveBeta International Equity ETF	NYSE Arca.
AGGY	WisdomTree Barclays Yield Enhanced U.S. Aggregate Bond Fund	NYSE Arca.
JPUS	JPMorgan Diversified Return US Equity ETF	NYSE Arca.
RGI	Guggenheim S&P 500 Equal Weight Industrials ETF	NYSE Arca.
IHDG	WisdomTree International Hedged Quality Dividend Growth Fund	NYSE Arca.
URTH	iShares MSCI World ETF	NYSE Arca.
DGL	PowerShares DB Gold Fund	NYSE Arca.
CIBR	First Trust NASDAQ. Cybersecurity ETF	NASDAQ.
FMB	First Trust Managed Municipal ETF	NASDAQ.
FTC	First Trust Large Cap Growth AlphaDEX Fund	NASDAQ.
RDVY	First Trust NASDAQ. Rising Dividend Achievers ETF	NASDAQ.
KBA	KraneShares Bosera MSCI China A Share ETF	NYSE Arca.
DXJS	WisdomTree Japan Hedged SmallCap Equity Fund	NASDAQ.
TDIV	First Trust NASDAQ. Technology Dividend Index Fund	NASDAQ.
IXP	iShares Global Telecom ETF	NYSE Arca.
SLX	VanEck Vectors Steel ETF	NYSE Arca.

Appendix B—Data

Unless otherwise specified, the following data shall be collected and transmitted to the SEC in an agreed-upon format on a monthly basis, to be provided 30 calendar days following month end. Unless otherwise specified, the Primary Listing Exchanges shall be responsible for collecting and transmitting the data to the SEC. Data collected in connection with Sections II(E)—(G) below shall be transmitted to the SEC with a request for confidential treatment under the Freedom of Information Act. 5 U.S.C. 552, and the SEC's rules and regulations thereunder.

I. Summary Statistics

A. Frequency with which NMS Stocks enter a Limit State. Such summary data shall be broken down as follows:

1. Partition stocks by category
   a. Tier 1 non-ETP issues >$3.00
   b. Tier 1 non-ETP issues >= $0.75 and = $3.00
   c. Tier 1 non-ETP issues <$0.75
   d. Tier 1 non-leveraged ETPs in each of above categories
   e. Tier 1 leveraged ETPs in each of above categories
   f. Tier 2 non-ETPs in each of above categories
   g. Tier 2 non-leveraged ETPs in each of above categories
   h. Tier 2 leveraged ETPs in each of above categories
2. Partition by time of day
   a. Opening (prior to 9:45 a.m. ET)
   b. Regular (between 9:45 a.m. ET and 3:35 p.m. ET)
   c. Closing (after 3:35 p.m. ET)
   d. Within five minutes of a Trading Pause re-open or IPO open
3. Track reasons for entering a Limit State, such as:
   a. Liquidity gap—price reverts from a Limit State Quotation and returns to trading within the Price Bands
   b. Broken trades

c. Primary Listing Exchange manually declares a Trading Pause pursuant to Section (VII)(2) of the Plan
d. Other
B. Determine (1), (2) and (3) for when a Trading Pause has been declared for an NMS Stock pursuant to the Plan.

II. Raw Data *(All Participants, Except A–E, Which Are for the Primary Listing Exchanges Only)*

A. Record of every Straddle State
1. Ticker, date, time entered, time exited, flag for ending with Limit State, flag for ending with manual override.
2. Pipe delimited with field names as first record.
B. Record of every Price Band
1. Ticker, date, time at beginning of Price Band, Upper Price Band, Lower Price Band
2. Pipe delimited with field names as first record
C. Record of every Limit State
1. Ticker, date, time entered, time exited, flag for halt
2. Pipe delimited with field names as first record
D. Record of every Trading Pause or halt
1. Ticker, date, time entered, time exited, type of halt (*i.e.,* regulatory halt, non-regulatory halt, Trading Pause pursuant to the Plan, other)
2. Pipe delimited with field names as first record
E. Data set or orders entered into reopening auctions during halts or Trading Pauses
1. Arrivals, Changes, Cancels, # shares, limit/market, side, Limit State side
2. Pipe delimited with field name as first record
F. Data set of order events received during Limit States
G. Summary data on order flow of arrivals and cancellations for each 15-second period for discrete time periods and sample stocks to be determined by the SEC in subsequent data requests. Must indicate side(s) of Limit State.
1. Market/marketable sell orders arrivals and executions
a. Count
b. Shares
c. Shares executed
2. Market/marketable buy orders arrivals and executions
a. Count
b. Shares
c. Shares executed
3. Count arriving, volume arriving and shares executing in limit sell orders above NBBO mid-point
4. Count arriving, volume arriving and shares executing in limit sell orders at or below NBBO mid-point (non-marketable)
5. Count arriving, volume arriving and shares executing in limit buy orders at or above NBBO mid-point (non-marketable)
6. Count arriving, volume arriving and shares executing in limit buy orders below NBBO mid-point
7. Count and volume arriving of limit sell orders priced at or above NBBO mid-point plus $0.05
8. Count and volume arriving of limit buy orders priced at or below NBBO mid-point minus $0.05
9. Count and volume of (3–8) for cancels
10. Include: ticker, date, time at start, time of Limit State, all data item fields in 1, last sale prior to 15-second period (null if no trades today), range during 15-second period, last trade during 15-second period

III. On May 28, 2015, Participants Provided to the SEC a Supplemental Joint Assessment Relating to the Impact of the Plan and Calibration of the Percentage Parameters as Follows

A. Assess the statistical and economic impact on liquidity of approaching Price Bands.
B. Assess the statistical and economic impact of the Price Bands on erroneous trades.
C. Assess the statistical and economic impact of the appropriateness of the Percentage Parameters used for the Price Bands.
D. Assess whether the Limit State is the appropriate length to allow for liquidity replenishment when a Limit State is reached because of a temporary liquidity gap.
E. Evaluate concerns from the options markets regarding the statistical and economic impact of Limit States on liquidity and market quality in the options markets. (Participants that operate options exchange should also prepare such assessment reports.)
F. Assess whether the process for entering a Limit State should be adjusted and whether Straddle States are problematic.
G. Assess whether the process for exiting a Limit State should be adjusted.
H. Assess whether the Trading Pauses are too long or short and whether the reopening procedures should be adjusted.

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BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82883; File No. SR–LCH SA–2018–001]

Self-Regulatory Organizations; LCH SA; Order Granting Approval on an Accelerated Basis of Proposed Rule Change Relating to Self-Referencing Transactions

March 15, 2018.

I. Introduction

On January 31, 2018, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), 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–LCH SA–2018–001) to amend its CDS Clearing Supplement and its CDS Clearing Procedures in order to allow for the clearance and settlement of client transactions referencing the client's clearing broker, as well as to amend its Clearing Supplement to provide for the clearance of the Standard European Senior Non Preferred Financial Corporate Transaction type, and to make certain clarifying amendments.[3] The proposed rule change was published for comment in the **Federal Register** on February 15, 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 on an accelerated basis.

II. Description of the Proposed Rule Change

As currently constructed, LCH SA's rules prohibit certain ''self-referencing'' transactions. Specifically, LCH SA prohibits, in the case of a house transaction,[5] the clearing of single-name credit default swap (''SN CDS'') transactions where the reference entity underlying the SN CDS is the Clearing Member, or an affiliate of the Clearing Member, that is clearing the transaction. In the case of a client transaction, LCH SA currently prohibits clearing of a transaction in which the reference entity underlying the SN CDS is the client (or an affiliate of the client), or the clearing broker (or affiliate of the clearing broker) of the client that is clearing the CDS transaction.[6]

Under the proposed rule change, LCH SA would permit the clearing of client transactions where the reference entity underlying the SN CDS is the clearing broker, or an affiliate of the clearing broker, of the client clearing the transaction. Specifically, LCH SA would amend Section 4 of its CDS Clearing Procedures to revise the eligibility requirement for SN CDS to make a distinction between house and client self-referencing transactions in order to permit clients to clear CDS where the underlying reference entity is the client's clearing broker or an affiliate

[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 LCH SA Rules, CDS Clearing Supplement, or CDS Clearing Procedures.

[4] Securities Exchange Act Release No. 34–82675 (February 9, 2018), 83 FR 6915 (February 15, 2018) (SR–LCH SA–2018–001) (''Notice'').

[5] A house transaction is any Cleared Transaction registered in the House Trade Account of a Clearing Member. A House Trade Account, in turn, is an account opened by LCH SA at the request and in the name of a Clearing Member within the Account Structure of the Clearing Member in the CDS Clearing System in order to register Cleared Transactions cleared by such Clearing Member for its own account. *See* Section 1.1.1, Terms defined in the CDS Clearing Rule Book, LCH SA CDS Clearing Rule Book, 4 January 2018.

[6] Notice, 83 FR at 6915.

thereof.[7] House transactions where the underlying reference entity is the Clearing Member clearing the transaction would remain prohibited. In addition, client transactions where the underlying entity is the client clearing the transaction (or an affiliate of the client) will continue to be prohibited.[8]

LCH SA also proposed to amend provisions in its Clearing Supplement that address self-referencing transactions to provide that a clearing broker would not be required to notify LCH SA when a client transaction occurs where the underlying reference entity is the clearing broker of the client clearing the transaction, but would continue to be required to notify LCH SA when a client transaction occurs where the underlying reference entity is the client that is clearing the transaction.[9]

In addition to the changes regarding self-referencing transactions described above, LCH SA proposed amendments to the CDS Clearing Supplement to add (i) a reference to the Standard European Senior Non Preferred Corporate transaction type, (ii) to add a missing reference to the Standard European Financial Corporate transaction type, and (iii) to make certain clarifying edits regarding the underlying index transaction of a cleared index swaption transaction.[10] LCH SA stated that no changes would need to be made to its risk methodology in connection with the addition of a reference to the Standard European Senior Non Preferred Corporate transaction type, as the risks specific to this transaction type would be captured by the framework developed for HoldCo entities that LCH SA previously implemented.[11]

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.[12] For the reasons given below, the Commission finds that the proposal is consistent 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.[13] For the reasons stated below, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.

The Commission has reviewed the terms and conditions of the contracts that LCH SA intends to clear pursuant to the proposed rule change and has determined that they are substantially similar to other contracts currently cleared by LCH SA, the key difference being, with respect to the Standard European Senior Non Preferred Corporate transaction type, that the reference obligation underlying such contracts represent a new debt class. In the case of the client ''self-referencing'' transactions, the key difference will be that the underlying reference entity will be the clearing broker, or an affiliate of the clearing broker, of the client clearing the transaction.

Based on a review of the Notice, LCH SA's Clearing Procedures and Clearing Supplement, the Commission believes that LCH SA's existing clearing arrangements and related financial safeguards, protections and risk management procedures will apply to these new transaction types on a substantially similar basis as other contracts currently cleared by LCH SA. In addition, the Commission believes that, as a result of accepting client transactions where the underlying reference entity is the clearing broker (or affiliate of the clearing broker) of the client, such transactions, which are currently executed in the bilateral market and uncleared, will now be eligible to be cleared and benefit from the operational efficiencies and risk management protections available in connection with central clearing.

Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the act regarding the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, 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.

Section 19(b)(2)(C)(iii) of the Act allows the Commission to approve a proposed rule change earlier than 30 days after the date of publication of the notice of the proposed rule change where the Commission finds good cause for so doing and publishes the reason for the finding.[14] The Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act, for approving the proposed rule change on an accelerated basis prior to the 30th day after the date of publication of the notice in the **Federal Register** in order to facilitate the clearing of the Standard European Senior Non-Preferred Financial Corporate transaction type, which the Commission understands market participants will commence trading beginning on March 20, 2018[15] and which are tied to European capital and resolution regulations.

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[16] and the applicable rules and regulations thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act[17] that the proposed rule change (SR–LCH SA–2018–001) be, and hereby is, approved on an accelerated basis.[18]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05648 Filed 3–20–18; 8:45 am]

BILLING CODE 8011–01–P

[7] *Id.*

[8] *Id.*

[9] *Id.* at 6915–16.

[10] *Id.* at 6916.

[11] *Id.*

[12] 15 U.S.C. 78s(b)(2)(C).

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78s(b)(2)(C)(iii).

[15] *See* IHS Markit iTraxx Europe Rule Announcement, February 6, 2018 (stating that for iTraxx Europe Series 29, for French bank OpCos that qualify for inclusion in the index, the senior non-preferred reference obligations will be selected if available).

[16] 15 U.S.C. 78q–1.

[17] 15 U.S.C. 78s(b)(2).

[18] 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).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82881; File No. SR–CboeBZX–2018–019]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List on the Exchange Eighteen ADRPLUS Funds of the Precidian ETFs Trust Under Rule 14.11(i), Managed Fund Shares

March 15, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to list on the Exchange eighteen ADRPLUS Funds of the Precidian ETFs Trust (the ''Trust''), under Rule 14.11(i) (''Managed Fund Shares'').

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of eighteen different series of the Trust under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares.[3] Specifically, the Exchange is proposing to list shares of Anheuser-Busch InBev SA/NV ADRPLUS Fund, AstraZeneca PLC ADRPLUS Fund, Banco Santander, S.A. ADRPLUS Fund, BP P.L.C. ADRPLUS Fund, British American Tobacco p.l.c. ADRPLUS Fund, Diageo plc ADRPLUS Fund, GlaxoSmithKline plc ADRPLUS Fund, HSBC Holdings Plc ADRPLUS Fund, Mitsubishi UFJ Financial Group, Inc. ADRPLUS Fund, Novartis AG ADRPLUS Fund, Novo Nordisk A/S (B Shares) ADRPLUS Fund, Royal Dutch Shell plc (Class A) ADRPLUS Fund, Royal Dutch Shell plc (Class B) ADRPLUS Fund, Sanofi ADRPLUS Fund, SAP AG ADRPLUS Fund, Total S.A. ADRPLUS Fund, Toyota Motor Corporation ADRPLUS Fund, and Vodafone Group Plc ADRPLUS Fund. The Funds are a series of, and the Shares will be offered by, the Trust, which was organized as a Delaware statutory trust on August 27, 2010. Precidian Funds LLC (the ''Advisor'') will serve as the investment adviser to the Funds. The Trust is registered with the Commission as an open-end management investment company and has filed a registration statement on behalf of the Funds on Form N–1A (''Registration Statement'') with the Commission.[4]

Exchange Rule 14.11(i)(7) provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[5] In addition, Exchange Rule 14.11(i)(7) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable investment company portfolio. Exchange Rule 14.11(i)(7) is similar to Exchange Rule 14.11(b)(5)(A)(i) (which applies to index-based funds); however, Exchange Rule 14.11(i)(7) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a registered broker-dealer and is not affiliated with a broker-dealer. In addition, Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio. In the event that (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The Funds do not intend to qualify each year as a regulated investment company under Subchapter M of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission originally approved Exchange Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) and subsequently approved generic listing standards for Managed Fund Shares under Exchange Rule 14.11(i)(4)(C) in Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100) (''Generic Listing Rules'').

[4] *See* Registration Statement on Form N–1A for the Trust, filed with the Commission on June 14, 2017 (File Nos. 333–171987 and 811–22524). The descriptions of the Funds and the Shares contained herein are based, in part, on information in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Adviser and open-end management companies advised by the Adviser under the Investment Company Act of 1940 (15 U.S.C. 80a–1). *See* Investment Company Act Release No. 32622 (May 2, 2017) (File No. 812–14584).

[5] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

Internal Revenue Code of 1986, as amended, but rather as a grantor trust.

The Exchange submits this proposal in order to allow the Funds to hold U.S. Component Stocks [6] and listed and/or OTC derivatives in a manner that does not comply with Exchange Rules 14.11(i)(4)(C)(i)(3)–(4) [sic],[7] 14.11(i)(4)(C)(iv)(b),[8] and 14.11(i)(4)(C)(v),[9] respectively. Otherwise, the Funds will comply with all other listing requirements on an initial and continued listing basis under Exchange Rule 14.11(i) for Managed Fund Shares.

ADRPLUS Funds

Each Fund seeks to provide investment results that correspond generally, before fees and expenses, to the price and yield performance of a particular American Depositary Receipt, hedged against fluctuations in the exchange rate between the U.S. dollar and the local currency of the foreign security underlying the American Depositary Receipt (''Local Currency''). For example, the Anheuser-Busch InBev SA/NV ADRPLUS Fund seeks to provide investment results that correspond generally, before fees and expenses, to the price and yield performance of Anheuser-Busch InBev SA/NV (ADR), hedged against fluctuations in the exchange rate between the U.S. dollar and the euro. The following chart includes the underlying company and the Local Currency for each of the Funds.

Fund name	Underlying company	Local currency
Anheuser-Busch InBev SA/NV ADRPLUS Fund	Anheuser-Busch InBev SA/NV	Euro.
AstraZeneca PLC ADRPLUS Fund	AstraZeneca PLC	British pound.
Banco Santander, S.A. ADRPLUS Fund	Banco Santander, S.A.	Euro.
BP P.L.C. ADRPLUS Fund	BP p.l.c.	British pound
British American Tobacco p.l.c. ADRPLUS Fund	British American Tobacco p.l.c.	British pound.
Diageo plc ADRPLUS Fund	Diageo plc	British pound.
GlaxoSmithKline plc ADRPLUS Fund	GlaxoSmithKline plc	British pound.
HSBC Holdings Plc ADRPLUS Fund	HSBC Holdings Plc	British pound.
Mitsubishi UFJ Financial Group, Inc. ADRPLUS Fund	Mitsubishi UFJ Financial Group, Inc.	Japanese yen
Novartis AG ADRPLUS Fund	Novartis AG	Swiss franc.
Novo Nordisk A/S (B Shares) ADRPLUS Fund	Novo Nordisk A/S (B Shares)	Danish krone.
Royal Dutch Shell plc (Class A) ADRPLUS Fund	Royal Dutch Shell plc (Class A)	Euro.
Royal Dutch Shell plc (Class B) ADRPLUS Fund	Royal Dutch Shell plc (Class B)	British pound.
Sanofi ADRPLUS Fund	Sanofi	Euro.
SAP AG ADRPLUS Fund	SAP AG	Euro.
Total S.A. ADRPLUS Fund	Total S.A.	Euro.
Toyota Motor Corporation ADRPLUS Fund	Toyota Motor Corporation	Japanese yen.
Vodafone Group Plc ADRPLUS Fund	Vodafone Group Plc	British pound.

Each of the Funds will hold only: (i) Shares of an American Depositary Receipt (an ''Unhedged ADR'') listed on a national securities exchange; (ii) listed and/or OTC derivatives that hedge against fluctuations in the exchange rate (the ''Exchange Rate'') between the U.S. dollar and the Local Currency (the ''Currency Hedge''); and (iii) cash and cash equivalents.[10]

The Funds will provide investors with the opportunity to easily eliminate currency exposure that they may not even realize exists with Unhedged ADRs without having to transact in the currency derivatives market. The Exchange believes that this confers a significant benefit to investors and the broader marketplace by adding transparency and simplifying the process of eliminating risk from an investor's portfolio. As further described below in the section entitled Policy Discussion, the Exchange believes that the policy concerns underlying the listing rules which the Funds would not meet, specifically Rules 14.11(i)(4)(C)(i)(3)–(4) [sic],[11] 14.11(i)(4)(C)(iv)(b),[12] and 14.11(i)(4)(C)(v),[13] are mitigated by the structure, holdings, and purpose of the Funds and, as such, this proposal to list and trade the ADRPLUS Funds should be approved.

The Trust is required to comply with Rule 10A–3 under the Act [14] for the initial and continued listing of the Shares of each Fund. In addition, the Exchange represents that the Shares of each Fund will meet and be subject to all other requirements of the Generic Listing Rules, as defined below, and

[6] As defined in Rule 14.11(c)(1)(D), the term ''U.S. Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act, or an American Depository Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[7] In particular, the Funds will not meet: (i) The requirement under Exchange Rule 14.11(i)(4)(C)(i)(3) [sic] that the most heavily weighted component stock shall not exceed 30% of the equity weight of the portfolio; and (ii) the requirement under Exchange Rule 14.11(i)(4)(C)(i)(4) [sic] that the equity portion of the portfolio shall include a minimum of 13 component stocks.

[8] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(iv)(b) that the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[9] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(v) that the aggregate gross notional value of OTC derivatives shall not exceed 20% of the weight of the portfolio (including gross notional exposures).

[10] As defined in Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[11] In particular, the Funds will not meet: (i) The requirement under Exchange Rule 14.11(i)(4)(C)(i)(3) [sic] that the most heavily weighted component stock shall not exceed 30% of the equity weight of the portfolio; and (ii) the requirement under Exchange Rule 14.11(i)(4)(C)(i)(4) [sic] that the equity portion of the portfolio shall include a minimum of 13 component stocks.

[12] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(iv)(b) that the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[13] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(v) that the aggregate gross notional value of OTC derivatives shall not exceed 20% of the weight of the portfolio (including gross notional exposures).

[14] 17 CFR 240.10A–3.

other applicable continued listing requirements for Managed Fund Shares under Exchange Rule 14.11(i), including those requirements regarding the Disclosed Portfolio (as defined in the Exchange rules) and the requirement that the Disclosed Portfolio and the net asset value (''NAV'') will be made available to all market participants at the same time,[15] intraday indicative value,[16] suspension of trading or removal,[17] trading halts,[18] disclosure,[19] and firewalls.[20] Further, at least 100,000 Shares of each Fund will be outstanding upon the commencement of trading.[21] All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference assets and intraday indicative values, and the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Funds. The Trust, on behalf of the Funds, has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

Policy Discussion

The generic listing standards for listing Managed Fund Shares pursuant to Rule 19b–4(e) (the ''Generic Listing Standards''), as approved by the Commission,[22] are designed to ensure that the holdings of the portfolio of a series of Managed Fund Shares listed pursuant to 19b–4(e) are sufficiently liquid, diverse, and non-concentrated as to mitigate the policy concerns regarding the manipulability and liquidity for the creation and redemption mechanism associated with that series of Managed Fund Shares. As described above, the Funds do not meet the Generic Listing Standards.

The Exchange believes that, while the Funds would not meet the Generic Listing Standards, in particular Rules 14.11(i)(4)(C)(i)(a)(3) and (4), 14.11(i)(4)(C)(iv)(b), and 14.11(i)(4)(C)(v), the policy issues that those rules are intended to address are otherwise mitigated by the structure, holdings, and purpose of the Funds. Rule 14.11(i)(4)(C)(i)(a)(3) is intended to ensure that no single equity security constitutes too concentrated of a position in a series of Managed Fund Shares and Rule 14.11(i)(4)(C)(i)(a)(4) is similarly intended to diversify the holdings of a series of Managed Fund Shares. The Exchange believes that these policy concerns are mitigated as it relates to the Funds because: (i) The Unhedged ADR will meet the market cap and liquidity requirements of Rules 14.11(i)(4)(C)(i)(a)(1) and (2); and (ii) the intended function of the Funds is to eliminate currency exposure risk for a single security, which means that the Funds are necessarily concentrated. As described above, the creation and redemption mechanism will provide a near frictionless arbitrage opportunity that would minimize the risk of manipulation of either the Unhedged ADR or the applicable Fund and, thus, mitigate the manipulation concerns that Rule 14.11(i)(4)(C)(i)(a)(3) and (4) were intended to address.

The Exchange also believes that the policy issues that Rules 14.11(i)(4)(C)(iv)(b) and 14.11(i)(4)(C)(v) are intended to address are also mitigated by the way that the Funds would use derivatives, whether listed or OTC. Such rules are intended to mitigate concerns around the manipulability of a particular underlying reference asset or derivatives contract and, for OTC derivatives, to minimize counterparty risk. While the Currency Hedge positions taken by the Currency Hedged ADRs would not meet the Generic Listing Standards, the policy concerns that the Generic Listing Standards are intended to address are otherwise mitigated by the liquidity in the underlying spot currency market that prevents manipulation of the reference prices used by the Currency Hedge. The Funds will attempt to limit counterparty risk in OTC derivatives by: (i) Entering into such contracts only with counterparties the Advisor believes are creditworthy; (ii) limiting a Fund's exposure to each counterparty; and (iii) monitoring the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis. The Exchange also believes that the counterparty risk associated with OTC derivatives is further mitigated because the currency swaps are settled on a daily basis and, thus, the counterparty risk for any particular swap is limited in two ways—first that the counterparty credit exposure is always limited to a 24 hour period and second that the exposure of the swap is only to the movement in the currencies over that same 24 hour period.

Availability of Information

As noted above, the Funds will each comply with the requirements for Managed Fund Shares related to Disclosed Portfolio, Net Asset Value, and the Intraday Indicative Value. Additionally, the intra-day, closing and settlement prices of exchange-traded portfolio assets, including Unhedged ADRs and listed derivatives, will be readily available from the securities exchanges, futures exchanges, and swap execution facilities trading such securities and futures, as the case may be, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Intraday price quotations on both listed and OTC swaps are available from major broker-dealer firms and from third-parties, which may provide prices free with a time delay or in real-time for a paid fee. Price information for cash equivalents will be available from major market data vendors. Each Fund's Disclosed Portfolio will be available on the issuer's website free of charge. Each Fund's website will include the prospectus for the applicable Fund and additional information related to NAV and other applicable quantitative information. Information regarding market price and trading volume of the Shares will be continuously available throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume for the Shares will be published daily in the financial section of newspapers. Trading in the Shares may be halted for market conditions or for reasons that, in the view of the Exchange, make trading inadvisable. The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. The Exchange has appropriate rules to facilitate trading in the shares during all trading sessions.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Funds on the Exchange during all

[15] *See* Exchange Rules 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[16] *See* Exchange Rule 14.11(i)(4)(B)(i).

[17] *See* Exchange Rule 14.11(i)(4)(B)(iii).

[18] *See* Exchange Rule 14.11(i)(4)(B)(iv). The Exchange will also halt trading in a Fund where there has been a regulatory trading halt declared in the associated Unhedged ADR until trading in the Unhedged ADR resumes.

[19] *See* Exchange Rule 14.11(i)(6).

[20] *See* Exchange Rule 14.11(i)(7).

[21] *See* Exchange Rule 14.11(i)(4)(A)(i).

[22] *See supra* note 3.

trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Funds through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting proceedings under Rule 14.12. The Exchange will also consider the suspension of trading and commence delisting proceedings pursuant to Rule 14.12 for a Fund if the Unhedged ADR held by the Fund has been suspended from trading or delisted by the Unhedged ADR's listing exchange. As described above, all Unhedged ADRs will be listed on a U.S. national securities exchange, all of which are members of the Intermarket Surveillance Group (''ISG'') or are exchanges with which the Exchange has in place a comprehensive surveillance sharing agreement.[23] The Exchange may obtain information regarding trading in the Funds, Unhedged ADRs, and listed derivative instruments held by each Fund via the ISG, from other exchanges that are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

Creation and Redemption Process

The Funds will create and redeem shares in large blocks of a specified number of shares or multiples thereof (''Creation Units'') in transactions with Authorized Participants[24] that have entered into agreements with the distributor for each Fund, Foreside Fund Services, LLC (the ''Distributor''). The Exchange expects that a Creation Unit for a Fund will consist of 25,000 or more shares. The Trust will issue and sell shares of each Fund in Creation Units on a continuous basis through the Distributor or the Distributor's agent, without a sales load, at a price based on the Fund's net asset value (''NAV'') per Share next determined after receipt of the purchase or redemption order, on any day that the Exchange is open for trading (a ''Business Day''). Explained simply, for a creation, an Authorized Participant will be required to deliver the Unhedged ADRs in an amount equal to that day's NAV (the ''Deposit Assets'') plus a cash amount representing the value of fractional shares (the ''Cash Component'' and, collectively with the Deposit Assets, the ''Fund Deposit''); and for a redemption, the Trust will deliver Unhedged ADRs to the Authorized Participant equal to the value of that day's NAV plus the Cash Component (the ''Redemption Basket'').

To initiate an order for a Creation Unit, an Authorized Participant must submit to the Distributor or its agent an irrevocable order to purchase Shares, in proper form, generally before 4:00 p.m., Eastern Time, on any Business Day to receive that day's NAV. On days when the Exchange closes earlier than normal, a Fund may require orders to be placed earlier in the day. The consideration for a purchase of a Creation Unit of a Fund generally will consist only of the Deposit Assets and the Cash Component.

A portfolio composition file, to be sent via the National Securities Clearing Corporation (''NSCC''), will be made available on each Business Day, prior to the opening of business of the Exchange (currently 9:30 a.m., Eastern Time) which includes the required number of shares of the Deposit Assets and Cash Component to be included in the current Fund Deposit (based on information at the end of the previous Business Day). Such Fund Deposit is applicable, subject to any adjustments,[25] to purchases of Creation Units of Shares of the applicable Fund until such time as the next-announced Fund Deposit composition is made available.

An order to redeem Creation Units of a Fund is deemed received by the Distributor on the transmittal date if (i) such order is received not later than 4:00 p.m. Eastern Time on such transmittal date; (ii) such order is preceded or accompanied by the requisite amount of Shares based on the Creation Units specified in such order, which delivery must be made through DTC to the Distributor by a specified time on such transmittal date (the ''DTC Cut-Off Time''); and (iii) all other procedures set forth in the Participant Agreement are properly followed.

Each Fund's custodian will make available through the NSCC, prior to the opening of business on the Exchange on each Business Day, the Redemption Basket (subject to possible amendment or correction) that will be applicable to redemption requests received in proper form on that day. Orders to redeem Creation Units of a Fund must be delivered through a DTC Participant that has executed the Participant Agreement with the Distributor. A DTC Participant who wishes to place an order for redemption of Creation Units of a Fund to be effected need not be a Participating Party, but such orders must state that redemption of Creation Units of the Fund will instead be effected through transfer of Creation Units of the Fund directly through DTC. An order to redeem Creation Units of a Fund is deemed received by the Distributor on the transmittal date if (i) such order is received not later than 4:00 p.m. Eastern Time on such transmittal date; (ii) such order is preceded or accompanied by the requisite number of Shares of Creation Units specified in such order, which delivery must be made through DTC to the Distributor no later than the DTC Cut-Off Time on such transmittal date; and (iii) all other procedures set forth in the Participant Agreement are properly followed.

After the Distributor has deemed an order for redemption received, the Distributor will initiate procedures to transfer the requisite Fund Securities which are expected to be delivered within two Business Days and the Cash Amount to the redeeming beneficial owner by the second Business Day following the transmittal date on which such redemption order is deemed received.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually

[23] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[24] For purposes of this proposal, the term ''Authorized Participant'' is either (1) a ''Participating Party,'' (*i.e.,* a broker-dealer or other participant in the clearing process of the Continuous Net Settlement System of the NSCC) (''Clearing Process''); or (2) a participant of the Depository Trust Company (the ''DTC'') (a ''DTC Participant'').

[25] The Funds may permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component in the event that the Deposit Asset is not available in sufficient quantity for delivery. The Funds also reserve the right to permit or require a ''cash in lieu'' amount in certain circumstances, including circumstances in which the delivery of the Deposit Asset by the Authorized Participant would be restricted under applicable securities or other local laws or in certain other situations, such as if the Authorized Participant is not able to trade due to a trading restriction. The Funds also reserve the right to permit or require Creation Units to be issued solely in exchange for cash.

redeemable); (2) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Opening [26] and After Hours Trading Sessions [27] when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Funds. Members purchasing Shares from a Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act. The Information Circular will also reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares and the applicable NAV calculation time for the Shares. The Information Circular will disclose that information about the Shares will be publicly available on each Fund's website.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [28] in general and Section 6(b)(5) of the Act [29] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest given that the Shares will meet each of the initial and continued listing criteria in Exchange Rule 14.11(i) with the exception of Exchange Rules 14.11(i)(4)(C)(i)(3)–(4)[sic],[30] 14.11(i)(4)(C)(iv)(b),[31] and 14.11(i)(4)(C)(v).[32] The Generic Listing Standards are designed to ensure that the holdings of the portfolio of a series of Managed Fund Shares listed pursuant to 19b–4(e) are sufficiently liquid, diverse, and non-concentrated as to mitigate the policy concerns regarding the manipulability and liquidity for the creation and redemption mechanism associated with that series of Managed Fund Shares. As described above, the Funds do not meet the Generic Listing Standards.

The Exchange believes that, while the Funds would not meet the Generic Listing Standards, in particular Rules 14.11(i)(4)(C)(i)(a)(3) and (4), 14.11(i)(4)(C)(iv)(b), and 14.11(i)(4)(C)(v), the policy issues that those rules are intended to address are otherwise mitigated by the structure, holdings, and purpose of the Funds. Rule 14.11(i)(4)(C)(i)(a)(3) is intended to ensure that no single equity security constitutes too concentrated of a position in a series of Managed Fund Shares and Rule 14.11(i)(4)(C)(i)(a)(4) is similarly intended to diversify the holdings of a series of Managed Fund Shares. The Exchange believes that these policy concerns are mitigated as it relates to the Funds because: (i) The Unhedged ADR will meet the market cap and liquidity requirements of Rules 14.11(i)(4)(C)(i)(a)(1) and (2); and (ii) the intended function of the Funds is to eliminate currency exposure risk for a single security, which means that the Funds are necessarily concentrated. As described above, the creation and redemption mechanism will provide a near frictionless arbitrage opportunity that would minimize the risk of manipulation of either the Unhedged ADR or the applicable Fund and, thus, mitigate the manipulation concerns that Rule 14.11(i)(4)(C)(i)(a)(3) and (4) were intended to address.

The Exchange also believes that the policy issues that Rules 14.11(i)(4)(C)(iv)(b) and 14.11(i)(4)(C)(v) are intended to address are also mitigated by the way that the Funds would use derivatives, whether listed or OTC. Such rules are intended to mitigate concerns around the manipulability of a particular underlying reference asset or derivatives contract and, for OTC derivatives, to minimize counterparty risk. While the Currency Hedge positions taken by the Currency Hedged ADRs would not meet the Generic Listing Standards, the policy concerns that the Generic Listing Standards are intended to address are otherwise mitigated by the liquidity in the underlying spot currency market that prevents manipulation of the reference prices used by the Currency Hedge. The Funds will attempt to limit counterparty risk in OTC derivatives by: (i) Entering into such contracts only with counterparties the Advisor believes are creditworthy; (ii) limiting a Fund's exposure to each counterparty; and (iii) monitoring the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis. The Exchange also believes that the counterparty risk associated with OTC derivatives is further mitigated because the currency swaps are settled on a daily basis and, thus, the counterparty risk for any particular swap is limited in two ways—first that the counterparty credit exposure is always limited to a 24 hour period and second that the exposure of the swap is only to the movement in the currencies over that same 24 hour period.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Funds on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Funds through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares. All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference assets and intraday indicative values, and the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Funds. The Trust, on behalf of the Funds, has represented to the Exchange that it will advise the Exchange of any failure by a Fund or the Shares to comply with the continued

[26] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[27] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

[28] 15 U.S.C. 78f.

[29] 15 U.S.C. 78f(b)(5).

[30] In particular, the Funds will not meet: (i) The requirement under Exchange Rule 14.11(i)(4)(C)(i)(3) [sic] that the most heavily weighted component stock shall not exceed 30% of the equity weight of the portfolio; and (ii) the requirement under Exchange Rule 14.11(i)(4)(C)(i)(4) [sic] that the equity portion of the portfolio shall include a minimum of 13 component stocks.

[31] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(iv)(b) that the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[32] In particular, the Funds may not meet the requirement under Exchange Rule 14.11(i)(4)(C)(v) that the aggregate gross notional value of OTC derivatives shall not exceed 20% of the weight of the portfolio (including gross notional exposures).

listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

The Exchange will also consider the suspension of trading and commence delisting proceedings pursuant to Rule 14.12 for a Fund if the Unhedged ADR held by the Fund has been suspended from trading or delisted by the Unhedged ADR's listing exchange. As described above, all Unhedged ADRs will be listed on a U.S. national securities exchange, all of which are members of ISG or are exchanges with which the Exchange has in place a comprehensive surveillance sharing agreement.[33] The Exchange may obtain information regarding trading in the Funds, Unhedged ADRs, and listed derivative instruments held by each Fund via the ISG, from other exchanges that are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. At least 100,000 Shares of each Fund will be outstanding upon the commencement of trading.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of Managed Fund Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[33] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–019 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 No. SR-CboeBZX–2018–019. 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 will also 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 No. SR–CboeBZX–2018–019 and should be submitted on or before April 11, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05647 Filed 3–20–18; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15322 and #15323; Puerto Rico Disaster Number PR–00031]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA–4339–DR), dated 09/20/2017.

Incident: Hurricane Maria.

Incident Period: 09/17/2017 through 11/15/2017.

DATES: Issued on 03/14/2018.

Physical Loan Application Deadline Date: 06/18/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 06/20/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/20/2017, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 06/18/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–05634 Filed 3–20–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15298 and #15299; PUERTO RICO Disaster Number PR–00029]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA–4336–DR), dated 09/10/2017.

Incident: Hurricane Irma.

Incident Period: 09/05/2017 through 09/07/2017.

DATES: Issued on 03/14/2018.

Physical Loan Application Deadline Date: 06/18/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2018.

ADDRESS: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/10/2017, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 06/18/2018.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–05629 Filed 3–20–18; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2018–0008]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes an extension of an OMB-approved information collection, and revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*.

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2018–0008].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 21, 2018. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Application for Parent's Insurance Benefits—20 CFR 404.370–404.374 and 20 CFR 404.601–404.603—0960–0012. Section 202(h) of the Social Security Act (Act) establishes the conditions of eligibility a claimant must meet to receive monthly benefits as a parent of a deceased worker. SSA uses information from Form SSA–7–F6 to determine if the claimant meets the eligibility and application criteria. The respondents are applicants for, and recipients of, Social Security Old Age, Survivors, and Disability Insurance (OASDI).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Modernized Claims System (MCS)/Signature Proxy	164	1	15	41
Paper	4	1	15	1
Total	168			42

2. Request for Withdrawal of Application—20 CFR 404.640—0960–0015. Form SSA–521 documents the information SSA needs to process the withdrawal of an application for benefits. A paper SSA–521 is our preferred instrument for executing a withdrawal request; however, any written request for withdrawal the claimant signs, or proper applicant signs on the claimant's behalf, will suffice. Individuals who wish to withdraw their applications for benefits complete Form SSA–521, or sign the completed form for each request to withdraw. SSA uses the information from the SSA–521 to process the request for withdrawal. The respondents are applicants or claimants for Retirement, Survivors, Disability, and Health Insurance benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–521	31,827	1	5	2,652

3. Statement of Self-Employment Income—20 CFR 404.101, 404.110, 404.1096(a)(d)—0960–0046. To qualify for insured status, and collect Social Security benefits, self-employed individuals must demonstrate they earned the minimum amount of self-employment income (SEI) in a current year. SSA uses Form SSA–766, Statement of Self-Employment Income, to collect the information we need to determine if the individual earned at least the minimum amount of SEI needed for one or more quarters of coverage in the current year. Based on the information we obtain, we may credit additional quarters of coverage to give the individual insured status, expediting benefit payments. Respondents are self-employed individuals potentially eligible for Social Security benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–766	2,500	1	5	208

4. Request for Workers' Compensation/Public Disability Benefit Information—20 CFR 404.408(e)—0960–0098. Claimants for Social Security disability payments who are also receiving Worker's Compensation/Public Disability Benefits (WC/PDB) must notify SSA about their WC/PDB, so the agency can reduce claimants' Social Security disability payments accordingly. If claimants provide necessary evidence, such as a copy of their award notice, benefit check, etc., that is sufficient verification. In cases where claimants cannot provide such evidence, SSA uses Form SSA–1709. The entity paying the WC/PDB benefits, its agent (such as an insurance carrier), or an administering public agency complete this form. The respondents are Federal, State, and local agencies; insurance carriers; and public or private self-insured companies administering WC/PDB benefits to disability claimants.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1709	120,000	1	15	30,000

5. Third Party Liability Information Statement—42 CFR 433.136–433.139—0960–0323. To reduce Medicaid costs, Medicaid state agencies identify third party insurers liable for medical care or services for Medicaid beneficiaries. Regulations at 42 CFR 433.136–433.139 of the Code of Federal Regulations, require Medicaid state agencies to obtain this information on Medicaid applications and redeterminations as a condition of Medicaid eligibility. States may enter into agreements with the Commissioner of Social Security to make Medicaid eligibility determinations for aged, blind, and disabled beneficiaries in those states. Applications for and redeterminations of Supplemental Security Income (SSI) eligibility in jurisdictions with such agreements are applications and redeterminations of Medicaid eligibility. Under these agreements, SSA obtains third party liability information using Form SSA–8019–U2, and provides that information to the Medicaid state agencies. The Medicaid state agencies use the information to bill third parties liable for medical care, support, or services for a beneficiary to guarantee that Medicaid remains the payer of last resort. The respondents are SSI claimants and recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–8019–U2 Paper form	200	1	5	17
SSI Claims System	49,621	1	5	4,135
Totals	49,821			4,152

6. Permanent Residence in the United States Under Color of Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960–0451. As per 20 CFR 416.1415 and 416.1618 of the Code of Federal Regulations, SSA requires claimants or recipients to submit evidence of their alien status when they apply for SSI payments, and periodically thereafter as part of the eligibility determination process for SSI. When SSA cannot verify evidence of alien status through the regular claimant interview process, SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS), and determines if the individual qualifies for PRUCOL status based on the DHS response. SSA does not maintain any forms or applications for respondents to use, rather, the regulations listed in 20 CFR 416.1615 and 416.1618 specify the information respondents need to submit to SSA to show evidence of PRUCOL. Without this information, SSA is unable to determine whether the PRUCOL individual is eligible for SSI payments. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Personal or Telephone Interview	1,049	1	5	87

7. Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare)—20 CFR 418.3420—0960–0729. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and copayment costs for individuals with limited income and resources. The MMA mandates that the Government provide subsidies for those individuals who qualify for the program, and who meet eligibility criteria for help with premium, deductible, or co-payment costs. SSA uses the SSA–4640, Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare), to determine if subsidy applicants or recipients qualify, or continue to qualify, for the subsidy. SSA uses Form SSA–4640 to: (1) Obtain the individual's consent to verify balances of financial institution (FI) accounts; and (2) obtain verification of such balances from the FI. Respondents are Medicare Part D program subsidy applicants or claimants, and their financial institutions.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Medicare Part D Subsidy Applicants	5,000	1	1	83
Financial Institutions	5,000	1	4	333
Total	10,000	.....	.....	416

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 20, 2018. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Request for Review of Hearing Decision/Order—20 CFR 404.967–404.981, 416.1467–416.1481—0960–0277. Claimants have a statutory right under the Act and current regulations to request review of an administrative law judge's (ALJ) hearing decision or dismissal of a hearing request on Title II and Title XVI claims. Claimants may request Appeals Council review by filing a written request using paper Form HA–520, or the internet application, i520. SSA uses the information we collect to establish the claimant filed the request for review within the prescribed time, and to ensure the claimant completed the requisite steps permitting the Appeals Council review. The Appeals Council then uses the information to: (1) Document the claimant's reason(s) for disagreeing with the ALJ's decision or dismissal; (2) determine whether the claimant has additional evidence to submit; and (3) determine whether the claimant has a representative or wants to appoint one. The respondents are claimants requesting review of an ALJ's decision or dismissal of hearing.

Type of Request: A New Information Collection Request.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–520—Paper	105,000	1	10	17,500
i520—Internet	70,000	1	15	17,500

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Total	175,000			35,000

2. Claimant's Recent Medical Treatment—20 CFR 404.1512 and 416.912—0960–0292. When DDSs deny a claim at the reconsideration level, the claimant has a right to request a hearing before an administrative law judge (ALJ). For the hearing, SSA asks the claimant to complete and return the HA–4631 if the claimant's file does not reflect a current, complete medical history as the claimant proceeds through the appeals process. ALJs must obtain the information to update and complete the record and to verify the accuracy of the information. Through this process, ALJs can ascertain whether the claimant's situation changed. The ALJs and hearing office staff use the response to make arrangements for consultative examination(s) and the attendance of an expert witness(es), if appropriate. During the hearing, the ALJ offers any completed questionnaires as exhibits and may use them to: (1) Refresh the claimant's memory, and (2) shape their questions. The respondents are claimants requesting hearings on entitlement to OASDI benefits or SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–4631	200,000	1	20	33,333

Dated: March 15, 2018.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2018–05627 Filed 3–20–18; 8:45 am]

BILLING CODE 4191–02–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2018–2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board approves the second quarter 2018 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2018 RCAF (Unadjusted) is 1.041. The second quarter 2018 RCAF (Adjusted) is 0.440. The second quarter 2018 RCAF–5 is 0.411. In addition, the Board is including recalculated RCAF figures for the second quarter of 2017 through the first quarter of 2018, which AAR submitted pursuant to the Board's January 29, 2018 decision. The recalculated RCAF figures for the second quarter of 2017 through the first quarter of 2018 were recalculated as if AAR had used the geometric average productivity growth of 0.994 for the 2011–2015 five-year period in its original filings. The recalculated figures are included in Table C of the Board's decision.

DATES: *Applicable Date:* April 1, 2018.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our website, *http://www.stb.gov.* Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Decided: March 15, 2018.

By the Board, Board Members Begeman and Miller.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–05697 Filed 3–20–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0100; Notice 1]

Volkswagen Group of America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen), has determined that certain seat belt assemblies that it sold to its dealers as replacement equipment for certain model year (MY) 2009–2014 Volkswagen Routan motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* Volkswagen filed a noncompliance report dated November 8, 2017. Volkswagen then petitioned NHTSA on November 29, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is April 20, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

• Mail: Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• Hand Delivery: Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

• Electronically: Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/*. Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* Volkswagen has determined that certain seat belt assemblies that it sold to its dealers as replacement equipment for certain MY 2009–2014 Volkswagen Routan motor vehicles do not fully comply with paragraphs S4.1(k) and S4.1(l) of FMVSS No. 209, *Seat Belt Assemblies* (49 CFR 571.209). Volkswagen filed a noncompliance report dated November 8, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Volkswagen also petitioned NHTSA on November 29, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Volkswagen petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Equipment Involved:* Approximately 1,900 replacement seat belt assemblies manufactured between June 25, 2008, and October 25, 2013 for installation in certain MY 2009–2014 Volkswagen Routan motor vehicles.

III. *Noncompliance:* Volkswagen explains that the noncompliance involves seat belt assemblies sourced to Volkswagen by FCA US LLC for use or for subsequent resale to dealership customers for use in the subject vehicles. Specifically, these seat belt assemblies were sold without the proper inclusion of the ''I-Sheets'' (*i.e.,* ''Installation instructions'' and ''Usage and maintenance instructions''), and therefore, do not meet all applicable requirements specified in paragraphs S4.1(k) and 4.1(l) of FMVSS No. 209.

IV. *Rule Requirements:* Paragraph S4.1(k) and S4.1(l) of FMVSS No. 209 includes the requirements relevant to this petition:

• A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle.

• The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items specified in SAE Recommended Practice J800c (1973) (incorporated by reference, see § 571.5).

• If the assembly is for use only in specifically stated motor vehicles, the assembly shall either be permanently and legibly marked or labeled with the following statement, or the instruction sheet shall include the following statement:

○ This seat belt assembly is for use only in [insert specific seating position(s), *e.g.,* ''front right''] in [insert specific vehicle make(s) and model(s)].

• A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components.

• The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

V. *Summary of Volkswagen's Petition:* Volkswagen described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Volkswagen submitted the following reasoning:

1. Seat belts currently sold by Volkswagen to its dealers are only for installation as replacement seat belts in specific seating positions in Volkswagen Routan vehicles and are identified by part number in the parts catalogue for use in specific vehicle models and seat positions. This method of identification and the physical differences between belt retractors and attachment hardware, as well as the vehicle installation environment, preclude the misinstallation of seat belt assemblies.

2. Seat belt assembly installation instructions are included in Volkswagen Service Manuals and are available to independent repair shops and individual owners who can also purchase the Service Manual or seek dealer assistance and obtain copies of the instructions, if necessary. In most cases, reference to the installation instructions will not be necessary because the seat belt installation will be to replace an existing belt and the installation procedure will just be the reverse of the removal procedure.

3. Seat belt use instructions regarding proper seat belt positioning on the body

and proper maintenance and periodic inspection for damage, are and have been included in all Volkswagen owners' manuals.

4. Volkswagen has developed installation and use instructions for replacement seat belt assemblies. This material is being placed into the packages of seat belts currently in Volkswagen's Parts Distribution Centers and will be included with all seat belt assemblies shipped to Volkswagen for resale to dealers in the future.

5. Volkswagen is not aware of owner complaints or field incident reports relating to the lack of installation and use instructions with replacement seat belt assemblies.

Volkswagen stated that NHTSA has previously granted similar petitions for noncompliance with seat belt assembly installation and usage instruction standards. *See* Mitsubishi Motors North America, Inc. (77 FR 24762, April 25, 2012); Bentley Motors, Inc. (75 FR 35877, September 20, 2011); Hyundai Motor Company (73 FR 49238, March 2, 2009); Ford Motor Company (73 FR 11462, March 3, 2008); Mazda North America Operations (73 FR 11464, March 3, 2008); Ford Motor Company (73 FR 63051, October 22, 2008); and TRW, Inc. (58 FR 7171, February 4, 1993).

Volkswagen also stated that they have made process changes to ensure that hard copies of the instructions will be included with all Volkswagen service seat belt assemblies shipped to its dealers.

Volkswagen concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Claudia Covell,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2018–05689 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0012; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2013 and 2014 Victory Hammer 8-Ball Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2013 and 2014 Victory Hammer 8-Ball motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the MY 2013 and 2014 Victory Hammer 8-Ball motorcycles) and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 20, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice. DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–5308.

SUPPLEMENTARY INFORMATION:

I. History: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was

not originally manufactured to conform to all applicable FMVSS (49 CFR 571) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7 *Processing of Petitions,* NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

II. Summary of Petition: J.K. Technologies, LLC (JK), of Baltimore, Maryland (Registered Importer R–90–006) has petitioned NHTSA to decide whether nonconforming MY 2013 and 2014 Victory Hammer 8-Ball motorcycles are eligible for importation into the United States. The vehicles that JK believes are substantially similar are MY 2013 and 2014 Victory Hammer 8-Ball motorcycles manufactured for sale in the United States, and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner submitted information that it claimed it received from the manufacturer of the vehicles, Victory Motorcycles (Polaris Industries, Inc.) to demonstrate that non-U.S.-certified MY 2013 and 2014 Victory Hammer 8-Ball motorcycles, as originally manufactured, conform to many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S.-certified MY 2013 and 2014 Victory Hammer 8-Ball motorcycles, as originally manufactured, conform to the following standards: FMVSS Nos. 106 *Brake Hoses,* 116 *Motor Vehicle Brake Fluids,* 119 *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 Kilograms (10,000 Pounds) and Motorcycles,* 122 *Motorcycle Brake Systems,* and 205 *Glazing Materials.*

The petitioner also contends that the subject non-U.S. certified vehicles are capable of being readily altered to meet the following standards in the manners indicated:

Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment:* The headlamp must be replaced with the U.S.-model component. In addition, U.S.-model front and rear side mounted reflex reflectors, and a rear center mounted reflex reflector must be installed.

Standard No. 111 *Rearview Mirrors:* The mirror must be replaced with the U.S.-model part or etched to show any required labeling.

Standard No. 120 *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of More than 4,536 Kilograms (10,000 Pounds):* The petitioner states that their Registered Importer Certification Label, which must be affixed to the vehicle to satisfy the requirements of 49 CFR part 567, *Certification,* will include the necessary tire, rim, tire pressure and weight rating information.

Standard No. 123 *Motorcycle Controls and Displays:* The instrument cluster must be replaced with the U.S.-model part.

III. Comments: All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Claudia Covell,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2018–05720 Filed 3–20–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 20, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Employer's Annual Railroad Retirement Tax Return.

OMB Control Number: 1545–0001.

Type of Review: Extension without change of a currently approved collection.

Abstract: Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA). Form CT–1 is used for this purpose. IRS uses the information to insure that the employer has paid the correct tax.

Forms: CT–1, CT1X.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 39,455.

Title: Form 637—Application for Registration For Certain Excise Tax Activities.

OMB Control Number: 1545–0014.

Type of Review: Revision of a currently approved collection.

Abstract: Form 637 is used to apply for excise tax registration. The registration applies to a person required to be registered under IRC section 4101 for purposes of the federal excise tax on taxable fuel imposed by IRC 4041 and 4081; and to certain manufacturers or sellers and purchasers that must register under IRC 4222 to be exempt from the excise tax on taxable articles. The data

is used to determine if the applicant qualifies for exemption. Taxable fuel producers are required by IRC 4101 to register with the Service before incurring any tax liability.

Form: 637.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 22,620.

Title: Form 1040–SS—U.S. Self-Employment Tax Return; Form 1040–PR—Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia-Puerto Rico; and Anejo H–PR.

OMB Control Number: 1545–0090.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 1040–SS (Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) and 1040–PR (Puerto Rico) are used by self-employed individuals to figure and report self-employment tax under IRC chapter 2 of Subtitle A, and provide credit to the taxpayer's social security account. Anejo H–PR is used to compute household employment taxes. Form 1040–SS and Form 1040–PR are also used by bona-fide residents of Puerto Rico to claim the additional child tax credit.

Forms: 1040–SS, 1040–PR, Sch H (Form 1040–PR).

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 2,847,448.

Title: Sales of Business Property.

OMB Control Number: 1545–0184.

Type of Review: Revision of a currently approved collection.

Abstract: Form 4797 is used to report the details of gains and losses from the sale, exchange, involuntary conversion (from other than casualty or theft loss), or disposition of the following: Property used in your trade or business, depreciable or amortizable property, capital and non-capital (other than inventory) assets held in connection with the trade or business, or capital assets not reported on Schedule D. The form may also be used to compute the recapture amount under section 179 and 280F(b)(2) when the business use of the property decreases to 50 percent or below.

Form: 4797.

Affected Public: Individuals or Households.

Estimated Total Annual Burden Hours: 16,454,750.

Title: Application for Determination of Employee Stock Ownership Plan.

OMB Control Number: 1545–0284.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 5309 is used in conjunction with Form 5300 when applying for a determination letter as to a deferred compensation plan's qualification status under section 409 or 4975(e)(7) of the Internal Revenue Code. The information is used to determine whether the plan qualifies.

Form: 5309.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 26,975.

Title: Credit for Increasing Research Activities.

OMB Control Number: 1545–0619.

Type of Review: Extension without change of a currently approved collection.

Abstract: IRC section 38 allows a credit against income tax (determined under IRC section 41) for an increase in research activities in a trade or business. Form 6765 is used to figure and claim the credit for increasing research activities or to elect the reduced credit under section 280C. An individual, estate, trust, organization, or corporation claiming a credit for increasing research activities; or any S corporation, partnership, estate, or trust that allocates the credit to its shareholders, partners, or beneficiaries must complete this form and attach it to its income tax return. If you are a taxpayer that is not a partnership or S corporation, and your only source of this credit is from a partnership, S corporation, estate, or trust, you are not required to complete or file this form, with the following exception: You are a taxpayer that is an estate or trust and the credit can be allocated to beneficiaries.

Form: 6765.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 285,281.

Title: Form 8027—Employers Annual Information Return of Tip Income and Allocated Tips; Form 8027–T—Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips.

OMB Control Number: 1545–0714.

Type of Review: Extension without change of a currently approved collection.

Abstract: To help IRS in its examination of returns filed by tipped employees large food or beverage establishments are required to report annually information concerning food or beverage operations receipts, tips, reported by employees, and in certain cases, the employer must allocate tips to certain employees.

Form: 8027–T.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 488,161.

Title: T.D. 8043—Manufacturers Excise Taxes and Sporting Goods and Firearms and Other Administrative Provisions of Special Application to Manufacturers and Retailers Excise Taxes.

OMB Control Number: 1545–0723.

Type of Review: Extension without change of a currently approved collection.

Abstract: This document covers regulations previously approved which revise and update the regulations on manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes. The IRS requires information relating to the sale and use of specified articles be retained by persons claiming credits and refunds of tax. In addition, information must be reported to claimants by purchasers of those articles, and claimants must file claims with the IRS and supply supporting information with the claims. The information is necessary to verify that claims submitted are correct and that the claimants are entitled to receive a credit or refund of tax from the IRS.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 475,000.

Title: Form 2678—Employer/Payer Appointment of Agent.

OMB Control Number: 1545–0748.

Type of Review: Extension without change of a currently approved collection.

Abstract: 26 U.S.C. 3504 authorizes an employer to designate a fiduciary, agent, etc., to perform the same acts as required of employers for purposes of employment taxes. Form 2678 is used by an employer to notify the Director, Internal Revenue Service Center, of the appointment of an agent to pay wages on behalf of the employer. In addition, the completed form is an authorization to withhold and pay taxes via Form 941, Employer's Quarterly Federal Tax Return, for the employees involved.

Form: 2678.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 13,731,200.

Title: Section 301.7245–3, Discharge of Liens; (TD 9410).

OMB Control Number: 1545–0854.

Type of Review: Revision of a currently approved collection.

Abstract: The Internal Revenue Service needs this information in processing a request to sell property of a tax lien at a non-judicial sale. This information will be used to determine the amount, if any, to which the tax lien attaches.

Forms: 14497, 14498.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 767.

Title: Product Liability Losses and Accumulations for Product Liability Losses.

OMB Control Number: 1545–0863.

Type of Review: Extension without change of a currently approved collection.

Abstract: Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. If desired, such election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 2,500.

Title: Continuation Coverage Requirements Applicable to Group Health Plans.

OMB Control Number: 1545–1581.

Type of Review: Extension without change of a currently approved collection.

Abstract: The previously approved regulations require group health plans to provide notices to individuals who are entitled to elect COBRA (The Consolidated Omnibus Budget Reconciliation Act of 1985) continuation coverage of their election rights. Individuals who wish to obtain the benefits provided under the statute are required to provide plans notices in the cases of divorce from the covered employee, a dependent child's ceasing to be dependent under the terms of the plan, and disability. Most plans will require that elections of COBRA continuation coverage be made in writing. In cases where qualified beneficiaries are short by an insignificant amount in a payment made to the plan, the regulations require the plan to notify the qualified beneficiary if the plan does not wish to treat the tendered payment as full payment. If a health care provider contacts a plan to confirm coverage of a qualified beneficiary, the regulations require that the plan disclose the qualified beneficiary's complete rights to coverage.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 404,640.

Title: TD 8851—Return Requirement for United States Persons Acquiring or Disposing of an Interest in a Foreign Partnership, or Whose Proportional Interest in a Foreign Partnership Changes.

OMB Control Number: 1545–1646.

Type of Review: Extension without change of a currently approved collection.

Abstract: The previously approved regulations require group health plans to provide notices to individuals who are entitled to elect COBRA (The Consolidated Omnibus Budget Reconciliation Act of 1985) continuation coverage of their election rights. Individuals who wish to obtain the benefits provided under the statute are required to provide plans notices in the cases of divorce from the covered employee, a dependent child's ceasing to be dependent under the terms of the plan, and disability. Most plans will require that elections of COBRA continuation coverage be made in writing. In cases where qualified beneficiaries are short by an insignificant amount in a payment made to the plan, the regulations require the plan to notify the qualified beneficiary if the plan does not wish to treat the tendered payment as full payment. If a health care provider contacts a plan to confirm coverage of a qualified beneficiary, the regulations require that the plan disclose the qualified beneficiary's complete rights to coverage.

Form: None.

Affected Public: Businesses other for-profits.

Estimated Total Annual Burden Hours: 1.

Title: Amended Quarterly Federal Excise Tax Return.

OMB Control Number: 1545–1759.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 720X is used to make adjustments to correct tax liabilities on form 720 filed for previous quarters. It can be filed by itself or it can be attached to any subsequent Form 720. Code section 6416(f) allows taxpayers to take a credit on a subsequent return rather than filing a refund claim. Creation of Form 720X is the result of a project to provide a uniform standard for trust fund accounting.

Form: 720X.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 152,460.

Title: Form 8302—Electronic Deposit of Tax Refund of $1 Million or more.

OMB Control Number: 1545–1763.

Type of Review: Extension without change of a currently approved collection.

Abstract: This form is used to request a electronic deposit of a tax refund of $1 million or more directly into an account at any U.S. bank or other financial institution.

Form: 8302.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,729.

Title: T.D. 9171, New Markets Tax Credit.

OMB Control Number: 1545–1765.

Type of Review: Extension without change of a currently approved collection.

Abstract: The previously approved regulations provide guidance for taxpayers claiming the new markets tax credit under section 45D of the Internal Revenue Code. The reporting requirements in the regulations require a qualified community development entity (CDE) to provide written notice to: (1) Any taxpayer who acquires an equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the taxpayer to claim the new markets tax credits; and (2) each holder of a qualified equity investment, including all prior holders of that investment that a recapture event has occurred. CDE's must comply with such reporting requirements to the Secretary as the Secretary may prescribe.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 210.

Title: Form 1041–N—U.S. Income Tax Return for Electing Alaska Native Settlement Trusts.

OMB Control Number: 1545–1776.

Type of Review: Revision of a currently approved collection.

Abstract: An Alaska Native Settlement Trust (ANST) may elect under section 646 to have the special income tax treatment of that section apply to the trust and its beneficiaries. This one-time election is made by filing

Form 1041–N. Form 1041–N is used by the ANST to report its income, etc., and to compute and pay any income tax. Form 1041–N is also used for the special information reporting requirements that apply to ANSTs.

Form: 1041–N.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 793.

Title: Information Return of U.S. Persons With Respect To Foreign Disregarded Entities; and Transactions Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer.

OMB Control Number: 1545–1910.

Type of Review: Revision of a currently approved collection.

Abstract: Form 8858 and Schedule M (Form 8858) are used by certain U.S. persons that own a foreign disregarded entity (FDE) directly or, in certain circumstances, indirectly or constructively. The form and schedules are used to satisfy the reporting requirements of sections 6011, 6012, 6031, and 6038, and related regulations.

Form: 8858, Sch M (F. 8858).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 733,000.

Title: TD 9605 (REG–155929–06)—Payout Requirements for Type III Supporting Organizations that are not Functionally Integrated.

OMB Control Number: 1545–2157.

Type of Review: Existing collection in use without an OMB control number.

Abstract: These regulations reflect changes to the law made by the Pension Protection Act of 2006. The regulations will affect Type III supporting organizations and their supported organizations. The collection of information in the final regulations is in § 1.509(a)–4(i)(2) and § 1.509(a)–4(i)(6)(v). The collection of information under § 1.509(a)–4(i)(2) flows from section 509(f)(1)(A) of the Internal Revenue Code (Code), which requires a Type III supporting organization to provide to each of its supported organizations such information as the Secretary may require to ensure that the Type III supporting organization is responsive to the needs or demands of its supported organization(s). The collection of information under § 1.509(a)–4(i)(6)(v) is required only if a Type III supporting organization that is not functionally integrated wishes for certain amounts set aside for a specific project to count toward the distribution requirement imposed by § 1.509(a)–4(i)(5)(ii). TD 9605 contains both final regulations and temporary regulations regarding the requirements to qualify as a Type III supporting organization that is operated in connection with one or more supported organizations. The regulations reflect changes to the law made by the Pension Protection Act of 2006.

Form: None.

Affected Public: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 23,988.

Title: REG–125592–10 (TD 9494), Affordable Care Act Internal Claims and Appeals and External review Disclosures.

OMB Control Number: 1545–2182.

Type of Review: Revision of a currently approved collection.

Abstract: Previously approved, Section 2719 of the Public Health Service Act, incorporated into Code section 9815 by section 1563(f) of the Patient Protection and Affordable Care Act, Public Law 111–148, requires group health plans and issuers of group health insurance coverage, in connection with internal appeals of claims denials, to provide claimants free of charge with any evidence relied upon in deciding the appeal that was not relied on in making the initial denial of the claim. This is a third party disclosure requirement. Individuals appealing a denial of a claim should be able to respond to any new evidence the plan or issuer relies on in the appeal, and this disclosure requirement is essential so that the claimant knows of the new evidence.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 2,271.

Title: ABLE Account Contribution Information and Distributions from ABLE Accounts.

OMB Control Number: 1545–2262.

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: These forms will be used to report the contributions of Achieving a Better Life Experience (ABLE) accounts under IRC 529A.

Any State or its agency or instrumentality that establishes and maintains a qualified ABLE program must file a Form 1099–QA (Distributions From ABLE Accounts), and/or establishes and maintains a qualified ABLE program must file (for each ABLE account), a Form 5498–QA (ABLE Account Contribution Information) with the Internal Revenue Service. IRS uses the information to verify compliance with the reporting rules and to verify that the recipient has included the proper amount of income on his or her income tax return.

Forms: 549–QA, 1099–QA.

Affected Public: State, Local, and Tribal Governments.

Estimated Total Annual Burden Hours: 3,600.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 16, 2018.

Jennifer P. Quintana,

Treasury PRA Clearance Officer.

[FR Doc. 2018–05710 Filed 3–20–18; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on April 5, 2018 on ''China's Relations with U.S. Allies and Partners in Europe and the Asia Pacific.''

DATES: The hearing is scheduled for Thursday, April 5, 2018 from 9:00 a.m. to 3:20 p.m.

ADDRESSES: 419 Dirksen Senate Office Building, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the fourth public hearing the Commission will hold during its 2018 report cycle. This hearing will explore Beijing's objectives

in its relations with U.S. allies and partners in Europe and the Asia Pacific and the means by which Beijing seeks to achieve those objectives. It will examine how Beijing employs and integrates various elements of its national power to influence these countries, these countries' responses to Beijing's efforts, and the implications for the United States' interests and its relations with its European and Asia Pacific allies and partners. The hearing will be co-chaired by Vice Chairman Carolyn Bartholomew and Senator James Talent. Any interested party may file a written statement by April 5, 2018, by mailing to the contact above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: March 16, 2018.

Kathleen Wilson,

Finance and Operations Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2018–05712 Filed 3–20–18; 8:45 am]

BILLING CODE 1137–00–P

FEDERAL REGISTER

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Part II

The President

Executive Order 13827—Taking Additional Steps to Address the Situation in Venezuela

Federal Register
Vol. 83, No. 55
Wednesday, March 21, 2018

Presidential Documents

Title 3—

The President

Executive Order 13827 of March 19, 2018

Taking Additional Steps to Address the Situation in Venezuela

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 13692 of March 8, 2015, and relied upon for additional steps taken in Executive Order 13808 of August 24, 2017, and in light of recent actions taken by the Maduro regime to attempt to circumvent U.S. sanctions by issuing a digital currency in a process that Venezuela's democratically elected National Assembly has denounced as unlawful, hereby order as follows:

Section 1. (a) All transactions related to, provision of financing for, and other dealings in, by a United States person or within the United States, any digital currency, digital coin, or digital token, that was issued by, for, or on behalf of the Government of Venezuela on or after January 9, 2018, are prohibited as of the effective date of this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches of such entities), or any person within the United States; and

(d) the term ''Government of Venezuela'' means the Government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and Petroleos de Venezuela, S.A. (PdVSA), and any person owned or controlled by, or acting for or on behalf of, the Government of Venezuela.

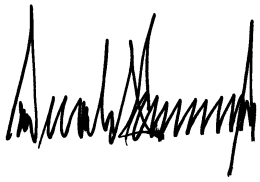
Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions to other officers and executive departments and agencies of the

United States Government. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. For those persons whose property and interests in property are affected by this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13692, there need be no prior notice given for implementation of this order.

Sec. 6. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 7. This order is effective at 12:15 p.m. eastern daylight time on March 19, 2018.



THE WHITE HOUSE,
March 19, 2018.

[FR Doc. 2018–05916
3–20–18; 11:15 am]
Billing code 3295–F8–P

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