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Presidential Documents

Title 3—

The President

Proclamation 9708 of March 19, 2018

National Agriculture Day, 2018

By the President of the United States of America

A Proclamation

On National Agriculture Day, we acknowledge the tremendous work ethic, ingenuity, determination, and perseverance that define generations of American farmers. Because of their efforts, the United States produces an abundant supply of food, feed, and fuel for a growing global population. Our rich and abundant soil provides for more than just sustenance—it provides a beautiful and bountiful way of life for millions of Americans.

America's strong agricultural sector is a key component of our Nation's robust economy and trade. Every $1 of United States agricultural and food exports creates another $1.27 in business activity. Our country's agriculture exports are valued at more than $100 billion, and every $1 billion in exports supports approximately 8,000 American jobs. Moreover, agriculture contributes to at least 8.6 percent of our gross domestic product. The economic boost from our agriculture reaches beyond the fields our farmers tend, with unrivaled skill and diligence, to communities all across America.

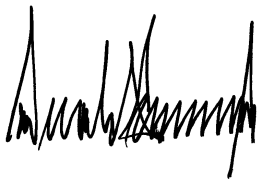
America's farmers, growers, ranchers, foresters, and agricultural scientists and engineers are world-leading innovators, exploring new research and technologies like advancements in biotechnology and the use of automated vehicles that enable precision agriculture to maximize yields and minimize environmental impacts. My Administration proudly supports them in their pioneering endeavors. In this new era of American agriculture, the U.S. Department of Agriculture is investing in rural broadband access, roads, and bridges, and is supplying affordable, reliable power to those living on the outskirts of larger cities and towns. These investments in American infrastructure will improve the quality of life in rural America for years to come.

To help the American agricultural economy succeed in an increasingly competitive global market, I signed the Tax Cuts and Jobs Act, the largest tax cut and reform legislation in American history. This legislation is providing much needed relief to America's farmers, who can now expense 100 percent of their capital investments, including expenditures for farm equipment, over the next 4 years. Additionally, under this new legislation, the vast majority of family farms will now be exempt from the death tax.

American agriculture is an integral part of our success as a Nation, uniquely tied to both our country's culture and economy. Today, and every day, we cherish our Nation's rich agricultural history and celebrate the greatness of the American farmer.

NOW, THEREFORE, 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 20, 2018, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in our daily lives, acknowledging agriculture's continuing importance to rural America and our country's economy, and expressing our deep appreciation of farmers, growers, ranchers, producers, national forest system stewards, private agricultural stewards, and those who work in the agriculture sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth 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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0802; Airspace Docket No. 17–ASO–18]

Amendment of Class E Airspace; Clanton, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Chilton County Airport (formerly Gragg-Wade Field Airport), Clanton, AL, to accommodate airspace reconfiguration due to the decommissioning of the Gragg-Wade non-directional radio beacon (NDB), and cancellation of the NDB approach. This action enhances the safety and airspace management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 55964, November 27, 2017) for Docket No. FAA–2017–0802 to amend Class E airspace extending upward from 700 feet above the surface at Chilton County Airport, Clanton, AL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 7.7-mile radius (increased from a 6.3-mile radius) of Chilton County Airport, Clanton, AL, due to the decommissioning of the Gragg-Wade NDB and cancellation of the NDB approach. These changes are necessary for continued safety and management of IFR operations at the airport. Also, the geographic coordinates of the airport are amended to coincide with the FAA's aeronautical database, and the airport name is updated to Chilton County Airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental

Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

* * * * *

ASO AL E5 Clanton, AL [Amended]

Chilton County Airport, AL
(Lat. 32°51′02″ N., long. 86°36′41″ W.)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Chilton County Airport.

Issued in College Park, Georgia, on March 14, 2018.

Ryan W. Almsay,

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

[FR Doc. 2018–05707 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No.: FAA–2016–9526; Amdt. No. 121–377B]

RIN 2120–AK95

Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers; Related Aircraft Amendment; Technical Amendment

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

ACTION: Final rule; technical amendment.

SUMMARY: The FAA publishes this action to correct a minor, editorial error in a December 16, 2016 final rule on related aircraft proficiency checks. The FAA published a final rule to allow air carriers to seek a deviation from the flight simulation training device (FSTD) requirements for related aircraft proficiency checks. The rule eliminated an inconsistency that permitted carriers that have obtained FAA approval to modify the FSTD requirements for related aircraft differences training, but not for corresponding proficiency checks. As a result, the rule allowed air carriers to seek a deviation from the FSTD requirements for such proficiency checks based on a related aircraft designation and determination of an equivalent level of safety. This technical amendment removes a redundancy in the regulatory text that now exists as a result of the final rule.

DATES: Effective March 22, 2018.

FOR FURTHER INFORMATION CONTACT: Sheri Pippin, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202–267–8166; email: *sheri.pippin@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Good Cause for Immediate Adoption

Section 553(d)(3) of the Administrative Procedure Act (APA) requires publication of a substantive rule must be made not less than 30 days before the effective date except as provided by the agency for good cause found and published with the rule. Public notice and comment for this action are unnecessary because today's action only eliminates an unnecessary redundancy in 14 CFR 121.441(f), which the FAA amended on December 16, 2016, 81 FR 90979.

Good cause exists under section 553(d)(3) of the APA for this technical correction to become effective on the date of this action. Section 553(d)(3) allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period the APA prescribes is to give affected parties a reasonable time to adjust their actions and prepare for the effectiveness of the final rule.

Today's amendment, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. This document only removes an unnecessary redundancy in 14 CFR 121.441(f)(2)(iii) because the text of paragraph (f)(2)(iii) is largely duplicative of the text of paragraph (f)(2)(ii)(B). For these reasons, the FAA finds good cause under APA section 553(d)(3) exists for this amendment to become effective on March 22, 2018.

II. Background

On December 16, 2016, the FAA published the Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers; Related Aircraft Amendment. 81 FR 90979. Corrected at 81 FR 95860, December 29, 2016. This final rule allows air carriers to seek a deviation from the FSTD requirements for related aircraft proficiency checks. As the FAA noted in the final rule, the FAA's Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers final rule issued in 2013 included opportunities for air carriers to modify training program requirements for flightcrew members when the carrier operates multiple aircraft types with similar design and flight handling characteristics.

The final rule provided for the possibility of a deviation to allow credit for flightcrew member qualification requirements, including proficiency checks, when the carrier operates multiple aircraft types with similar design and flight handling characteristics. Paragraph (f) permits the Administrator to approve such a deviation based on a designation of related aircraft after the Administrator determines the certificate holder can demonstrate an equivalent level of safety. Specifically, paragraph (f) allows for deviation from the frequency of proficiency checks and from certain procedures and maneuvers required in appendix F to part 121 (Proficiency Check Requirements). Paragraph (f) did not, however, provide for the possibility of a deviation from the FSTD requirements specified in appendix F to

part 121. Therefore, prior to the December 16, 2016 final rule, § 121.441(f) did not allow a deviation even in cases in which the Flight Standardization Board (FSB) determines that the use of a lower level FSTD for a specific maneuver or procedure may be acceptable on a related aircraft proficiency check. This oversight resulted in inconsistency, as such a determination by the FSB would be based on similarities in design and flight characteristics between the base aircraft and the related aircraft. As a result, the FAA recognized a need to permit deviation from the FSTD requirements in appendix F to part 121. The December 16, 2016 final rule amended § 121.441 by amending paragraph (f), accordingly.

This technical amendment removes paragraph (f)(2)(iii) from § 121.441 because the FAA's recent changes to § 121.441 render the paragraph unnecessary. Paragraph (f)(2)(ii)(B) of § 121.441 requires the inclusion of maneuvers and procedures, as well as the level of FSTD to be used for each maneuver and procedure, in applications for deviation from the proficiency check requirements of § 121.441. Paragraph (f)(2)(iii) also states carriers must include maneuvers and procedures in related aircraft proficiency checks. As a result, although paragraph (f)(2)(iii) does not require a listing of the level of FSTD the carrier plans to use for each maneuver and procedure, the two paragraphs are unnecessarily redundant. Overall, the amended regulatory text will continue to ensure carriers that request a deviation based on a designation of related aircraft must include, for purposes of qualification proficiency checks, the necessary maneuvers and procedures as well as the level of FSTD to be used for each maneuver and procedure.

III. Technical Amendment

Consistent with the foregoing, the FAA removes paragraph (f)(2)(iii) to eliminate the redundancy in paragraphs (f)(2)(iii) and (f)(2)(ii)(B).

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 121 as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732, 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95, 126 Stat. 62 (49 U.S.C. 44732 note).

§ 121.441 [Amended]

■ 2. Amend § 121.441 by removing paragraph (f)(2)(iii).

Issued under authority provided by 49 U.S.C. 106(f) and 44701(a) in Washington, DC.

Lirio Liu,

Executive Director, Office of Rulemaking.

[FR Doc. 2018–05859 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 180227219–8219–01]

RIN 0694–AH51

Addition of Certain Persons to the Entity List and Removal of Certain Persons From the Entity List; Correction of License Requirements

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations (EAR) by adding twenty-three persons to the Entity List. These twenty-three persons have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States and will be listed on the Entity List under the destinations of Pakistan, Singapore and South Sudan. This rule also removes one person under the destination of Ecuador and one person under the destination of the United Arab Emirates (U.A.E.) from the Entity List. Both removals are the result of requests for removal received by BIS pursuant to the section of the EAR used for requesting removal or modification of an Entity List entry and a review of information provided in the removal requests. Lastly, this rule corrects the license requirement for twelve entities that were added under the destination of Russia as part of a recent BIS rule.

DATES: This rule is effective March 22, 2018.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (15 CFR, Subchapter C, part 744, Supplement No. 4) identifies entities reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States. The Export Administration Regulations (EAR) (15 CFR, Subchapter C, parts 730–774) imposes additional license requirements on, and limits the availability of most license exceptions for, exports, reexports, and transfers (in-country) to those listed. The license review policy for each listed entity is identified in the License Review Policy column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** notice adding entities to the Entity List. BIS places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote, and makes all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add twenty-three persons to the Entity List. These twenty-three persons are being added on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The twenty-three entries added to the Entity List consist of seven entities located in Pakistan, one entity in Singapore and fifteen entities in South Sudan.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in

making the determination to add these twenty-three persons to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, that they have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States, along with those acting on behalf of such persons, may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 provide an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

The ERC determined that the fifteen entities being added to the Entity List under the destination of South Sudan—Ascom Sudd Operating Company; Dar Petroleum Operating Company; DietsmannNile; Greater Pioneer Operating Co. Ltd; Juba Petrotech Technical Services Ltd; Nile Delta Petroleum Company; Nile Drilling and Services Company; Nile Petroleum Corporation; Nyakek and Sons; Oranto Petroleum; Safinat Group; SIPET Engineering and Consultancy Services; South Sudan Ministry of Mining; South Sudan Ministry of Petroleum; and Sudd Petroleum Operating Co.—are government, parastatal and private entities in South Sudan that are involved in activities that are contrary to the foreign policy interests of the United States.

In addition, the ERC determined that Mushko Logistics Pte. Ltd. (located under the destination of Singapore) and Mushko Electronics Pvt. Ltd (located under the destination of Pakistan) be added to the Entity List on the grounds that these two entities procured items for several Pakistani entities on the Entity List. The ERC has also determined that Solutions Engineering (located under the destination of Pakistan) be added to the Entity List based on their involvement in activities contrary to U.S. national security and foreign policy interests. Specifically, the ERC determined that this entity has been involved in the procurement of U.S.-origin items on behalf of nuclear-related entities in Pakistan that are already listed on the Entity List.

For the remaining five entities being added to the Entity List under the destination of Pakistan, the ERC determined that three of the entities, Akhtar & Munir, Proficient Engineers and Pervaiz Commercial Trading Co. (PCTC), be added based on their involvement in the proliferation of unsafeguarded nuclear activities that are contrary to the national security and/or foreign policy interests of the United States. The ERC also determined that Marine Systems Pvt. Ltd. be added to the Entity List for assisting Pakistani entities on the Entity List in circumventing the restrictions of § 744.11 of the EAR by obtaining items subject to the EAR on behalf of those listed entities without the required licenses. Lastly, the ERC determined that Engineering and Commercial Services (ECS) be added to the Entity based on its involvement in supplying a Pakistani nuclear-related entity on the Entity List.

Pursuant to § 744.11(b) of the EAR, the ERC determined that the conduct of these twenty-three persons raises sufficient concern that prior review of exports, reexports or transfers (in-country) of all items subject to the EAR involving these persons, and the possible imposition of license conditions or license denials on shipments to the persons, will enhance BIS's ability to prevent violations of the EAR.

For the twenty-three persons added to the Entity List, BIS imposes a license requirement for all items subject to the EAR, and a license review policy of presumption of denial. The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to any of the persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule. The acronym ''a.k.a.'' (also known as) is used in entries on the Entity List to identify aliases, thereby assisting exporters, reexporters and transferors in identifying persons on the Entity List.

This final rule adds the following twenty-three persons to the Entity List:

Pakistan

(1) *Akhtar & Munir,* Hussain Plaza 60–B No. 3, Adamjee Road, Punjab 46000, Pakistan;

(2) *Engineering and Commercial Services (ECS),* 204, 2nd Floor, Capital Business Center, F–10 Markaz, Islamabad, Pakistan;

(3) *Marine Systems Pvt. Ltd.,* 2nd Floor, Kashmir Plaza, Blue Area, G–6/F–6 Islamabad, Pakistan;

(4) *Mushko Electronics Pvt. Ltd.,* Safa House Address, Abdullah Haroon Road, Karachi Pakistan; *and* Victoria Chambers, Abdullah Haroon Road, Saddar Town, Karachi Pakistan; *and* Office No. 3&8, First Floor, Center Point Plaza, Main Boulevad, Gullberg-III, Lahore, Pakistan; *and* 26–D Kashmir Plaza East, Jinnah Avenue, Blue Area, Islamabad, Pakistan; *and* 68–W, Sama Plaza, Blue Area Sector G–7, Islamabad, Pakistan;

(5) *Pervaiz Commercial Trading Co. (PCTC),* PCTC House, 36–B Model Town, Lahore, Pakistan;

(6) *Proficient Engineers,* Tariq Block, 437 New Garen Town, Lahore, Pakistan; *and*

(7) *Solutions Engineering Pvt. Ltd.,* a.k.a., the following two aliases:

—Solutronix Engineering Pvt. Ltd. *and*

—Solutronix Pvt. Ltd.

95A Solutions Tower, DHA Phase 8 Commercial Broadway, Lahore, Pakistan; *and* 54–B PAF Colony, Zarar Shaheed, Lahore, Pakistan; *and* Ground Floor, Almas Tower, Begum Salma Tassadaq Road, Near E Plomer, Lahore, Pakistan; *and* Suite 1&4, Hafeez Chamber 85 The Mall Lahore, Pakistan; *and* Gohawa Dak Dhana Bhatta Kohaar, Lahore, Pakistan; *and* Sehajpal Village, near New Airport Road, Lahore, Pakistan; *and,* Office #201, 2nd Floor, Capital Business Center, F–10 Markaz, Islamabad, Pakistan; *and* 156 The Mall, Rawalpindi, Pakistan.

Singapore

(1) *Mushko Logistics Pte. Ltd.,* Unit 04–01, Lip Hing Industrial Building, 3 Pemimpin Drive, Singapore; *and* 37 Pemimpin Drive, #06–12 MAPEX, Singapore; *and* Unit 04–01/03, Pandan Logistics Hub, 49 Pandan Road, Singapore; *and* 54 Lakeside Drive, #01–22 Caspian, Singapore.

South Sudan

(1) *Ascom Sudd Operating Company,* a.k.a., the following one alias:

—ASOC.

South Sudan;

(2) *Dar Petroleum Operating Company,* a.k.a., the following one alias:

—DPOC.

Zhongnan Hotel, on UNMISS Road, South Sudan;

(3) *DietsmannNile,* Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan;

(4) *Greater Pioneer Operating Co. Ltd,* a.k.a., the following one alias:

—GPOC.

South Sudan;

(5) *Juba Petrotech Technical Services Ltd,* South Sudan;

(6) *Nile Delta Petroleum Company,* Hai Malakai neighborhood, Juba, South Sudan;

(7) *Nile Drilling and Services Company,* Hai Amarat, Airport Road, West Yat Building, Third Floor, Juba, South Sudan;

(8) *Nile Petroleum Corporation,* a.k.a., the following one alias:

—Nilepet.

Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan;

(9) *Nyakek and Sons,* Jubatown District near the Ivory Bank, Juba, South Sudan;

(10) *Oranto Petroleum,* Referendum Road, Juba, South Sudan;

(11) *Safinat Group,* South Sudan;

(12) *SIPET Engineering and Consultancy Services,* a.k.a., the following one alias:

—SPECS.

Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan;

(13) *South Sudan Ministry of Mining,* Nimra Talata, P.O. Box 376, Juba, South Sudan;

(14) *South Sudan Ministry of Petroleum,* Ministries Road, Opposite the Presidential Palace, P.O. Box 376, Juba, South Sudan; *and*

(15) *Sudd Petroleum Operating Co.,* a.k.a., the following one alias:

—SPOC.

Tharjath, Unity State, South Sudan.

Removal From the Entity List

This rule implements a decision of the ERC to remove the following two entries from the Entity List on the basis of removal requests received by BIS, as follows: Corporacion Nacional de Telecommunicaciones (CNT), located in Ecuador, and Talaat Mehmood, located in the U.A.E. The entry for CNT was added to the Entity List on June 4, 2015 (see 80 FR 31836). The entry for Talaat Mehmood was added to the Entity List on May 26, 2017 (see 82 FR 24245). The ERC decided to remove these two entries based on information received by BIS pursuant to § 744.16 of the EAR and review conducted by the ERC.

This final rule implements the decision to remove the following one entity located in Ecuador and one entity located in the U.A.E. from the Entity List:

Ecuador

(1) Corporacion Nacional de Telecommunicaciones (CNT), Avenida Gaspar de Villaroel, Quito Ecuador; *and* Avda. Veintimilla, Suite 1149 y Amazonas, Edificio Estudio Z, Quito, Ecuador.

United Arab Emirates

(1) Talaat Mehmood, Q–4 136 Warehouse, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE; *and* Q1–08–051/B, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE; *and* P.O. Box 121826, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE.

Correction of License Requirements

On February 16, 2018, BIS published a final rule, *Russian Sanctions: Addition of Certain Entities to the Entity List* (83 FR 6949) (the February 16 rule), which added twenty-one entities to the Entity List under the destinations of Georgia, Poland, and Russia. Of the twenty-one entities added in the February 16 rule, twelve were added based on activities described in Executive Order 13662 (79 FR 16169), *Blocking Property of Additional Persons Contributing to the Situation in Ukraine,* issued on March 20, 2014. The preamble of the February 16 rule described the imposition of a license requirement for twelve Russian entities: Kaliningradnefteprodukt OOO; Kinef OOO; Kirishiavtoservis OOO; Lengiproneftekhim OOO; Media-Invest OOO; Novgorodnefteprodukt OOO; Pskovnefteprodukt OOO; SNGB AO; SO Tvernefteprodukt OOO; Sovkhoz Chervishevski PAO; Strakhovove Obshchestvo Surgutneftegaz OOO; and Surgutmebel OOO, for activities described in § 746.5 of the EAR. Specifically, the preamble stated that a license is required for exports, reexports, or transfers (in-country) of all items subject to the EAR, when the exporter, reexporter or transferor knows that the item will be used directly or indirectly in exploratinon for, or production of, oil or gas in Russian deepwater (greater than 500 feet) or Arctic offshore locations or shale formations in Russia, or is unable to determine whether the item will be used in such projects. However, the February 16 rule's amendments to the EAR adding these twelve entities incorrectly specified in the entry for each entity a license requirement that read as follows: ''For all items subject to the EAR. (See § 744.11 of the EAR).'' This final rule corrects the license requirement column in the entry for each of the twelve entities to clarify that the Entity List's license requirements apply to all items subject to the EAR when used in projects specified in § 746.5 of the EAR, as stated in the February 16 rule's preamble. The full name of each entity, along with any aliases, and accompanying addresses, is as follows:

(1) *Kaliningradnefteprodukt OOO,* a.k.a., the following three aliases:

—Kaliningradnefteprodukt LLC;

—Limited Liability Company Kaliningradnefteproduct; *and*

—LLC Kaliningradnefteproduct.

22–b Komsomolskaya Ulitsa, Central District, Kaliningrad, Russia;

(2) *Kinef OOO,* a.k.a., the following three aliases:

—Kinef, LLC;

—Limited Liability Company Production Association Kirishinefteorgsintez; *and*

—LLC Kinef.

d. 1 Shosse Entuziastov, Kirishi, Leningradskaya Oblast 187110, Russia;

(3) *Kirishiavtoservis OOO,* a.k.a., the following two aliases:

—Limited Liability Company Kirishiavtoservis; *and*

—LLC Kirishiavtoservis.

lit A, 12 Smolenskaya Ulitsa, St. Petersburg 196084;

(4) *Lengiproneftekhim OOO,* a.k.a., the following three aliases:

—Institut Po Proektirovaniyu Predpriyaty Neftepererabatyvayuschey I Neftekhimicheskoy Promyshlennosti, Limited Liability Company;

—Limited Liability Company Oil Refining and Petrochemical Facilities Design Institute; *and*

—LLC Lengiproneftekhim.

d. 94, Obvodnogo Kanala, nab, St. Petersburg 196084, Russia;

(5) *Media-Invest OOO,* a.k.a., the following two aliases:

—Limited Liability Company Media-Invest; *and*

—LLC Media-Invest.

17 Bld 1 Zubovsky Blvd., Moscow 119847, Russia;

(6) *Novgorodnefteprodukt OOO,* a.k.a., the following three aliases:

—Limited Liability Company Novgorodnefteproduct;

—LLC Novgorodnefteproduct; *and*

—Novgorodnefteprodukt LLC.

d. 20 Germana Ulitsa, Veliky Novgorod, Novgorodskaya Oblast 173002, Russia;

(7) *Pskovnefteprodukt OOO,* a.k.a., the following two aliases:

—Limited Liability Company Marketing Association Pskovnefteproduct; *and*

—LLC Pskovnefteproduct.

4 Oktyabrsky Prospekt, Pskov 180000, Russia;

(8) *SNGB AO,* a.k.a., the following three aliases:

—Closed Joint Stock Company Surgutneftegasbank (ZAO SNGB);

—Joint Stock Company Surgutneftegasbank; *and*

—JSC BANK SNGB.

19 Kukuyvitskogo Street, Surgut 628400, Russia;

(9) *SO Tvernefteprodukt OOO,* a.k.a., the following two aliases:

—Limited Liability Company Marketing Association Tvernefteproduct; *and*

—LLC MA Tvernefteproduct.

6 Novotorzhskaya Ulitsa, Tver, Russia;

(10) *Sovkhoz Chervishevski PAO,* a.k.a., the following three aliases:

—OJSC Sovkhoz Chervishevsky;
—Open Joint Stock Company Sovkhoz Chervishevsky; *and*
—Sovkhoz Chervishevsky, JSC.

d. 81 Sovetskaya Ulitsa, S. Chervichevsky, Tyumensky Rayon, Tyumensky Oblast 625519, Russia;

(11) *Strakhovove Obshchestvo Surgutneftegaz OOO,* a.k.a., the following three aliases:

—Insurance Company Surgutneftegas, LLC;
—Limited Liability Company Insurance Company Surgutneftegas; *and*
—LLC Insurance Company Surgutneftegas.

9/1 Lermontova Ulitsa, Surgut 628418, Russia;

(12) *Surgutmebel OOO,* a.k.a., the following four aliases:

—Limited Liability Company Syrgutmebel;
—LLC Surgutmebel;
—LLC Syrgutmebel; *and*
—Surgutmebel, LLC.

Vostochnaya Industrial 1 Territory 2, Poselok Barsovo, Surgutsky District, Yugra, Khanty-Mansiysky Autonomos Okrug, Russia.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on March 22, 2018, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act of 1979

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (Aug. 16, 2017), has continued the EAR in effect under the International Emergency Economic Powers Act (15 U.S.C. 1701 *et seq.*). BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications, and carries a burden estimate of 43.8 minutes for a manual or electronic submission.

Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. For the twenty-three persons added to the Entity List in this final rule, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation and a 30-day delay in effective date are inapplicable, because this regulation involves a military or foreign affairs function of the United States (5 U.S.C. 553(a)(1)). BIS implementation of this rule is necessary to protect U.S. national security or foreign policy interests by preventing items subject to the EAR from being exported, reexported, or transferred (in-country) to the persons being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, the persons being added to the Entity List by this action would continue to be able to receive items subject to the EAR without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, publishing a proposed rule would give these persons notice of the U.S. Government's intention to place them on the Entity List, which could create an incentive for them to accelerate their receipt of items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, including taking steps to set up additional aliases, change addresses, and engaging in other measures to try to limit the impact of the listing on the Entity List once a final rule is published.

5. For the two entities removed from the Entity List in this final rule, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because it would be contrary to the public interest. In determining whether to grant a request for removal from the Entity List, a committee of U.S. Government agencies (the End-User Review Committee (ERC)) evaluates information about and commitments made by listed entities requesting removal from the Entity List, the nature and terms of which are set forth in 15 CFR part 744, supplement No. 5, as noted in 15 CFR 744.16(b). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (72 FR 31005 (June 5, 2007) (proposed rule), and 73 FR 49311 (August 21, 2008) (final rule)). These two removals have been made within the established regulatory framework of the Entity List. If the rule were to be delayed to allow for public comment, U.S. exporters may face unnecessary economic losses as they turn away potential sales to the entities removed by this rule because the customer remained a listed person on the Entity List even after the ERC approved the removal pursuant to the rule published at 73 FR 49311 on August 21, 2008. By publishing without prior notice and comment, BIS allows the applicants whose removal has been approved by the ERC to receive U.S. exports

immediately, subject to any other potential license requirements that may apply under provisions of the EAR other than the Entity List).

Removals from the Entity List involve interagency deliberation and result from review of public and non-public sources, including, where applicable, sensitive law enforcement information and classified information, and the measurement of such information against the Entity List removal criteria. This information is extensively reviewed according to the criteria for evaluating removal requests from the Entity List, as set out in 15 CFR part 744, supplement No. 5, and 15 CFR 744.16(b). For reasons of national security, BIS is not at liberty to provide to the public detailed information on which the ERC relied to make the decisions to remove these entities. In addition, the information included in the removal request is information exchanged between the applicant and the ERC, which by law (section 12(c) of the Export Administration Act of 1979), BIS is restricted from sharing with the public. Moreover, removal requests from the Entity List contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such requests.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(1) because this rule is a substantive rule which relieves a restriction. This rule's removal of two entities from the Entity List removes requirements (the Entity-List-based license requirement and limitation on use of license exceptions) on those two entities. The rule does not impose a requirement on any other person for these removals from the Entity List. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule.

6. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the APA regarding notice of proposed rulemaking, the opportunity for public comment, and a 30-day delay in effective date for corrections made to twelve entries on the Entity List as part of this rule. This rule merely corrects an error resulting from a February 16, 2018 rule regarding the licensing requirement under the EAR that is applicable to items destined for or otherwise involving twelve entities that were added to the Entity List by the rule. The February 16, 2018 rule was a final rule with immediate effectiveness. It would be contrary to the public interest to delay publication of a correction and thereby exacerbate confusion on the part of the public as to the correct licensing requirement for shipments to or involving these twelve entities.

7. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017); Notice of September 18, 2017, 82 FR 43825 (September 19, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of January 17, 2018, 83 FR 2731 (January 18, 2018).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By removing the heading ''Ecuador'' and one Ecuadorian entity, ''Corporacion Nacional de Telecommunicaciones (CNT), Avenida Gaspar de Villaroel, Quito Ecuador; *and* Avda. Veintimilla, Suite 1149 y Amazonas, Edificio Estudio Z, Quito, Ecuador.'';

■ b. By adding, under Pakistan, in alphabetical order, seven Pakistani entities;

■ c. By revising, under Russia, twelve Russian entities;

■ d. By adding, under Singapore, in alphabetical order, one Singaporean entity;

■ e. By adding, in alphabetical order, a heading for South Sudan and fifteen South Sudanese entities;

■ f. By removing, under United Arab Emirates, one Emirati entity, ''Talaat Mehmood, Q–4 136 Warehouse, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE; *and* Q1–08–051/B, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE; *and* P.O. Box 121826, Sharjah Airport International Free (SAIF) Zone, Sharjah, UAE.''

The additions and revisions read as follows:

Supplement No. 4 to Part 744—Entity List

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
PAKISTAN	*	*	*	*
	Akhtar & Munir, Hussain Plaza 60–B No. 3, Adamjee Road, Punjab 46000, Pakistan;	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	*	*	*	*
	Engineering and Commercial Services (ECS), 204, 2nd Floor, Capital Business Center, F–10 Markaz, Islamabad, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	*	*	*	*

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Marine Systems Pvt. Ltd., 2nd Floor, Kashmir Plaza, Blue Area, G–6/F–6 Islamabad, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Mushko Electronics Pvt. Ltd., Safa House Address, Abdullah Haroon Road, Karachi Pakistan; *and* Victoria Chambers, Abdullah Haroon Road, Saddar Town, Karachi Pakistan; *and* Office No. 3&8, First Floor, Center Point Plaza, Main Boulevad, Gullberg-III, Lahore, Pakistan; 26–D Kashmir Plaza East, Jinnah Avenue, Blue Area, Islamabad, Pakistan; *and* 68–W, Sama Plaza, Blue Area Sector G–7, Islamabad, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Pervaiz Commercial Trading Co. (PCTC), PCTC House, 36–B Model Town, Lahore, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Proficient Engineers, Tariq Block, 437 New Garen Town, Lahore, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Solutions Engineering Pvt. Ltd., a.k.a., the following two aliases: —Solutronix Engineering Pvt. Ltd. and —Solutronix Pvt. Ltd. 95A Solutions Tower, DHA Phase 8 Commercial Broadway, Lahore, Pakistan; *and* 54–B PAF Colony, Zarar Shaheed, Lahore, Pakistan; *and* Ground Floor, Almas Tower, Begum Salma Tassadaq Road, Near E Plomer, Lahore, Pakistan; *and* Suite 1&4, Hafeez Chamber 85 The Mall Lahore, Pakistan; *and* Gohawa Dak Dhana Bhatta Kohaar, Lahore, Pakistan; *and* Sehajpal Village, near New Airport Road, Lahore, Pakistan; *and,* Office #201, 2nd Floor, Capital Business Center, F–10 Markaz, Islamabad, Pakistan; *and* 156 The Mall, Rawalpindi, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
*	* * *	*	* *	*
RUSSIA	* *	*	* *	*
	Kaliningradnefteprodukt OOO, a.k.a., the following three aliases: —Kaliningradnefteprodukt LLC; —Limited Liability Company Kaliningradnefteproduct; *and* —LLC Kaliningradnefteproduct. 22–b Komsomolskaya Ulitsa, Central District, Kaliningrad, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Kinef OOO, a.k.a., the following three aliases: —Kinef, LLC; —Limited Liability Company Production Association Kirishinefteorgsintez; *and* —LLC Kinef. d. 1 Shosse Entuziastov, Kirishi, Leningradskaya Oblast 187110, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Kirishiavtoservis OOO, a.k.a., the following two aliases: —Limited Liability Company Kirishiavtoservis; *and* —LLC Kirishiavtoservis. lit A, 12 Smolenskaya Ulitsa, St. Petersburg 196084.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Lengiproneftekhim OOO, a.k.a., the following three aliases: —Institut Po Proektirovaniyu Predpriyaty Neftepererabatyvayuschey I Neftekhimicheskoy Promyshlennosti, Limited Liability Company; —Limited Liability Company Oil Refining and Petrochemical Facilities Design Institute; *and* —LLC Lengiproneftekhim. d. 94, Obvodnogo Kanala, nab, St. Petersburg 196084, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Media-Invest OOO, a.k.a., the following two aliases: —Limited Liability Company Media-Invest; *and* —LLC Media-Invest. 17 Bld 1 Zubovsky Blvd, Moscow 119847, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Novgorodnefteprodukt OOO, a.k.a., the following three aliases: —Limited Liability Company Novgorodnefteproduct; —LLC Novgorodnefteproduct; *and* —Novgorodnefteprodukt LLC. d. 20 Germana Ulitsa, Veliky Novgorod, Novgorodskaya Oblast 173002, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Pskovnefteprodukt OOO, a.k.a., the following two aliases: —Limited Liability Company Marketing Association Pskovnefteproduct; *and* —LLC Pskovnefteproduct. 4 Oktyabrsky Prospekt, Pskov 180000, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	SNGB AO, a.k.a., the following three aliases: —Closed Joint Stock Company Surgutneftegasbank (ZAO SNGB); —Joint Stock Company Surgutneftegasbank; *and* —JSC BANK SNGB. 19 Kukuyvitskogo Street, Surgut 628400, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	SO Tvernefteprodukt OOO, a.k.a., the following two aliases: —Limited Liability Company Marketing Association Tvernefteproduct; *and* —LLC MA Tvernefteproduct. 6 Novotorzhskaya Ulitsa, Tver, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Sovkhoz Chervishevski PAO, a.k.a., the following three aliases: —OJSC Sovkhoz Chervishevsky; —Open Joint Stock Company Sovkhoz Chervishevsky; *and* —Sovkhoz Chervishevsky, JSC. d. 81 Sovetskaya Ulitsa, S. Chervichevsky, Tyumensky Rayon, Tyumensky Oblast 625519, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].

Country	Entity	License requirement	License review policy	**Federal Register** citation
	* *	*	* *	*
	Strakhovove Obshchestvo Surgutneftegaz OOO, a.k.a., the following three aliases: —Insurance Company Surgutneftegas, LLC; —Limited Liability Company Insurance Company Surgutneftegas; *and* —LLC Insurance Company Surgutneftegas. 9/1 Lermontova Ulitsa, Surgut 628418, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	* *	*	* *	*
	Surgutmebel OOO, a.k.a., the following four aliases: —Limited Liability Company Syrgutmebel; —LLC Surgutmebel; —LLC Syrgutmebel; and —Surgutmebel, LLC. Vostochnaya Industrial 1 Territory 2, Poselok Barsovo, Surgutsky District, Yugra, Khanty-Mansiysky Autonomos Okrug, Russia.	For all items subject to the EAR when used in projects specified in § 746.5 of the EAR.	Presumption of denial	83 FR 6952, 2/16/18. 83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
SINGAPORE	* *	*	* *	*
	Mushko Logistics Pte. Ltd., Unit 04–01, Lip Hing Industrial Building, 3 Pemimpin Drive, Singapore; *and* 37 Pemimpin Drive, #06–12 MAPEX, Singapore; *and* Unit 04–01/03, Pandan Logistics Hub, 49 Pandan Road, Singapore; *and* 54 Lakeside Drive, #01–22 Caspian, Singapore.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
*	* *	*	* *	*
SOUTH SUDAN	Ascom Sudd Operating Company, a.k.a., the following one alias: —ASOC. South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Dar Petroleum Operating Company, a.k.a., the following one alias: —DPOC. Zhongnan Hotel, on UNMISS Road, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	DietsmannNile, Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Greater Pioneer Operating Co. Ltd, a.k.a., the following one alias: —GPOC. South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Juba Petrotech Technical Services Ltd. South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Nile Delta Petroleum Company, Hai Malakai neighborhood, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Nile Drilling and Services Company, Hai Amarat, Airport Road, West Yat Building, Third Floor, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Nile Petroleum Corporation, a.k.a., the following one alias: —Nilepet. Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].

Country	Entity	License requirement	License review policy	Federal Register citation
	Nyakek and Sons, Jubatown District near the Ivory Bank, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Oranto Petroleum, Referendum Road, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Safinat Group. South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	SIPET Engineering and Consultancy Services, a.k.a., the following one alias: —SPECS. Tomping District opposite Arkel Restaurant, two blocks north of Airport Road, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	South Sudan Ministry of Mining, Nimra Talata, P.O. Box 376, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	South Sudan Ministry of Petroleum, Ministries Road, Opposite the Presidential Palace, P.O. Box 376, Juba, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].
	Sudd Petroleum Operating Co., a.k.a., the following one alias: —SPOC. Tharjath, Unity State, South Sudan.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Presumption of denial	83 FR [INSERT FR PAGE NUMBER AND 3/22/18].

* * * * * * *

Dated: March 16, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–05789 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2018–D–0721]

Application of the Foreign Supplier Verification Program Regulation to the Importation of Live Animals: Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a guidance for industry entitled ''Application of the Foreign Supplier Verification Program Regulations to the Importation of Live Animals: Guidance for Industry.'' The purpose of this document is to state FDA's intent to exercise enforcement discretion regarding application of the regulation on foreign supplier verification programs (FSVPs) to importers of certain live animals. The enforcement discretion would apply to importers of live animals that are required to be slaughtered and processed at U.S. Department of Agriculture (USDA) regulated establishments subject to USDA-administered Hazard Analysis and Critical Control Point (HACCP) requirements, or at State-inspected establishments subject to requirements equivalent to the Federal standard.

DATES: The announcement of the guidance is published in the **Federal Register** on March 22, 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–2018–D–0721 for ''Application of the Foreign Supplier Verification Program

Regulation to the Importation of Live Animals: Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Sharon Mayl, Office of Foods and Veterinary Medicine, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–4716.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Application of the Foreign Supplier Verification Program Regulation to the Importation of Live Animals: Guidance for Industry.'' We are issuing this guidance consistent with our good guidance practices (GGP) regulation (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 (§ 10.115(g)(2)). We made this determination because the guidance presents a less burdensome policy consistent with the public health. Although this guidance is immediately in effect, it remains subject to comment in accordance with FDA's GGP regulation. The guidance represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

Many live animals are imported into the United States for consumption as food. Most imported live animals (*e.g.,* cattle and swine) that are for use as food are slaughtered under mandatory inspection by USDA's Food Safety and Inspection Service (FSIS) and are processed at USDA-regulated establishments subject to USDA-administered Hazard Analysis Critical Control Point (HACCP) requirements. The slaughter and processing of other live animals (*e.g.,* farmed bison, boar, and elk) is under FDA's jurisdiction and is subject to FDA's current good manufacturing practice and, unless an exemption applies, preventive controls requirements (21 CFR part 117). Some animals under FDA jurisdiction (''FDA animals'') are slaughtered under voluntary inspection by USDA–FSIS.

The importation into the United States of live animals for food use is subject to certain supplier verification requirements established in the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353). FSMA amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to add, among other food safety requirements, provisions requiring verification of the safety of food imported from foreign suppliers. Section 805(c) of the FD&C Act (21 U.S.C. 384(c)) directs FDA to issue regulations on the content of FSVPs. We issued the FSVP final rule on November 27, 2015 (80 FR 74225).

The FSVP regulation requires food importers to develop, maintain, and follow an FSVP that provides adequate assurances that the foreign supplier uses processes and procedures that provide the same level of public health protection as those required under the preventive controls or produce safety provisions of FSMA (if applicable) and regulations implementing those provisions, as well as assurances that the imported food is not adulterated and that human food is not misbranded with respect to allergen labeling (21 CFR 1.502(a)).

The food resulting from the slaughter and processing of certain live animals cannot be consumed without slaughter and processing at establishments subject to USDA-administered HACCP requirements (or equivalent state programs). In light of the role of another Federal agency with regard to these animals, FDA intends to exercise enforcement discretion with respect to the FSVP regulation for importers of live animals that are imported for slaughter and processing at USDA-regulated establishments subject to USDA-administered HACCP requirements, or imported for slaughter and processing under state requirements that are at least equivalent to the requirements for USDA-regulated establishments, including designated feeder animals. This means that we will not expect FSVP importers of live animals that are slaughtered and processed at USDA-inspected establishments subject to USDA-administered HACCP requirements (or State-inspected establishments subject to equivalent requirements) to meet any of the FSVP requirements.

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 part 1, subpart L, have been approved under OMB control number 0910–0752.

III. Electronic Access

Persons with access to the internet may obtain the document at either *https://www.fda.gov/FoodGuidances* or

https://www.regulations.gov. Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: March 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05843 Filed 3–21–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

[Docket No. SLSDC–2016–0006]

RIN 2135–AA43

Seaway Regulations and Rules: Periodic Update, Various Categories

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Condition of Vessels; and, Dangerous Cargo. These amendments are merely editorial or for clarification of existing requirements. The joint regulations will become effective in Canada on March 29, 2018. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make the U.S. version of the amendments effective on the same date.

DATES: This rule is effective on March 29, 2018.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to *http://www.Regulations.gov;* or in person at the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Carrie Mann Lavigne, Chief Counsel, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, New York 13662; 315/764–3200.

SUPPLEMENTARY INFORMATION: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Condition of Vessels; and, Dangerous Cargo. These changes are to clarify existing requirements in the regulations.

Regulatory Notices: Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.Regulations.gov*.

The joint regulations will become effective in Canada on March 29, 2018.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of who are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of the human environment.

Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and have determined that this rule does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation amends 33 CFR part 401 as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

■ 1. The authority citation for subpart A of part 401 is revised to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

■ 2. In § 401.12, revise paragraph (a)(3)(iii) to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) * * *

(3) * * *

(iii) All lines shall be led through closed chocks or fairleads acceptable to the Manager and the Corporation.

* * * * *

■ 3. In § 401.66, revise paragraph (a) to read as follows:

§ 401.66 Applicable laws.

(a) Where a vessel on the seaway is involved in an accident or a dangerous occurrence, the master of the vessel shall report the accident or occurrence,

pursuant to the requirements of the Transportation Safety Board Regulations, to the nearest Seaway station and Transport Canada Marine Safety and Security or U.S. Coast Guard office as soon as possible and prior to departing the Seaway system.

* * * * *

Issued at Washington, DC, on March 16, 2018.

Saint Lawrence Seaway Development Corporation.

Carrie Lavigne,

Chief Counsel.

[FR Doc. 2018–05781 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–61–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0267; FRL–9975–78—Region 7]

Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve certain elements of a 2013 State Implementation Plan (SIP) submission from the State of Iowa for the 2010 Sulfur Dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever EPA promulgates a new or revised NAAQS, states are required to make a SIP submission establishing that the existing approved SIP has provisions necessary to address various requirements to address the new or revised NAAQS or to add such provisions. These SIPs submissions are commonly referred to as ''infrastructure'' SIPs. The infrastructure SIP requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on April 23, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2017–0267. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7039, or by email at *hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. Background
II. What is being addressed in this document?
III. Have the requirements for approval of the SIP submission been met?
IV. EPA's Response to Comments
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. Background

EPA received Iowa's 2010 SO_2 NAAQS infrastructure SIP submission on July 29, 2013. On September 29, 2017, EPA proposed to approve elements of this submission. *See* 82 FR 45550. In conjunction with the September 29, 2017 notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving the same elements of the 2010 SO_2 NAAQS infrastructure SIP. *See* 82 FR 45497. However, in the DFR, EPA stated that if EPA received adverse comments by October 30, 2017, the action would be withdrawn and not take effect. EPA received three comments prior to the close of the comment period which were adverse. EPA withdrew the DFR on November 14,2017. *See* 82 FR 54300. This action is a final rule based on the NPR. A detailed discussion of Iowa's SIP submission and EPA's rationale for approving the SIP submission were provided in the DFR and the associated Technical Support Document in the docket for this rulemaking and will not be restated here, except to the extent relevant to our response to the public comment we received.

II. What is being addressed in this document?

EPA is approving certain elements of the 2010 SO_2 NAAQS infrastructure SIP submission from the State of Iowa received on July 29, 2013. Specifically, EPA is approving Iowa's submission with regard to the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent of significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M).

EPA is not taking action at this time on the following elements for the 2010 SO_2 NAAQS: Section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1) and interfering with maintenance of the NAAQS (prong 2), and section 110(a)(2)(D)(i)(II)—protection of visibility (prong 4).

III. Have the requirements for approval of the SIP submission been met?

The state met the public notice requirements for SIP submission in accordance with 40 CFR 51.102. The state initiated public comment from April 6, 2013, to May 8, 2013. One comment was received and adequately addressed in the final SIP submission. This submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of the docket for this rulemaking, the submission meets the applicable substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. EPA's Response to Comments

The public comment period on EPA's proposed rule opened September 29, 2017, the date of its publication in the **Federal Register**, and closed on October 30, 2017. During this period, EPA received three public comments on the proposal to approve certain elements of Iowa's 2010 SO_2 infrastructure SIP submission, one of which is addressed below. The other two comments were not specific to this action, which is concerned with evaluating whether Iowa has the required elements in place to implement, maintain, and enforce the NAAQS, and thus no further response is required.

Comment: The commenter stated that EPA must act on 110(a)(2)(D)(I) prong 1 (significant contribution to nonattainment), prong 2 (interference with maintenance), and 110(a)(2)(D)(II), prong 4 (interference with visibility protection.) The commenter asserted that EPA had stated in the Technical Support Document (TSD) for the proposed action that ''EPA WILL NOT ACT on [prongs 1, 2 and 4]'' (emphasis added in comment). The commenter went on to state that EPA was therefore stating that it ''will never act and does not need to act on these elements.'' The

commenter further stated that EPA does not have the discretionary authority to not act on a state's submission. The commenter indicated that if EPA does not believe prongs 1 and 2 are approvable, then EPA must disapprove; if EPA does not believe prong 4 is approvable due to the lack of an approved regional haze program, then EPA must disapprove the state's submission and promulgate a FIP to address regional haze. The commenter concluded by stating that the comment letter constitutes notice of intent to sue the agency for failure to perform its nondiscretionary duty under 110(k)(2) to act on Iowa's prongs 1, 2, and 4.

EPA's response: EPA disagrees with this comment. First, EPA's TSD [1] does not state that ''EPA will not act'' on the SIP submission with respect to prongs 1, 2, and 4 of section 110(a)(2)(D), and does not imply that EPA ''will never act and does not need to act on these elements.'' Rather, the TSD states, ''With this action, EPA will not be acting on 110(a)(2)(D)(i)(I)—prongs 1 and 2, and 110(a)(2)(D)(i)(II)—prong 4.'' That is, the TSD merely explains that EPA is not taking action on prongs 1, 2, and 4 *in this rulemaking,* not that it does not have an obligation to act on those elements of the SIP submission at issue, or that it will never do so.

EPA is not required to act on the prong 1, 2, or 4 elements of Iowa's 2010 SO_2 infrastructure SIP submission in this particular rulemaking. Although EPA agrees with the commenter that it has an obligation to take action under section 110(k) on SIP submissions, EPA disagrees with the argument that the Agency cannot elect to act on individual parts or elements of a state's infrastructure SIP submission in separate rulemakings, as it deems appropriate. Section 110(k) of the CAA authorizes EPA to approve a SIP submission in full, disapprove it in full, or approve it in part and disapprove it in part, or conditionally approve it in full or in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve state SIP submissions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a SIP submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

EPA interprets its authority under section 110(k) of the CAA as affording the Agency the discretion to approve, disapprove, or conditionally approve, individual elements of Iowa's infrastructure SIP submission for the 2010 SO_2 NAAQS. EPA views discrete infrastructure SIP requirements, such as the requirements of 110(a)(2)(d)(i)(I) and (II), as severable from other infrastructure SIP elements and interprets section 110(k) as allowing it to act on individual severable elements or requirements in a SIP submission. In short, EPA has the discretion under section 110(k) of the CAA to act upon the various individual elements of a state's infrastructure SIP submission, separately or together, as appropriate. EPA will address the remaining elements of Iowa's 2010 SO_2 infrastructure SIP submission in a separate rulemaking action or actions.

In EPA's rulemaking proposing to approve Iowa's infrastructure SIP for the 2010 1-hour SO_2 NAAQS, EPA stated that it was not taking any action with respect to the good neighbor provisions in section 110(a)(2)(D)(i)(I) for this NAAQS. EPA understands the commenter's concern with respect to interstate transport. EPA will evaluate whether it is appropriate to make a finding of failure to submit in a separate action as the state did not make a submission to satisfy 110(a)(2)(D)(i)(I).

With respect to the comment on prong 4 in particular, although EPA's evaluation of a state's SIP submission can be related to the status of that state's regional haze program,[2] Iowa's regional haze program is not relevant here because EPA is not taking action on that element of Iowa's SO_2 infrastructure SIP submission in this rulemaking.

Finally, a public comment submitted on a proposal does not constitute notice of intent to sue the Administrator for failure to perform a nondiscretionary duty. Clean Air Act section 304(b)(2) requires 60 days' notice of a civil action against the Administrator for an alleged failure to perform a non-discretionary duty *to the Administrator.* EPA's regulations require that service of notice to the Administrator ''shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, DC 20460.'' 40 CFR 54.2(a). The commenter's public comment submitted via *regulations.gov* does not satisfy the regulatory requirements for notices of intent to file suit against the Administrator for failure to perform a non-discretionary duty.

V. What action is EPA taking?

EPA is taking final action to approve Iowa's 2013 infrastructure SIP submission for the 2010 SO_2 NAAQS with regard to the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M).

EPA is not taking action on sections 110(a)(2)(D)(i)(I), prongs 1 and 2, and 110(a)(2)(D)(i)(II), prong 4. The agency will act on those elements of the SIP submission in a separate rulemaking action or action.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have Federalism implications as specified in Executive

[1] *www.regulations.gov,* Docket: EPA–R07–OAR–2017–0267, Supporting Documents; R7 Technical Support Document.

[2] EPA's 2013 Guidance of Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) provides that ''[o]ne way in which prong 4 may be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP. . . . .'' 2013 Guidance at 33, *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf.*

Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 8, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. Section 52.820 is amended by adding new paragraph (e)(47) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(47) Sections 110(a)(1) and (2) Infrastructure Requirements 2010 Sulfur Dioxide NAAQS.	Statewide	7/23/2013	3/22/2018, [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), D(i)(II) prong 3 only, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). [EPA–R07–OAR–2017–0267; FRL–*9975–78*–Region 7].
*	*	*	*	*

[FR Doc. 2018–05631 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0517; FRL–9975–68—Region 7]

Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2012 Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve certain elements of a 2015 State Implementation Plan (SIP) submission from the State of Iowa for the 2012 Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever EPA promulgates a new or revised NAAQS, states are required to make a SIP submission establishing that the existing approved SIP has provisions necessary to address various requirements to address the new or revised NAAQS or to add such

provisions. These SIP submissions are commonly referred to as ''infrastructure'' SIPs. The infrastructure SIP requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on April 23, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2017–0517. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7039, or by email at *hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. Background
II. What is being addressed in this document?
III. Have the requirements for approval of the SIP revisions been met?
IV. EPA's Response to Comments
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. Background

EPA received Iowa's 2012 $PM_{2.5}$ infrastructure SIP submission on December 22, 2015. On September 29, 2017, EPA proposed to approve certain elements of this SIP submission. *See* 82 FR 45550. In conjunction with the September 29, 2017, notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving the same elements of the 2012 $PM_{2.5}$ NAAQS infrastructure SIP. *See* 82 FR 45479. However, in the DFR, EPA stated that if EPA received adverse comments by October 30, 2017, the action would be withdrawn and not take effect. EPA received one adverse comment prior to the close of the comment period. EPA withdrew the DFR on November 20, 2017. *See* 82 FR 55053. This action is a final rule based on the NPR. A detailed discussion of Iowa's SIP submission and EPA's rationale for approving the SIP submission were provided in the DFR and the associated Technical Support Document in the docket for this rulemaking and will not be restated here, except to the extent relevant to our response to the public comment we received.

II. What is being addressed in this document?

EPA is approving certain elements of the 2012 $PM_{2.5}$ NAAQS infrastructure SIP submission from the State of Iowa received on December 22, 2015. Specifically, EPA is approving Iowa's submission with regard to the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M).

EPA is not taking action at this time on the following elements that were addressed in Iowa's infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS: Section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQS (prong 2), and section 110(a)(2)(D)(i)(II)—protection of visibility (prong 4).

III. Have the requirements for approval of the SIP revisions been met?

The state met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state initiated public comment from October 14, 2015, to November 16, 2015. No comments were received. This submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of the docket for this rulemaking, the submission meets the applicable substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. EPA's Response to Comments

The public comment period on EPA's proposed rule opened September 29, 2017, the date of its publication in the **Federal Register**, and closed on October 30, 2017. During this period, EPA received one adverse comment as follows:

Comment: The commenter stated that EPA must act on 110(a)(2)(D)(I) prong 1 (significant contribution to nonattainment), prong 2 (interference with maintenance), and 110(a)(2)(D)(II), prong 4 (interference with visibility protection.) The commenter asserted that EPA had stated in the Technical Support Document (TSD) for the proposed action that ''EPA WILL NOT ACT on [prongs 1, 2 and 4]'' (emphasis added in comment). The commenter claimed that EPA was therefore stating that it ''will never act and does not need to act on these elements.'' The commenter further stated that EPA does not have the discretionary authority to not act on a state's submission. The commenter indicated that if EPA does not believe prongs 1 and 2 are approvable, then EPA must disapprove; if EPA does not believe prong 4 is approvable due to the lack of an approved regional haze program, then EPA must disapprove the state's submission and promulgate a FIP to address regional haze. The commenter concluded by stating that the comment letter constitutes notice of intent to sue the agency for failure to perform its nondiscretionary duty under 110(k)(2) to act on Iowa's prongs 1, 2, and 4.

EPA's response: EPA disagrees with this comment. First, EPA's TSD [1] does not state that ''EPA will not act'' on the SIP submission with respect to prongs 1, 2, and 4 of section 110(a)(2)(D), and does not imply that EPA ''will never act and does not need to act on these elements.'' Rather, the TSD states, ''With this action, EPA will not be acting on 110(a)(2)(D)(i)(I)—prongs 1 and 2, and 110(a)(2)(D)(i)(II)—prong 4.'' That is, the TSD merely explains that EPA is not taking action on prongs 1, 2, and 4 *in this rulemaking,* not that it does not have an obligation to act on those elements of the SIP submission at issue, or that it will never do so.

EPA is not required to act on the prong 1, 2, or 4 elements of Iowa's 2012 $PM_{2.5}$ infrastructure SIP submission in this particular rulemaking. Although EPA agrees with the commenter that it has an obligation to take action under section 110(k) on SIP submissions, EPA disagrees with the argument that the Agency cannot elect to act on individual parts or elements of a state's infrastructure SIP submission in separate rulemakings, as it deems appropriate. Section 110(k) of the CAA authorizes EPA to approve a SIP submission in full, disapprove it in full, or approve it in part and disapprove it in part, or conditionally approve it in full or in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve state SIP submissions in separable parts was included in the

[1] *www.regulations.gov,* Docket: EPA–R07–OAR–2017–0517, Supporting Documents; R7 Technical Support Document

1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a SIP submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

EPA interprets its authority under section 110(k) of the CAA as affording the Agency the discretion to approve, disapprove, or conditionally approve, individual elements of Iowa's infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS. EPA views discrete infrastructure SIP requirements, such as the requirements of 110(a)(2)(D)(i)(I) and (II), as severable from other infrastructure SIP elements and interprets section 110(k) as allowing it to act on individual severable elements or requirements in a SIP submission. In short, EPA has the discretion under section 110(k) of the CAA to act upon the various individual elements of a state's infrastructure SIP submission, separately or together, as appropriate. EPA will address the remaining elements of Iowa's 2012 $PM_{2.5}$ infrastructure SIP submission in a separate rulemaking action or actions.

With respect to the comment on prong 4 in particular, although EPA's evaluation of a state's SIP submission can be related to the status of that state's regional haze program,[2] Iowa's regional haze program is not relevant here because EPA is not taking action on that element of Iowa's 2012 $PM_{2.5}$ infrastructure SIP submission in this rulemaking.

Finally, a public comment submitted on a proposal does not constitute notice of intent to sue the Administrator for failure to perform a nondiscretionary duty. Clean Air Act section 304(b)(2) requires 60 days' notice of a civil action against the Administrator for an alleged failure to perform a non-discretionary duty to the *Administrator.* EPA's regulations require that service of notice to the Administrator ''shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, DC 20460.'' 40 CFR 54.2(a). The commenter's public comment submitted via *regulations.gov* does not satisfy the regulatory requirements for notices of intent to file suit against the Administrator for failure to perform a non-discretionary duty.

[2] EPA's 2013 Guidance of Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) provides that ''[o]ne way in which prong 4 may be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP. . . . . .'' 2013 Guidance at 33, *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf.*

V. What action is EPA taking?

EPA is taking final action to approve elements of the 2012 $PM_{2.5}$ NAAQS infrastructure SIP submission from the State of Iowa received on December 22, 2015. Specifically, EPA is approving the infrastructure submission with regard to the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA is not taking action on elements of the SIP submission relevant to section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1) and interfering with maintenance of the NAAQS (prong 2), and section 110(a)(2)(D)(i)(II)—protection of visibility (prong 4). The agency will act on those elements of the SIP submission in a separate rulemaking action or actions.

VI. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed,

and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 7, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. Section 52.820 is amended by adding paragraph (e)(49) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	* *		* *	* *
(49) Sections 110(a)(1) and (2) Infrastructure Requirements 2012 annual fine Particulate Matter NAAQS.	Statewide	12/15/2015	3/22/2018, [*Insert* ..... ***Federal Register*** *citation*].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), D(i)(II) prong 3 only, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). [EPA–R07–OAR–2017–0517; FRL–*9975–68*– Region 7].

[FR Doc. 2018–05540 Filed 3–21–18; 8:45 a.m.]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0208; FRL–9975–69—Region 7]

Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve certain elements of Iowa's 2013 State Implementation Plan (SIP) submission, and a 2017 amendment to that submission, for the 2010 Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever EPA promulgates a new or revised NAAQS, states are required to make a SIP submission establishing that the existing approved SIP has provisions necessary to address various requirements to address the new or revised NAAQS or to add such provisions. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on April 23, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2017–0208. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7039, or by email at *hamilton.heather@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. Background
II. What is being addressed in this document?
III. Have the requirements for approval of the SIP revisions been met?
IV. EPA's response to comments
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. Background

EPA received Iowa's initial 2010 NO_2 NAAQS infrastructure SIP submission on July 29, 2013. On March 9, 2017, EPA received a revised submission addressing the requirements of section 110(a)(2)(D)(i)(I). On September 20, 2017, EPA proposed to approve elements of the 2010 NO_2 NAAQS infrastructure SIP submission from the State of Iowa. *See* 82 FR 43925. In conjunction with the September 20, 2017, notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving the same elements of the 2010 NO_2 NAAQS infrastructure SIP. *See* 82 FR 43836. However, in the DFR, EPA stated that if EPA received adverse comments by October 20, 2017, the action would be withdrawn and not take effect. EPA received three comments prior to the close of the comment period; one in favor of the rulemaking, and two adverse. EPA withdrew the DFR on November-17,2017. *See* 82 FR 54299. This action is a final rule based on the NPR. A detailed discussion of Iowa's SIP revision and EPA's rationale for approving the SIP revision were provided in the DFR and the associated Technical Support Document in the docket and will not be restated here, except to the extent relevant to our response to the public comment we received.

II. What is being addressed in this document?

EPA is approving certain elements of the 2010 NO_2 NAAQS infrastructure SIP submission from the State of Iowa received on July 29, 2013, and an amended SIP submission received on March 9, 2017. Specifically, EPA is approving Iowa's submissions with regard to the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQS (prong 2) and (D)(i)(II)—prevent of significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M).

EPA is not acting at this time on section 110(a)(2)(D)(i)(II)—protection of visibility (prong 4), which Iowa addressed in the infrastructure SIP submission for the 2010 NO_2 NAAQS.

III. Have the requirements for approval of the SIP revisions been met?

The state met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state initiated public comment from April 6, 2013, to May 8, 2013. One comment was received and adequately addressed in the final SIP submission. The amended submission was placed on public comment January 12, 2017, to February 15, 2017. No comments were received. These submissions also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of the docket for this rulemaking, the submissions met the applicable substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. EPA's Response to Comments

The public comment period on EPA's proposed rule opened September 20, 2017, the date of its publication in the **Federal Register**, and closed on October 20, 2017. During this period, EPA received three public comments on the proposal to approve certain elements of Iowa's 2010 NO_2 infrastructure SIP submission, one of which is addressed below. The second comment was supportive of EPA's proposed approval and the third was not specific to this action, which is concerned with evaluating whether Iowa has the required elements in place to implement, maintain, and enforce the NAAQS, and thus no further response is required.

Comment: The commenter stated that EPA must act on the visibility portion of the state's submission (110(a)(2)(D)(II)—prong 4, and that EPA does not have the discretionary authority to not act on a state's submission. The commenter indicated that if EPA does not believe the Regional Haze program is approvable, then EPA should disapprove the state's plan.

EPA's response: EPA disagrees with this comment. We are not required to act on the prong 4 element of Iowa's 2010 NO_2 infrastructure SIP submission in this particular rulemaking. Although EPA agrees with the commenter that it has an obligation to take action under section 110(k) on SIP submissions, we disagree with the argument that the Agency cannot elect to act on individual parts or elements of a state's infrastructure SIP submission in separate rulemakings, as it deems appropriate. Section 110(k) of the CAA authorizes EPA to approve a SIP submission in full, disapprove it in full, or approve it in part and disapprove it in part, or conditionally approve it in full or in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve state SIP submissions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a SIP submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

EPA interprets its authority under section 110(k) of the CAA as affording the Agency the discretion to approve, disapprove, or conditionally approve, individual elements of Iowa's infrastructure SIP submission for the 2010 NO_2 NAAQS. EPA views discrete infrastructure SIP requirements, such as the requirements of 110(a)(2)(D)(i)(II), as severable from other infrastructure SIP elements and interprets section 110(k) as allowing it to act on individual severable elements or requirements in a SIP submission. In short, EPA has the discretion under section 110(k) of the CAA to act upon the various individual elements of a state's infrastructure SIP submission, separately or together, as appropriate. EPA will address the remaining element of Iowa's 2010 NO_2 infrastructure SIP submission in a separate rulemaking action or actions.

With respect to Iowa's regional haze program, although EPA's evaluation of prong 4 can be related to the status of such a program,[1] it is not relevant here because EPA is not taking action on prong 4 in this rulemaking.

V. What action is EPA taking?

EPA is taking final action to approve the following elements of section 110(a)(2) contained in Iowa's 2013 and 2017 SIP submissions: (A), (B), (C), (D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQS (prong 2) and (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). The March 1, 2017, SIP amendment revised 110(a)(2)(D)(i)(I).

EPA is not taking action on section 110(a)(2)(D)(i)(II), prong 4. The agency will act on this element of the SIP submission in a separate rulemaking action.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[1] EPA's 2013 Guidance of Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) provides that "[o]ne way in which prong 4 may be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP. . ." 2013 Guidance at 33, *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf.*

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

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

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

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 7, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. Section 52.820 is amended by adding paragraph (e)(48) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(48) Sections 110(a)(1) and (2) Infrastructure Requirements 2010 Nitrogen Dioxide NAAQS.	Statewide	7/23/2013, 3/1/2017	3/22/2018, [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(I) prongs 1 and 2, D(i)(II) prong 3 only, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). [EPA–R07–OAR–2017–0208; FRL–*9975–69*—Region 7].

[FR Doc. 2018–05537 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0850; FRL–9975–60—Region 6]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter National Ambient Air Quality Standard and Revised Statutes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of New Mexico to address the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA or Act) for the 2012 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). These requirements are designed to ensure that the structural components of each state's air quality program are adequate to meet the state's responsibility under the CAA (infrastructure SIP or i-SIP). EPA is also approving an update to the New Mexico

statutes pertaining to conflicts of interest.

DATES: This rule is effective on April 23, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2015–0850. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, (214) 665–6454, *fuerst.sherry@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our December 26, 2017 proposal (82 FR 60933). In that document we proposed to approve the August 6, 2015 and December 8, 2015, i-SIP submittals from the New Mexico Environment Department and Albuquerque-Bernalillo County pertaining to the implementation, maintenance and enforcement of the 2012 $PM_{2.5}$ NAAQS in New Mexico and all four of the interstate transport requirements. We also proposed to approve as part of the SIP the updates to the New Mexico statutes pertaining to conflicts of interest. We did not receive any comments regarding our proposal.

II. Final Action

We are approving the August 6, 2015 and December 8, 2015, i-SIP submittals pertaining to implementation, maintenance, and enforcement of the 2012 $PM_{2.5}$ NAAQS, including all the transport sub-elements (CAA section 110(a)(2)(D)). We are also approving the portions of the updated statutes pertaining to conflicts of interest (CAA section 110(a)(2)(E)(ii)) in the New Mexico August 6, 2015 SIP submittal. The portions of the SIP submittal pertaining to the other Statute updates will be addressed at a later date.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the revisions to the New Mexico Statutes as described in the Final Action section above. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 6 Office (please contact Sherry Fuerst in the **FOR FURTHER INFORMATION CONTACT** section for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation (62 FR 27968, May 22, 1997).

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 16, 2018.

Anne Idsal,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

■ 2. In § 52.1620 paragraph (e) is amended:

■ a. In the first table titled ''EPA Approved New Mexico Statutes in the Current New Mexico SIP'' by revising the title to read ''EPA Approved New Mexico Statutes''; revising the first centered heading to read ''New Mexico Statutes''; adding a new centered heading for ''Chapter 10—Public Officers and Employees'' followed by new entries for Sections 10–16–1 to 10–16–4, 10–16–6 to 10–16–9, 10–16–11, 10–16–13, and 10–16–14; adding a new centered heading for ''Chapter 74—Environmental Improvement''; revising the entries for Sections 74–1–4 and 74–2–4; and removing the entries for ''Article 16, Sections 10–16–1 through 10–16–16'' and ''Article 16, Supplemental'';

■ b. In the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' by adding an entry at the end for ''Infrastructure and interstate transport for the 2012 $PM_{2.5}$ NAAQS''.

The amendments read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW MEXICO STATUTES

State citation	Title/subject	State approval/ effective date	EPA approval date	Comments
	New Mexico Statutes			
	Chapter 10—Public Officers and Employees			
10–16–1	Short Title Governmental Conduct Act	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–2	Definitions	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–3	Ethical principles of public service; certain official acts prohibited; penalty.	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–4	Official act for personal financial interest prohibited; disqualification from official act; providing a penalty.	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–6	Confidential information	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–7	Contracts involving public officers or employees	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–8	Contracts involving former public officers or employees; representation of clients after government service.	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–9	Contracts involving legislators; representation before state agencies.	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–11	Codes of conduct	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	Includes New Mexico Environmental Board Code of Conduct approved by the Governor on February 27, 1990 (64 FR 29235).
10–16–13	Prohibited bidding	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	
10–16–14	Enforcement procedures	7/16/1990	3/22/2018, [Insert **Federal Register** citation].	
	Chapter 74—Environmental Improvement			
74–1–4	Environmental improvement board; creation; organization.	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	Approved for State Board Composition and Conflict of Interest Provisions.
	* * *	*	*	* *
74–2–4	Local authority	8/6/2015	3/22/2018, [Insert **Federal Register** citation].	Approved for for State Board Composition and Conflict of Interest Provisions.
	* * *	*	*	* *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
*	* *	*	*	* *
Infrastructure and interstate transport for the 2012 $PM_{2.5}$ NAAQS.	Statewide	8/6/2015, 12/8/2015	3/22/2018, [Insert **Federal Register** citation].	SIPs adopted by: NMED and City of Albuquerque

[FR Doc. 2018–05765 Filed 3–21–18; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0356; EPA–R07–OAR–2017–0268; EPA–R07–OAR–2017–0515; EPA–R07–OAR–2017–0513; FRL–9975–71–Region 7]

Approval of Implementation Plans; State of Missouri; Elements of the Infrastructure State Implementation Plan Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and 2012 Fine Particulate Matter National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve elements of a State Implementation Plan (SIP) submission from the State of Missouri for the 2008 Ozone, 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). States are required to have a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS. Whenever EPA promulgates a new or revised NAAQS, states are required to make a SIP submission to establish that they have, or to add, the provisions necessary to address various requirements to address the new or revised NAAQS. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on April 23, 2018.

ADDRESSES: EPA has established dockets for this action under Docket ID Nos. EPA–R07–OAR–2015–0356; EPA–R07–OAR–2017–0268; EPA–R07–OAR–2017–0515; EPA–R07–OAR–2017–0513. All documents in the dockets are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. Background
a. 2008 Ozone NAAQS
b. 2010 NO_2 NAAQS
c. 2010 SO_2 NAAQS
d. 2012 $PM_{2.5}$ NAAQS
II. What is being addressed in this document?
a. 2008 Ozone NAAQS
b. 2010 NO_2 NAAQS
c. 2010 SO_2 NAAQS
d. 2012 $PM_{2.5}$ NAAQS
e. Section 110(a)(2)(E)(ii)/section 128
III. Have the requirements for approval of a SIP submission been met?
a. 2008 Ozone NAAQS
b. 2010 NO_2 NAAQS
c. 2010 SO_2 NAAQS
d. 2012 $PM_{2.5}$ NAAQS and Section 110(a)(2)(E)(ii)/section 128
IV. EPA's Response to Comments
a. 2008 Ozone NAAQS
b. 2010 NO_2 NAAQS
c. 2010 SO_2 NAAQS
d. 2012 $PM_{2.5}$ NAAQS and Section 110(a)(2)(E)(ii)/section 128
V. What action is EPA taking?
a. 2008 Ozone NAAQS
b. 2010 NO_2 NAAQS
c. 2010 SO_2 NAAQS
d. 2012 $PM_{2.5}$ NAAQS
e. Section 110(a)(2)(E)(ii)/section 128
VI. Statutory and Executive Order Reviews

I. Background

a. 2008 Ozone NAAQS

On October 6, 2017, EPA proposed to approve certain elements of the 2008 Ozone NAAQS infrastructure SIP submission from the State of Missouri. *See* 82 FR 46741. In conjunction with the October 6, 2017, notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving elements of the 2008 Ozone NAAQS infrastructure SIP. *See* 82 FR 46679. In the DFR, EPA stated that if adverse comments were submitted to EPA by November 6, 2017, the action would be withdrawn and not take effect. EPA received two sets of comments prior to the close of the comment period; one set of comments was adverse, and one was not directly related to the action being taken by EPA. EPA withdrew the DFR on November 28,2017. *See* 82 FR 56172.

b. 2010 NO_2 NAAQS

On October 11, 2017, EPA proposed to approve certain elements of the 2010 NO_2 NAAQS infrastructure SIP submission from the State of Missouri. *See* 82 FR 47170. In conjunction with the October 11, 2017 NPR, EPA issued a DFR approving elements of the 2010 NO_2 NAAQS infrastructure SIP. *See* 82 FR 47154. In the DFR, EPA stated that if adverse comments were submitted to EPA by November 13, 2017, the action would be withdrawn and not take effect. EPA received five sets of comments prior to the close of the comment period; one set of comments was adverse, and four sets of comments were not related to the action being taken by EPA. Based on the adverse comment received, EPA withdrew the DFR on December 8,2017. *See* 82 FR 57848.

c. 2010 SO_2 NAAQS

On October 6, 2017, EPA proposed to approve certain elements of the 2010 SO_2 NAAQS infrastructure SIP submission from the State of Missouri. *See* 82 FR 46742. In conjunction with the October 6, 2017 NPR, EPA issued a DFR approving elements of the 2010 SO_2 NAAQS infrastructure SIP. *See* 82 FR 46672. In the DFR, EPA stated that if adverse comments were submitted to EPA by November 6, 2017, the action would be withdrawn and not take effect. EPA received three sets of comments prior to the close of the comment period; one set of comments was adverse, and two sets of comments were not directly related to the action being taken by EPA. EPA withdrew the DFR on November 28,2017. *See* 82 FR 56172.

d. 2012 $PM_{2.5}$ NAAQS

On October 11, 2017, EPA proposed to approve certain elements of the 2012 $PM_{2.5}$ NAAQS infrastructure SIP submission from the State of Missouri and two state statutes into the Missouri SIP. *See* 82 FR 47169. In conjunction with the October 11, 2017 NPR, EPA issued a DFR approving elements of the 2012 $PM_{2.5}$ NAAQS infrastructure SIP and the two state statutes into the SIP. *See* 82 FR 47147. In the DFR, EPA stated that if adverse comments were submitted to EPA by November 13, 2017, the action would be withdrawn and not take effect. EPA received six sets of comments prior to the close of the comment period; three sets of comments were adverse, and three sets of comments were not directly related to the action. EPA withdrew the DFR on December 8, 2017. *See* 82 FR 57848.

This action is a final rule based on the NPRs previously discussed. Detailed discussion of Missouri's 2008 Ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS infrastructure SIP submissions, and EPA's rationale for approving those SIP submissions, was provided in the DFRs and will not be restated here, except to the extent relevant to our response to the public comments we received.

II. What is being addressed in this document?

EPA is only acting on the specific elements of the respective infrastructure SIP submissions for the 2008 Ozone NAAQS, 2010 NO_2 NAAQS, 2010 SO_2 NAAQS, and 2012 $PM_{2.5}$ NAAQS, identified in this action.

EPA will act on CAA section 110(a)(2)(D)(i)(II)—protection of visibility (prong 4) for each of the infrastructure SIP submission in a separate action or actions, therefore that element is not addressed in this action.

Technical Support Documents (TSD) are included as part of each of the dockets, noted above, and discuss the details of the actions being taken, including analysis of how the SIP submissions for each NAAQS meet the applicable CAA section 110 requirements for infrastructure SIPs.

a. 2008 Ozone NAAQS

EPA is approving the infrastructure SIP submission from the State of Missouri received on July 8, 2013, as meeting the submission requirements of 110(a)(1). EPA is approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prevent significant deterioration of air quality (prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA is not acting on the elements of section 110(a)(2)(D)(i)(I)—significant contribution to nonattainment (prong 1), interfering with maintenance of the NAAQs (prong 2) because the state did not address those elements addressed in the infrastructure SIP submission at issue in this rulemaking action.

b. 2010 NO_2 NAAQS

EPA is approving the infrastructure SIP submission from the State of Missouri received on April 30, 2013, as meeting the applicable submission requirements of 110(a)(1). EPA is approving the following elements of section 110(a)(2): (A) Through (H) (except (D)(i)(II)—protection of visibility (prong 4)), and (J) through (M).

c. 2010 SO_2 NAAQS

EPA is approving elements of the infrastructure SIP submission from the State of Missouri received on July 8, 2013, as meeting the submittal requirement of section 110(a)(1). EPA is approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M). EPA is not acting on the elements of section 110(a)(2)(D)(i)(I)—prong 1 or prong 2 as those elements were not part of the state SIP submittal.

d. 2012 $PM_{2.5}$ NAAQS

EPA is approving elements of the infrastructure SIP submission from the State of Missouri received on October 14, 2015, as meeting the submittal requirement of section 110(a0(1). EPA is approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M). EPA intends to act on section 110(a)(2)(D)(i)(I) —prong 1 and prong 2 in a subsequent rulemaking action.

e. Section 110(a)(2)(E)(ii)/section 128

EPA is also approving the state's request to include Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014 into the Missouri SIP. These two statutes address aspects of the infrastructure requirements relating to state boards or bodies, or agency heads, involved with permitting or enforcement decisions found in section 128 of the CAA. The state included this SIP submittal in the infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS, but EPA notes that this infrastructure SIP requirement is not NAAQS-specific.

III. Have the requirements for approval of the SIP submission been met?

a. 2008 Ozone NAAQS

The state's submission has met the public notice requirements for the Ozone infrastructure SIP submission in accordance with 40 CFR 51.102. The state held a public comment period from The Missouri Department of Natural Resources held a public hearing and comment period from April 30, 2013 to June 6, 2013. EPA provided comments on May 23, 2013 and were the only commenters. A public hearing was held on May 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V for all elements except 110(a)(2)(D)(i)(I)—prongs 1 and 2. EPA published a notice in the **Federal Register**, ''*Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone*''.[1] Missouri was included in this finding because it had not made a complete ''good neighbor'' SIP submittal to meet the section 110(a)(2)(D)(i)(I)—prongs 1 and 2 elements.

b. 2010 NO_2 NAAQS

The state's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public hearing on March 28, 2013, and a public comment period from February 25, 2013, to April 4, 2013. EPA provided comments to the state on April 3, 2013, and was the only commenter. The state revised its proposed SIP in response to EPA's comments and the revisions were contained in the SIP submitted to EPA on April 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V.

c. 2010 SO_2 NAAQS

The state's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from April 30, 2013, to June 6, 2013. EPA provided comments on May 23, 2013, and were the only commenters. A public hearing was held on May 30, 2013. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V for all elements except 110(a)(2)(D)(i)(I)—prongs 1 and 2.

d. 2012 $PM_{2.5}$ NAAQS and Section 110(a)(2)(E)(ii)/section 128

The state's submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The state held a public comment period from July 27, 2015, to September 3, 2015. The state received no comments during the public comment period. A public hearing was held on August 27, 2015. The submission satisfied the completeness criteria of 40 CFR part 51, appendix V.

IV. EPA's Response to Comments

All comments on the proposed actions are available in the dockets noted in this action. We only respond to adverse comments in this action. No changes were made to the proposals in this final action after consideration of the adverse comments received.

a. 2008 Ozone NAAQS

The public comment period on EPA's proposed rule opened October 6, 2017, the date of its publication in the **Federal Register**, and closed on November 6, 2017. During this period, EPA received two sets of comments: One in support of the rule and one which was adverse.

[1] See 80 FR 39961 (August 12, 2015).

The adverse comment is addressed below.

Comment: The commenter stated that EPA must take action on Missouri's submission regarding interstate transport. The commenter asserted that the Cross State Air Pollution Rule (CSAPR) update does not cover all sources of interstate transport and that in EPA's own words is only a ''partial remedy'' for transport related to the ozone NAAQS. The commenter thus argued that EPA must address the remainder of Missouri's contribution to ambient ozone levels in neighboring states in this rulemaking and that EPA has a nondiscretionary duty to issue a Federal Implementation Plan (FIP) when a state fails to submit an approvable state SIP submission.

EPA's response: In EPA's rulemaking proposing to approve Missouri's infrastructure SIP for the 2008 ozone NAAQS, the Agency stated that it was not taking any action in this rulemaking with respect to the good neighbor provisions in section 110(a)(2)(D)(i)(I). Missouri did not address the requirements of section 110(a)(2)(D)(i)(I) in the infrastructure SIP submission for the 2008 Ozone NAAQS, and thus there is no such submission upon which EPA either proposed to take action or could take action on under section 110(k) of the CAA in this rulemaking.

EPA acknowledges the commenter's concerns about interstate transport of air pollutants and agrees in general with the commenter that sections 110(a)(1) and (a)(2) of the CAA require states to submit, within three years of promulgation of a new or revised NAAQS, a SIP submission which adequately addresses cross-state air pollution under section 110(a)(2)(D)(i)(I). As noted above in section III. a. of this document, EPA has already issued a ''*Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone*'', in August 2015, which triggered EPA's obligation under section 110(c) to promulgate a Federal Implementation Plan addressing the requirements of section 110(a)(2)(D)(i)(I).[2] As the commenter notes, EPA has already taken steps to address this obligation when it promulgated the CSAPR update in June 2016.[3] EPA will take any further steps that may be necessary to address its obligation under sections 110(a)(2)(D)(i)(I) and 110(c) with respect to the 2008 Ozone NAAQS in a separate action.

b. 2010 NO_2 NAAQS

The public comment period on EPA's proposed rule opened October 11, 2017, the date of its publication in the **Federal Register**, and closed on November 13, 2017. During this period, EPA received five sets of comments: One set of comments was adverse, and four sets of comments were not directly related to the action being taken by EPA in this rulemaking. The adverse comment is addressed below.

Comment: The commenter stated that EPA failed to review this rule against the president's March 28, 2017 executive order regarding economic growth and energy independence.

EPA's response: Section 110(k)requires EPA to take action on a state's SIP submission, and section 110(k)(3) provides that EPA ''shall'' approve a state's SIP submission if it meets the applicable statutory requirements. In this case, EPA has determined that Missouri's infrastructure SIP submission for this NAAQS met the applicable requirements contained in section 110(a)(2), as explained in this document. Therefore, EPA lacks discretion to decline to take action on, or to disapprove, the SIP submission or to require changes based on consideration of the Executive Order.

c. 2010 SO_2 NAAQS

The public comment period on EPA's proposed rule opened October 6, 2017, the date of its publication in the **Federal Register**, and closed on November 6, 2017. During this period, EPA received three sets of comments: One set of comments was adverse, and two sets of comments were not directly related to the action being taken by EPA. The adverse comments are addressed below.

Comment 1: The commenter stated that EPA must issue a finding of failure to submit for the interstate transport provisions of the infrastructure SIP submission for the 2010 SO_2 NAAQS.

EPA's response: In EPA's rulemaking proposing to approve Missouri's infrastructure SIP for the 2010 1-hour SO_2 NAAQS, EPA stated that it was not taking any action with respect to the good neighbor provisions in section 110(a)(2)(D)(i)(I) for this NAAQS. EPA understands the commenter's concern with respect to interstate transport. EPA will evaluate whether it is appropriate to make a finding of failure to submit in a separate action.

d. 2012 $PM_{2.5}$ NAAQS and Section 110(a)(2)(E)(ii)/section 128

The public comment period on EPA's proposed rule opened October 11, 2017, the date of its publication in the **Federal Register**, and closed on November 13, 2017. During this period, EPA received six sets of comments: three set of comments were adverse, and three sets of comments were not directly related to the action being taken by EPA. Where sets of comments were similar in content, EPA grouped those comments into a single comment and response where appropriate. The adverse comments are addressed below.

Comment 1: The commenter stated that EPA does not have the discretion to act separately on elements of an infrastructure SIP submission, particularly with respect to section 110(a)(2)(D)(i) (prong 1 and prong 2), in a separate rulemaking. The commenter also asserted that its comment letter constituted the commenter's ''notice of intent to sue the agency for failure to perform its nondiscretionary duty under 110(k)(2).''

EPA's Response: EPA acknowledges the commenter's concern for the interstate transport of air pollutants and agrees in general with the commenter that sections 110(a)(1) and (a)(2) of the CAA generally require states to submit, within three years of promulgation of a new or revised NAAQS, a SIP submission which adequately addresses interstate transport of air pollution under section 110(a)(2)(D)(i)(I). However, EPA disagrees with the commenter's argument that EPA cannot approve other elements of an infrastructure SIP submission without also taking action on the elements related to interstate transport.

EPA agrees with the commenter that it has an obligation to take action under section 110(k) on SIP submissions. However, EPA disagrees with the commenter's argument that the Agency cannot elect to act on individual parts or elements of a state's infrastructure SIP submission in separate rulemaking actions, as it deems appropriate. Section 110(k)of the CAA authorizes EPA to approve a SIP submission in full, disapprove it in full, or approve it in part and disapprove it in part, or conditionally approve it in full or in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve state SIP submissions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a SIP

[2] See 80 FR 39961 (August 12, 2015).

[3] See 81 FR 41838 (August 12, 2016).

submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

EPA interprets its authority under section 110(k) of the CAA as affording the Agency the discretion to approve, disapprove, or conditionally approve, individual elements of Missouri's infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS, separate and apart from any action with respect to the requirements of section 110(a)(2)(D)(i)(I) of the CAA with respect to that NAAQS. EPA views discrete infrastructure SIP requirements, such as the requirements of section 110(a)(2)(D)(i)(I), as severable from other infrastructure SIP elements and interprets section 110(k) as allowing it to act on individual severable elements or requirements in a SIP submission. In short, EPA believes it has the discretion under section 110(k) of the CAA to act upon the various individual elements of the State's infrastructure SIP submission, separately or together, as appropriate. EPA will address the remaining elements of Missouri's 2012 $PM_{2.5}$ NAAQS, infrastructure SIP submission in a separate rulemaking action or actions.

Finally, a public comment submitted on a proposal does not constitute notice of intent to sue the Administrator for failure to perform a nondiscretionary duty. Clean Air Act section 304(b)(2) requires 60 days' notice of a civil action against the Administrator for an alleged failure to perform a non-discretionary duty *to the Administrator.* EPA's regulations require that service of notice to the Administrator ''shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, DC 20460.'' 40 CFR 54.2(a). The commenter's public comment submitted via *regulations.gov* does not satisfy the regulatory requirements for notices of intent to file suit against the Administrator for failure to perform a non-discretionary duty.

Comment 2: Two commenters argued that EPA should not approve the state statutes, 105.483(5) and 105.485 RSMo 2014, into the SIP as the commenters do not believe the statutes adequately meet conflict of interest requirements as required by section 110(a)(2)(E) and CAA section 128.

EPA's Response: EPA believes that the commenter misunderstood the purpose of these SIP submissions related to section 128. EPA has already previously approved a SIP submission from Missouri as meeting the requirements of section 128. See 78 FR 37457. The Agency's analysis of that SIP submission appeared in the proposal notice for that rulemaking. See 78 FR 21281 at page 21288. In this rulemaking, Missouri is adding additional provisions to its SIP. The state statutes, 105.483(5) and 105.485 RSMo 2014, approved into the SIP by this action, are meant to strengthen the SIP and are not the only SIP provisions that pertain to section 128. EPA believes that the commenter may have wrongly assumed that these latest additions to the SIP are the only provisions relevant to section 128 in the Missouri SIP.

V. What action is EPA taking?

EPA is approving the specific elements of the respective infrastructure SIP submissions for the 2008 Ozone NAAQS, 2010 NO_2 NAAQS, 2010 SO_2 NAAQS, and 2012 $PM_{2.5}$ NAAQS, identified in this action.

EPA will act on CAA section 110(a)(2)(D)(i)(II)—prong 4 for each of the infrastructure SIP submission for these NAAQS in a separate rulemaking action or actions.

a. 2008 Ozone NAAQS

EPA is taking final action to approve elements of the July 8, 2013, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Ozone NAAQS. EPA is approving the SIP submission as meeting the submission requirements of section 110(a)(1) and approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M).

b. 2010 NO_2 NAAQS

EPA is taking final action to approve elements of the April 30, 2013, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 NO_2 NAAQS. EPA is approving the submission as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A) through (H) (except (D)(i)(II)—prong 4), and (J) through (M).

c. 2010 SO_2 NAAQS

EPA is taking final action to approve elements of the July 8, 2013, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 SO_2 NAAQS. EPA is approving the submission as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M). EPA is not acting on the elements of section 110(a)(2)(D)(i)(I)—prong 1 or prong 2 because those elements were not addressed in the SIP submittal.

d. 2012 $PM_{2.5}$ NAAQS

EPA is taking final action to approve elements of the October 14, 2015, infrastructure SIP submission from the State of Missouri, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2012 Annual $PM_{2.5}$ NAAQS. EPA is approving the submission as meeting the submittal requirement of section 110(a)(1) and approving the following elements of section 110(a)(2): (A), (B), (C), (D)(i)(II)—prong 3), (D)(ii), (E) through (H), and (J) through (M). EPA intends to act on elements of section 110(a)(2)(D)(i)(I)—prong 1 and prong 2 in a subsequent rulemaking.

e. Section 110(a)(2)(E)(ii)/section 128

EPA is taking final action to the state's request to include Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014 into the Missouri SIP. These two statutes address aspects of the infrastructure requirements relating to state boards or bodies, or agency heads, involved with permitting or enforcement decisions found in section 128 of the CAA. The state included this SIP revision in the infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS, but EPA notes that this infrastructure SIP requirement is not NAAQS-specific.

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory

action because SIP approvals are exempted under Executive Order 12866.

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

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

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

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

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

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 21, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 7, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA is amending 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (e) is amended by adding the entries ''(63) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS'', ''(64) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS'', ''(65) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Sulfur Dioxide NAAQS'', ''(72) Sections 110 (a)(1) and 110(a)(2) Infrastructure Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) NAAQS'', and ''(73) Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014'' in numerical order to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e)* * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	*		* *	* *
(63) Sections 110(a)(1) and 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.	Statewide	7/8/13	3/22/18, [insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(D)(i)(I)—prongs 1 and 2 are addressed by Federal Implementation Plans. 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2015–0356; FRL–9975–71–Region 7].
(64) Sections 110(a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide NAAQS.	Statewide	4/30/13	3/22/18, [insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II)—prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2017–0268; FRL–9975–71–Region 7].

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
(65) Sections 110(a)(1) and 110(a)(2) Infrastructure Requirements for the 2010 Sulfur Dioxide NAAQS.	Statewide	7/8/13	3/22/18, [insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(II)—prong 3, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA is not acting on 110(a)(2)(D)(i)(I)—prongs 1 and 2. 110(a)(2)(I) is not applicable. EPA intends to act on 110(a)(2)(D)(i)(II)—prong 4 in a separate action. [EPA–R07–OAR–2017–0515; FRL–9975–71–Region 7].
* *	*	*	* *	* *
(72) Sections 110(a)(1) and 110(a)(2) Infrastructure Requirements for the 2012 Annual Fine Particulate Matter ($PM_{2.5}$) NAAQS.	Statewide	10/14/15	3/22/18, [insert **Federal Register** citation].	This action approves the following CAA elements: 110(a)(1) and 110(a)(2)(A), (B), (C), (D)(i)(II)—prong 3, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable. [EPA–R07–OAR–2017–0513; FRL–9975–71–Region 7].
(73) Missouri State Statute section 105.483(5) RSMo 2014, and Missouri State Statute section 105.485 RSMo 2014.	Statewide	10/14/15	3/22/18, [insert **Federal Register** citation].	EPA–R07–OAR–2017–0513; FRL–9975–71–Region 7.

[FR Doc. 2018–05630 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0011; FRL–9975–74–Region 9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Pacific Coast Pipe Lines Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 announces the deletion of the surface soil portion of the Pacific Coast Pipe Lines (PCPL) Superfund Site (Site) located in Fillmore, California, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains only to the surface soil at the Site. The groundwater will remain on the NPL and is not being considered for deletion as part of this action. EPA and the State of California, through the Department of Toxic Substances Control, have determined that all appropriate response actions under CERCLA, other than maintenance, monitoring and five-year reviews, have been completed. However, the deletion of the soil portion of the Site does not preclude future actions under Superfund.

DATES: This action is effective March 22, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–HQ–SFUND–1989–0011. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information and other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

Superfund Records Center, 75 Hawthorne Street, Room 3110, San Francisco, California, Hours: 8:00 a.m.-4:00 p.m.; (415) 947–8717.

Site Repository: Fillmore Library, 502 2nd Street, Fillmore, California. Call (805) 524–3355 for hours of operation.

FOR FURTHER INFORMATION CONTACT: Holly Hadlock, Remedial Project Manager, U.S. EPA, Region 9 (SFD–7–3), 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3171, email: *hadlock.holly@epa.gov.*

SUPPLEMENTARY INFORMATION: The portion of the Site to be deleted from the NPL is the surface soils at the Pacific Coast Pipe Lines Superfund Site, Fillmore, California. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** (82 FR 60943–60946) on December 26, 2017. The closing date for comments on the Notice of Intent for Partial Deletion was January 25, 2018.

Eight public comments were received: Five supported EPA's decision to delete the surface soil from the NPL, two opposed, and one was not related to the proposed partial deletion. The commenters who opposed the action want the soil portion of the Site to remain on the NPL. EPA believes the partial deletion action is appropriate because the NPL deletion criterion established by the NCP has been met; the responsible party, Texaco, Inc., has implemented all appropriate response actions for surface soil set forth in the 2011 ROD Amendment, which selected the remedy for contaminated soils at the Site. Based on available data, EPA has determined that no further response action for soil at the Site is necessary. EPA will conduct five-year reviews to determine if the cleanup remains protective of human health and the environment. A responsiveness summary was prepared and placed in both the docket, EPA–HQ–SFUND–1989–0011, on *www.regulations.gov,* and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action at the site. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion

of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

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

Dated: March 12, 2018.

Alexis Strauss,

Acting Regional Administrator.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

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

■ 2. Table 1 of appendix B to part 300 is amended by revising the entry for ''Pacific Coast Pipe Lines'' to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes [a]
*	*	*	*
CA	Pacific Coast Pipe Lines	Fillmore	P
*	*	*	*

[a] = Based on issuance of health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be greater than or equal to 28.50).

* * * * * * *

P = Sites with partial deletion(s).

* * * * * * *

[FR Doc. 2018–05752 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180123063–8063–01]

RIN 0648–XF987

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Adjustment of Southern New England/Mid-Atlantic Yellowtail Flounder Catch Limits

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

ACTION: Temporary rule; inseason adjustment of annual catch limits.

SUMMARY: This action transfers unused quota of Southern New England/Mid-Atlantic yellowtail flounder from the Atlantic sea scallop fishery to the Northeast multispecies fishery for the remainder of the 2017 fishing year. This transfer implements an inseason adjustment of annual catch limits authorized by regulations implementing the Northeast Multispecies Fishery Management Plan (FMP) that apply when the scallop fishery is not expected to catch its entire allocation of yellowtail flounder. The transfer is intended to achieve optimum yield for both fisheries while ensuring the total annual catch limit is not exceeded.

DATES: Effective March 21, 2018, through April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Claire Fitz-Gerald, Fishery Management Specialist, (978) 281–9255.

SUPPLEMENTARY INFORMATION: NMFS is required to estimate the total amount of yellowtail flounder bycatch in the scallop fishery by January 15 each year. NMFS must determine if the scallop fishery is expected to catch less than 90 percent of its Georges Bank (GB) or Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder sub-annual catch limit (sub-ACL) (50 CFR 648.90(a)(4)(iii)(C)). If so, the Regional Administrator (RA) may reduce the scallop fishery sub-ACL for these stocks to the amount projected to be caught, and increase the groundfish fishery sub-ACL for these stocks up to the same amount. This adjustment is intended to help achieve optimum yield for both fisheries while ensuring the total ACLs are not exceeded.

Based on the most recent catch information available, we project that the scallop fishery will have unused quota in the 2017 fishing year for the SNE/MA yellowtail flounder stock. Because the scallop fishery is not expected to catch its entire allocation of SNE/MA yellowtail flounder, this rule reduces the scallop sub-ACL for this stock to the upper limit projected to be caught, and increases the groundfish sub-ACL for this stock by the same amount, effective March 21, 2018, through April 30, 2018. This transfer is based on the upper limit of expected SNE/MA yellowtail flounder catch by the scallop fishery, which is expected to minimize any risk of an ACL overage by the scallop fishery while still providing additional fishing opportunities for groundfish vessels.

Table 1 summarizes the revisions to the 2017 fishing year sub-ACLs, and Table 2 shows the revised allocations for the groundfish fishery as allocated between the sectors and common pool based on final sector membership for fishing year 2017.

TABLE 1—SOUTHERN NEW ENGLAND/MID-ATLANTIC YELLOWTAIL FLOUNDER SUB-ACLS

Stock	Fishery	Initial sub-ACL (mt)	Change (mt)	Revised sub-ACL (mt)	Percent change
SNE/MA Yellowtail Flounder	Groundfish	187.5	+29.9	217.4	+16

TABLE 1—SOUTHERN NEW ENGLAND/MID-ATLANTIC YELLOWTAIL FLOUNDER SUB-ACLS—Continued

Stock	Fishery	Initial sub-ACL (mt)	Change (mt)	Revised sub-ACL (mt)	Percent change
	Scallop	34.0	−29.9	4.1	−88

TABLE 2—ALLOCATIONS FOR SECTORS AND THE COMMON POOL

[in pounds]

Sector name	SNE/MA Yellowtail Flounder	
	Revised	Original
Common Pool	92,341	79,641
Fixed Gear Sector	1,774	1,530
Maine Coast Community Sector	6,104	5,264
Maine Permit Bank	152	131
NCCS	3,358	2,896
NEFS 1		
NEFS 10	2,624	2,263
NEFS 11	84	72
NEFS 12	50	43
NEFS 13	100,781	86,920
NEFS 2	8,293	7,152
NEFS 3	316	273
NEFS 4	11,268	9,718
NEFS 5	100,300	86,506
NEFS 6	25,259	21,785
NEFS 7	11,847	10,218
NEFS 8	25,013	21,573
NEFS 9	41,805	36,055
New Hampshire Permit Bank	0	0
Sustainable Harvest Sector 1	1,511	1,303
Sustainable Harvest Sector 2	10,761	9,281
Sustainable Harvest Sector 3	35,643	30,741
Sector Total	386,944	333,726

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are necessary for the conservation and management of the Northeast multispecies fishery and are consistent with the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Assistant Administrator for Fisheries finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment for this inseason adjustment because it would be impracticable and contrary to the public interest and would prevent the positive benefits the rule is intended to provide. NMFS is required to project GB and SNE/MA yellowtail flounder catch in the scallop fishery on or around January 15 of each year so that unused quota can be transferred to the groundfish fishery. The groundfish fishing year ends on April 30, 2018. The time necessary to provide for prior notice and comment would likely prevent this action from being implemented before the end of the fishing year, thereby precluding the additional economic benefits that would be created through additional GB and SNE/MA yellowtail flounder being made available to groundfish vessels. This adjustment, which implements provisions of 5 U.S.C. part 648, is routine and formulaic, and there was extensive public comment during the development of this provision in the FMP and its implementing regulations. Furthermore, there is no need to allow the industry additional time to adjust to this rule, because this rule does not require any compliance or other action on the part of individual scallop or groundfish fishermen. Thus, prior notice and comment for this rule would provide no benefits to industry and the public, while at the same time it would preclude timely implementation of this action and the intended economic benefits to the groundfish fishery. Giving effect to this rule as soon as possible will help achieve optimum yield in the fishery. For these same reasons, the NMFS Assistant Administrator also finds good cause pursuant to 5 U.S.C. 553(d)(3) to waive the 30-day delay in the date of effectiveness for this action.

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

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

Dated: March 19, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–05869 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 56
Thursday, March 22, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[Docket No. PRM–72–8; NRC–2018–0017]

Requirements for the Indefinite Storage of Spent Nuclear Fuel

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing, and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Raymond Lutz and Citizens Oversight, Inc. (the Petitioners), dated January 2, 2018, requesting that the NRC amend its regulations regarding spent nuclear fuel storage systems. The petition was docketed by the NRC on January 22, 2018, and has been assigned Docket No. PRM–72–8. The NRC is examining the issues raised in PRM–72–8 to determine whether they should be considered in rulemaking. The NRC is requesting public comment on this petition.

DATES: Submit comments by June 5, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0017. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Gregory Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6244, email: *Gregory.Trussell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0017 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0017.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2018–0017 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. The Petitioners

The petition was filed by Raymond Lutz and Citizens Oversight Inc. Raymond Lutz is the founder and president of Citizens Oversight, Inc., a nonprofit organization.

III. The Petition

The petitioners are requesting that the NRC revise part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) regarding spent nuclear fuel (SNF) stored in independent spent fuel storage installations (ISFSIs) at nuclear power stations. The petitioners are concerned that there is a mismatch between the NRC's 10 CFR part 72 regulations that define requirements for ISFSIs and the current situation, which the petitioners assert is that surface storage of spent nuclear fuel will continue indefinitely. The petitioners observe that 10 CFR part 72 was initially developed at a time when a repository was anticipated to be available in 1998 and, therefore, this PRM would address concerns with a much longer time frame for surface storage. The petitioners make 14 contentions that propose specific revisions to 10 CFR part 72 that would address issues concerning the indefinite surface storage of spent nuclear fuel in dry cask storage systems. In particular, the petitioners request that 10 CFR part

72 be revised to require: a 1,000 year design life goal for spent nuclear storage systems; estimates for the operating costs over the design life; determination of the safety margins over the design life; and time limited aging analyses demonstrating that structures, systems, and components important to safety will continue to perform for the design life. The petition may be found in ADAMS at Accession No. ML18022B207.

IV. Discussion of the Petition

The petitioners request that the NRC amend its regulations in 10 CFR part 72 ''regarding spent nuclear fuel.'' The petitioners believe that ''the actual situation has now changed, while the NRC regulations have not changed sufficiently to respect the current reality'' of ongoing storage at nuclear plants and that the NRC should use a ''Hardened, Extended-life, Local, Monitored Surface Storage'' (HELMS) type of approach as further described in a white paper submitted with the petition (ADAMS Accession No. ML18022B213).

The petitioners contend that there is a timeframe difference between that of the useful life of an operating commercial nuclear plant and the storage of SNF at those nuclear plants indefinitely. The petitioners further contend that the ''license term and renewal periods for the facility operating license and CoC are defined to be (up to) 40 years, and the design life is only implied as perhaps several multiples of the licensing period.'' The petitioners' position is ''that the design life should be explicitly defined as the initial 1,000 years.''

The HELMS approach would require that SNF containers be designed for a 1,000-year life goal ''while still allowing a 40-year license term.'' The petitioners provided a specific proposal for the HELMS approach to assist their description; however, the petitioners emphasized ''that the HELMS proposal does not rely on the adoption of this specific proposal as long as the extended-life criterion is satisfied.'' The petitioners stated that the 1,000-year design life goal ''is likely NOT feasible without some monitoring and replacing part of the system on regular intervals.''

V. Request Under § 2.206 Seeking Enforcement Action

The petitioners also request enforcement action under § 2.206 of the NRC's regulations. The petitioners assert a violation of § 72.106, regarding the controlled area of an ISFSI or monitored retrievable storage installation, and ask for enforcement-related action, as appropriate; however, the petitioners have not provided information to support this charge. The NRC considered the request for review to determine whether the claim qualifies for enforcement-related action. The petitioners' claim does not constitute a valid request for action under § 2.206. The petitioners do not specify the action requested but leave it up to the NRC to determine (based on the limited information provided on page 10 of the petition) whether enforcement is warranted of a licensee's ISFSI or monitored retrievable storage installation. Although the petitioners allege that a licensee has violated the requirement, the petition does not provide the facts that constitute the basis for taking enforcement action. Therefore, the petitioners' claim does not meet the requirements for § 2.206 enforcement action.

Dated at Rockville, Maryland, this 16th day of March, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2018–05776 Filed 3–21–18; 8:45 am]

BILLING CODE 7590–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1081

[Docket No. CFPB–2018–0002]

Request for Information Regarding Bureau Rules of Practice for Adjudication Proceedings

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Request for information; extension of comment period.

SUMMARY: On February 5, 2018, the Bureau of Consumer Financial Protection (Bureau) published a Request for Information Regarding Bureau Rules of Practice for Adjudication Proceedings (RFI), which provided that comments must be received on or before April 6, 2018. On February 22, 2018, the Bureau received a letter from two industry trade associations requesting a 30-day comment period extension for this RFI and for two other Bureau Requests for Information. The additional time is requested in order to allow commenters to develop meaningful responses to the RFI and the other identified Requests for Information. The Bureau believes the extension will allow all stakeholders the opportunity to provide more robust responses. In response to this request, the Bureau has determined that a 30 day extension of the comment period is appropriate.

DATES: The comment period for the Request for Information Regarding Bureau Rules of Practice for Adjudication Proceedings, published February 5, 2018, at 83 FR 5055 has been extended. Comments must now be received on or before May 7, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0002, 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–2018–0002 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: Mark Samburg, Counsel, at 202–435–9710. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Consumer Financial Protection Act of

2010 (Act) required the Bureau to prescribe rules establishing such procedures as may be necessary to carry out hearings and adjudications conducted pursuant to 12 U.S.C. 5563. 12 U.S.C. 5563(e). On July 28, 2011, the Bureau published an interim final rule seeking comment and prescribing rules establishing such hearings and procedures, with the exception of rules relating to the issuance of a temporary cease-and-desist order (TCDO) pursuant to section 1053(c) of the Act. 76 FR 45338 (July 28, 2011). The Bureau responded to comments received and published a final rule on June 29, 2012. 77 FR 39058 (June 29, 2012). This rule was codified at 12 CFR part 1081, subparts A–D. The Bureau published an interim final rule seeking comment and prescribing rules on TCDOs on September 26, 2013. 78 FR 59163 (Sept. 26, 2013). The Bureau received a single comment on this rule. Following consideration of the comment, the Bureau adopted the interim final rule without change on June 18, 2014. 79 FR 34622 (June 18, 2014). This rule was codified at 12 CFR part 1081, subpart E. Collectively, the rules codified at 12 CFR part 1081 are titled ''Rules of Practice for Adjudication Proceedings'' (Rules). The Bureau issued a Request for Information (RFI) related to the Rules on February 5, 2018, 83 FR 5055, and now extends the period for comments responding to that RFI.

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

Dated: March 16, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–05780 Filed 3–21–18; 8:45 am]

BILLING CODE 4810–AM–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG16

Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs

AGENCY: U.S. Small Business Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: SBA is seeking public input to assist in establishing a permanent alternative size standard for its 7(a) and 504 Loan Programs. SBA also invites suggestions on sources of relevant data and information that SBA should evaluate in developing a permanent alternative size standard and assessing its impact. Finally, SBA also seeks input from interested parties on a potential proposal to apply the permanent alternative size standard as an alternative to using industry based size standards for small business applicants under its Economic Injury Disaster Loan (''EIDL'') Program.

DATES: SBA must receive comments to this ANPRM on or before May 21, 2018.

ADDRESSES: You may submit comments, identified by RIN 3245–AG16 by one of the following methods: (1) Federal eRulemaking Portal: *www.regulations.gov,* following the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW, Mail Code 6530, Washington, DC 20416.

SBA will post all comments to this ANPRM on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* you must submit such information either by mail to the U.S. Small Business Administration, Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW, Mail Code 6530, Washington, DC 20416, or by email to *sizestandards@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public. Requests to redact or remove posted comments cannot be honored and the request to redact/remove posted comments will be posted as a new comment.

FOR FURTHER INFORMATION CONTACT: Khem R. Sharma, Office of Size Standards, by phone at (202) 205–7189 or by email at *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA establishes small business size definitions, commonly known as ''size standards,'' for private sector industries in the United States to determine eligibility for Federal small business assistance programs, including the SBA's 7(a) and 504 Loan Programs (''Business Loan Programs''). These size standards are established by 6-digit North American Industry Classification System (NAICS) industry, typically based either on average annual receipts or on average number of employees. SBA uses financial assets and refining capacity to measure the size of a few specialized industries. *See,* 13 CFR part 121, Small Business Size Regulations.

On September 27, 2010, the Small Business Jobs Act of 2010 (''Jobs Act'') was enacted (Pub. L. 111–240). Section 1116 of the Jobs Act added a new Section 3(a)(5) to the Small Business Act that directed SBA to establish an alternative size standard using maximum tangible net worth and average net income for applicants of the SBA's Business Loan Programs. The Jobs Act also established for applicants for the SBA's Business Loan Programs a temporary alternative size standard of not more than $15 million in tangible net worth and of not more than $5 million in the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application (referred to as ''Interim Rule''), and it provided that this temporary statutory alternative size standard would remain in effect until such time as SBA established a new alternative size standard for the Business Loan Programs through rulemaking. 15 U.S.C. 632(a)(5). Prior to that, SBA had a lower permanent regulatory alternative size standard that applied to the 504 Loan Program, and temporarily applied, for the period beginning on May 5, 2009 and ending on September 30, 2010, to the 7(a) Loan Program. 13 CFR 120.301(b)(2).

On September 29, 2010, SBA issued Information Notice 5000–1175 (available at *https://www.sba.gov/sites/default/files/files/bank_5000-1175_0.pdf*) providing that, effective September 27, 2010, the new statutory temporary alternative size standard applied to its Business Loan Programs, thereby replacing and superseding the lower existing alternative size standard of $8.5 million in tangible net worth and $3 million in average net income, set forth in 13 CFR 121.301(b)(2). The Information Notice further stated that the new statutory alternative size standard would remain in effect until such time as SBA established a permanent alternative size standard for the Business Loan Programs through rulemaking. The Information Notice also stated that SBA's disaster loan program, surety bond guarantee program, small business investment company program, and small business development and contracting programs, as well as other federal programs utilizing SBA's industry based size standards were not affected by the temporary statutory alternative size standard, and the current standards for those programs in 13 CFR part 121 remained in effect.

Because of the difficulty of obtaining relevant data, SBA has not yet established a new permanent tangible net worth and net income based alternative size standard for its Business Loan Programs, so the Agency continues to use the temporary statutory

alternative size standard (referred to in the Jobs Act as the ''Interim Rule'') to determine eligibility for a small business concern under SBA's Business Loan Programs, in addition to using the industry based size standards. Under the Interim Rule, a Business Loan Program applicant is eligible either under its industry based size standard or if it meets the temporary statutory alternative size standard of $15 million in tangible net worth and $5 million in average net income.

SBA is statutorily authorized to provide access to capital to small businesses that do not have credit available elsewhere from non-Federal sources on reasonable terms and conditions. Aiming to expand credit opportunities for small businesses under the distressed credit conditions in the aftermath of the 2007–2009 Great Recession, Congress, through the Jobs Act, temporarily increased by statute the level of the existing regulatory alternative size standard for the Business Loan Programs by raising the maximum thresholds of tangible net worth from $8.5 million to $15 million and of average net income from $3 million to $5 million, and it provided that the temporary statutory alternative size standard would remain in effect for the Business Loan Programs until such time as SBA established a new permanent alternative size standard.

A review of SBA's internal data on its Business Loan Programs shows that the temporary statutory alternative size standard may have enabled some small businesses that were not otherwise eligible under their industry based size standards to receive 7(a) or 504 Loans (''Business Loans''). However, SBA's internal data systems for its Business Loan Programs lack the necessary detailed electronic data that would allow for an assessment of the exact impact of the Interim Rule on small business loan applicants. Since the Agency's electronic systems only include data regarding the number of employees and the NAICS industry for loan applicants, but not data regarding average annual receipts, tangible net worth or average net income, SBA is not easily able to calculate the exact number of businesses that qualified under the temporary statutory alternative size standard that otherwise could not have qualified under their industry based size standards. Similarly, due to electronic data limitations, SBA cannot easily identify industries or industry sectors in which the temporary statutory alternative size standard helped small businesses the most or the least in accessing SBA Business Loans.

Again, due to the lack of relevant electronic data, SBA is also not in a position to determine whether the Interim Rule is appropriate under the current economic environment or needs to be modified when SBA establishes a permanent alternative size standard.

In an effort to establish a permanent alternative size standard for its Business Loan Programs as mandated by the Jobs Act, SBA has taken steps to gather the information and data necessary to develop an analysis to support the creation of a new permanent alternative size standard based on tangible net worth and average net income. However, the Economic Census data that SBA examines to establish the industry based size standards does not contain information on tangible net worth or average net income by industry. Furthermore, while SBA collects and maintains limited relevant electronic data on applicants for its Business Loan Programs (such as the number of employees for each loan recipient, but not average annual receipts, tangible net worth, or average net income), SBA's electronic internal data does not show whether an applicant for its Business Loan Programs was determined to be eligible under its industry based size standard or under the alternative size standard. Similarly, the electronic data does not include information on the numbers or amounts of loan approvals that were issued under the industry based size standard or under the temporary statutory alternative size standard.

As such, the only electronic data on size for small business applicants approved for loans through the SBA's Business Loan Programs available for review are the number of employees and the NAICS industry. In an effort to estimate the percentage of loans that were approved under the temporary statutory alternative size standard, SBA examined its electronic internal data on its Business Loan Programs for the three most recent fiscal years (FY 2015 through FY 2017). For this analysis, SBA converted industry based receipts-based size standards to the equivalent number of employees using the receipts-to-employees ratios from the special tabulations of the 2012 Economic Census (*http://www.census.gov/econ/census/*). If the data showed that the number of employees of a loan recipient exceeded its industry based employee size standard (or employee equivalents in the case of receipts-based size standards), SBA deemed for the purposes of this analysis that the loan was approved under the temporary statutory alternative size standard. Conversely, if the loan recipient's number of employees was equal to or less than the industry based size standard, it was deemed for the purposes of this analysis that the loan could have been approved under the industry based size standard.

Based on the results obtained from this analysis, SBA estimates that about 1.3% of the 207,161 total loan approvals issued during FY 2015–2017 went to firms that exceeded their industry based size standard, thereby implying that these firms were most likely qualified only under the temporary statutory alternative size standard. SBA estimates the total value of these loans to be $3.1 billion, or 3.6% of $86.9 billion in total loans approved during that period. Such a small percentage of loan approvals issued to firms that exceeded their industry size standard (1.3%) suggests that a vast majority of small businesses receiving loans through SBA's Business Loan Programs would have qualified under their industry based size standards and would not be impacted significantly by a modification, if any, to the Interim Rule.

Although useful, the analyzed data is selective in that it includes only those firms that were approved for and received an SBA Business Loan, but not those that applied and were not approved nor those interested in applying in the future. This data does not allow SBA to accurately determine the broader impact of a change to the Interim Rule, nor does it provide the Agency with a robust source of information from which a new permanent alternative size standard can be developed. Furthermore, while SBA has approximated the percentage of all loan approvals issued to small businesses that qualified only under the Interim Rule, it is not possible to determine the precise impact because the available electronic data lacks tangible net worth and average net income data for the impacted population of small businesses. Data on tangible net worth and average net income for the impacted businesses, if available from other sources, may reveal additional insights into the results of SBA's analysis of FY 2015–2017 loan data.

Additionally, SBA is statutorily authorized to make direct loans under the EIDL Program to small businesses that do not have credit available elsewhere and that have suffered a substantial economic injury as a result of a disaster. 15 U.S.C. 636(b)(2). Historically, the size standards applicable to small business concerns that apply for loans under the EIDL Program have been the same industry based size standards applicable to small

business applicants for the Business Loan Programs. *See,* 13 CFR 123.300(b). Although the temporary statutory alternative size standard established by the Jobs Act does not apply to the EIDL Program, SBA is considering applying the new permanent alternative size standard established for the Business Loan Programs to the EIDL Program as an alternative to industry based size standards.

Request for Comments

Against the above backdrop, in this ANPRM, SBA seeks comment on the following issues.

1. SBA seeks comment on whether or not the level of the temporary statutory alternative size standard under the Interim Rule (*i.e.,* $15 million in tangible net worth and $5 million in average net income) is appropriate under the current credit environment and as a new permanent alternative size standard. Commenters in support of the level in the Interim Rule should provide justification, along with supporting data and analysis to support their position. Similarly, commenters who believe the level established in the Interim Rule is not appropriate as a permanent alternative size standard should suggest, along with supporting data and analysis, a different alternative size standard which they believe would be more appropriate. The suggested alternative size standard must be based on tangible net worth and average net income as required by section 3(a)(5) of the Small Business Act. 15 U.S.C. 632(a)(5).

2. SBA seeks comment on the impact of using an alternative size standard on small businesses seeking loans through its Business Loan Programs. Specifically, SBA welcomes information on industries/sectors where small businesses benefit the most or do not benefit at all from the use of an alternative size standard. Similarly, SBA is also looking for data on the number of businesses approved for SBA's Business Loans under the temporary statutory alternative size standard that otherwise could not have been approved under their industry based size standards.

3. SBA invites suggestions on sources of relevant data and information, especially tangible net worth and average net income of applicants to SBA's Business Loan Programs, that SBA can evaluate to assess the impact of the Interim Rule on small businesses and use in developing a new permanent alternative size standard and in estimating the impact of the new permanent alternative size standard.

4. SBA invites comments from interested parties on the proposal to apply the same new permanent alternative size standard established for the Business Loan Programs to the EIDL Program as an alternative to industry based size standards.

5. SBA also seeks comment on how the Interim Rule has affected the processes used by lenders participating in the Business Loan Programs and what effects a permanent alternative size standard would have on application processes and processing times.

6. SBA invites comment on the effects of the Interim Rule on conventional small business lending. Specifically, SBA welcomes input on whether, and to what extent, if any, SBA Business Loans approved under the Interim Rule have substituted for or displaced directly or indirectly conventional small business lending, or whether such SBA Business Loans played more of a supplementary role in conventional small business lending activity.

Dated: March 14, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–05787 Filed 3–21–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0166; Product Identifier 2017–NM–169–AD]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all ATR–GIE Avions de Transport Régional Model ATR72 airplanes. This proposed AD was prompted by a determination that more restrictive maintenance instructions and airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate new or revised maintenance instructions and airworthiness limitations. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 7, 2018.

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

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

For service information identified in this NPRM, contact ATR–GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0166; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0166; Product Identifier 2017–NM–169–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0223R1, dated December 15, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all ATR–GIE Avions de Transport Régional Model ATR72 airplanes. The MCAI states:

The airworthiness limitations and certification maintenance requirements (CMR) for ATR aeroplanes, which are approved by EASA, are currently defined and published in the ATR72–101/–201/–102/–202/–211/–212/–212A Time Limits (TL) document. These instructions have been identified as mandatory actions for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

Consequently, ATR published Revision 15 of the ATR72–101/–201/–102/–202/–211/–212/–212A TL document, which contains new and/or more restrictive CMRs and airworthiness limitation tasks.

For the reasons described above, this [EASA] AD requires accomplishment of the actions specified in the ATR72–101/–201/–102/–202/–211/–212/–212A TL document Revision 15, hereafter referred to as 'the TLD' in this [EASA] AD.

This [EASA] AD, in conjunction with two other [EASA] ADs related to ATR42–200/–300/–320 (EASA AD 2017–0221) and ATR42–400/–500 (EASA AD 2017–0222) aeroplanes, retains the requirements of EASA AD 2009–0241 and EASA AD 2012–0193. Once all these three ADs are effective, EASA will cancel EASA AD 2009–0242 and EASA AD 2012–0193.

This [EASA] AD is revised to provide the correct issue date (02 May 2017) of the TLD. The original [EASA] AD inadvertently referenced the EASA approval date for that document.

This NPRM would require revising the maintenance or inspection program to incorporate certain maintenance instructions and airworthiness limitations. The unsafe condition is fatigue cracking, damage, and corrosion in principal structural elements, which could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0166.

Related Service Information Under 1 CFR Part 51

ATR–GIE Avions de Transport Régional has issued the ATR72 Time Limits document, Revision 15, dated May 2, 2017. The service information describes preventive maintenance requirements and includes updated limitations, tasks, thresholds and intervals to be incorporated into the maintenance or inspection program. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (k)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Similar to the MCAI, this proposed AD would not supersede AD 2000–23–26, Amendment 39–11999 (65 FR 70775, November 28, 2000) (''AD 2000–23–26''), or AD 2008–04–19 R1, Amendment 39–16069 (74 FR 56713, November 3, 2009) (''AD 2008–04–19 R1''). Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate maintenance requirements and/or airworthiness limitations that are new or more restrictive than those required by AD 2000–23–26 and AD 2008–04–19 R1. Accomplishment of the proposed actions would then terminate all the requirements of AD 2000–23–26 and AD 2008–04–19 R1.

Costs of Compliance

We estimate that this proposed AD affects 26 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost [1]	Parts cost	Cost per product	Cost on U.S. operators
Maintenance or inspection program revision	90 work-hours × $85 per hour = $7,650	None	$7,650	$198,900

[1] In the past, we have used 1 work-hour for revisions of the maintenance or inspection program. We have determined that incorporating the entire airworthiness limitation document specified in this proposed AD would take significantly longer than 1 work-hour.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

ATR–GIE Avions de Transport Régional: Docket No. FAA–2018–0166; Product Identifier 2017–NM–169–AD.

(a) Comments Due Date

We must receive comments by May 7, 2018.

(b) Affected ADs

This AD affects AD 2000–23–26, Amendment 39–11999 (65 FR 70775) (''AD 2000–23–26''), and AD 2008–04–19 R1, Amendment 39–16069 (74 FR 56713) (''AD 2008–04–19 R1'').

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes, certificated in any category; with an original certificate of airworthiness or original export certificate of airworthiness issued on or before September 29, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 05.

(e) Reason

This AD was prompted by a determination that more restrictive maintenance instructions and airworthiness limitations are necessary. We are issuing this AD to prevent fatigue cracking, damage, and corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 3 months after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the limitations and tasks at the applicable thresholds and intervals specified in the Airworthiness Limitations Section (ALS), of the ATR72 Time Limits document, Revision 15, dated May 2, 2017. The initial compliance time for accomplishing the tasks specified in the ALS of the ATR72 Time Limits document, Revision 15, dated May 2, 2017, is at the applicable time specified in the ALS, or within 3 months after the effective date of this AD, whichever occurs later, except for the tasks identified in paragraph (h) of this AD.

(h) Initial Compliance Times for Certain Tasks

For accomplishing certification maintenance requirement (CMR) tasks identified in table 1 and table 2 to paragraph (h) of this AD, the initial compliance time is at the applicable time specified in the ALS of the ATR72 Time Limits document, Revision 15, dated May 2, 2017, or at the applicable compliance time in table 1 or table 2 to paragraph (h) of this AD, whichever occurs later.

Table 1 to paragraph (h) of this AD – *Grace period for structurally significant item (SSI) task*

Airworthiness Limitation (AWL) Task	Compliance Time
572401-1	Within 5,000 flight hours after the most recent inspection done as specified in Maintenance Review Board Report (MRBR) tasks ZL-520-01-1 and ZL-620-01-1

Table 2 to paragraph (h) of this AD – *Grace period for CMR/maintenance significant item (MSI) tasks*

CMR/MSI Tasks	Compliance Time
213100-1 213100-2 213100-3	Within 550 flight hours or 3 months after the effective date of this AD, whichever occurs first

(i) No Alternative Actions, and Intervals

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), or intervals, may be used unless the actions and/or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(j) Terminating Action

Accomplishing paragraph (g) of this AD terminates all requirements of AD 2000–23–26 and AD 2008–04–19 R1.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0223R1, dated December 15, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0166.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 206–231–3220.

(3) For service information identified in this AD, contact ATR—GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on March 7, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–05099 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1188; Airspace Docket No. 17–AEA–23]

Proposed Amendment of Class D Airspace and Class E Airspace; Wrightstown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet above the surface in Wrightstown, NJ, by updating the name of McGuire Field (Joint Base McGuire-Dix-Lakehurst). This action also proposes to amend Class E airspace extending upward from 700 feet above the surface in Wrightstown, NJ, by updating the name and geographic coordinates of Ocean County Airport. Also, an editorial change would be made where necessary removing the city from the airport name in the airspace designation. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of Lakehurst (Navy) TACAN and Colts Neck VOR/DME.

DATES: Comments must be received on or before May 7, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–1188; Airspace Docket No. 17–AEA–23, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class D and Class E airspace in Wrightstown, NJ to support IFR operations in the area.

Comments Invited

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

Communications should identify both docket numbers (Docket No. FAA–2017–1188 and Airspace Docket No. 17–AEA–23) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–1188; Airspace Docket No. 17–AEA–23.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet or more above the surface by updating the names of McGuire Field (Joint Base McGuire-Dix-Lakehurst), (formerly McGuire AFB (Joint Base McGuire-Dix-Lakehurst), and Ocean County Airport, (formerly Robert J. Miller Airpark), Wrightstown, NJ. These changes would enhance the safety and management of IFR operations in the area. In addition, this action would update the geographic coordinates of Ocean County Airport, Lakehurst (Navy) TACAN, and Colts Neck VOR/DME. These changes would bring current the FAA's aeronautical database.

Finally, for Class E airspace extending upward from 700 feet above the surface, an editorial change would be made removing the city associated with the airport name in the airspace designation to comply with FAA Order 7499.2L, Procedures for Handling Airspace Matters.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting

Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA NJ D Wrightstown, NJ [Amended]

McGuire Field (Joint Base McGuire-Dix-Lakehurst), NJ
(Lat. 40°00′56″ N, long. 74°35′30″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.5-mile radius of McGuire Field (Joint Base McGuire-Dix-Lakehurst).

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

* * * * *

AEA NJ E4 Wrightstown, NJ [Amended]

McGuire Field (Joint Base McGuire-Dix-Lakehurst), NJ
(Lat. 40°00′56″ N, long. 74°35′30″ W)
McGuire VORTAC
(Lat. 40°00′34″ N, long. 74°35′47″ W)

That airspace extending upward from the surface within 1.8 miles each side of the McGuire VORTAC 350° radial extending from the 4.5-mile radius of McGuire Field (Joint Base McGuire-Dix-Lakehurst), to 6.1 miles north of the VORTAC and within 1.8 miles each side of the McGuire VORTAC 051° radial extending from the 4.5-mile radius of the airport to 6.1 miles northeast of the VORTAC and within 1.8 miles each side of the McGuire VORTAC 180° radial extending from the 4.5-mile radius of the airport to 5.2 miles south of the VORTAC, and within 1.8 miles each side of the McGuire Field (Joint Base McGuire-Dix-Lakehurst), ILS localizer southwest course extending from the 4.5-mile radius of the airport to 7 miles southwest of the localizer.

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

* * * * *

AEA NJ E5 Wrightstown, NJ [Amended]

Lakewood Airport, NJ
(Lat. 40°04′00″ N, long. 74°10′40″ W)
McGuire Field (Joint Base McGuire-Dix-Lakehurst), NJ
(Lat. 40°00′56″ N, long. 74°35′30″ W)
Trenton-Robbinsville Airport, NJ
(Lat. 40°12′50″ N, long. 74°36′06″ W)
Monmouth Executive Airport, NJ
(Lat. 40°11′12″ N, long. 74°07′28″ W)
Ocean County Airport, NJ
(Lat. 39°55′34″ N, long. 74°17′44″ W)
Lakehurst (Navy) TACAN
(Lat. 40°02′13″ N, long. 74°21′11″ W)
Colts Neck VOR/DME
(Lat. 40°18′42″ N, long. 74°09′35″ W)
Coyle VORTAC
(Lat. 39°49′02″ N, long. 74°25′54″ W)
Robbinsville VORTAC
(Lat. 40°12′09″ N, long. 74°29′42″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Lakewood Airport, and within a 10.5-mile radius of McGuire Field (Joint Base McGuire-Dix-Lakehurst), and within an 11.3-mile radius of the Lakehurst (Navy) TACAN extending clockwise from the TACAN 310° radial to the 148° radial and within 4.4 miles each side of the Coyle VORTAC 031° radial extending from the VORTAC to 11.3 miles northeast, and within 2.6 miles southwest and 4.4 miles northeast of the Lakehurst (Navy) TACAN 148° radial extending from the TACAN to 12.2 miles southeast, and within a 6.4-mile radius of Trenton-Robbinsville Airport and within 5.7 miles north and 4 miles south of the Robbinsville VORTAC 278° and 098° radials extending from 4.8 miles west to 10 miles east of the VORTAC, and within a 6.7-mile radius of Monmouth Executive Airport and within 1.8 miles each side of the Colts Neck VOR/DME 167° radial extending from the Monmouth Executive Airport 6.7-mile radius to the VOR/DME and within 4 miles each side of the 312° bearing from Monmouth Executive airport extending from the 6.7-mile radius of the airport to 9 miles northwest of the airport and within a 6.5-mile radius of Ocean County Airport and within 1.3 miles each side of the Coyle VORTAC 044° radial extending from the 6.5-mile radius to the VORTAC, excluding the portions that coincide with the Atlantic City, NJ, Princeton, NJ. Old Bridge NJ, Philadelphia, PA, Class E airspace areas.

Issued in College Park, Georgia, on March 14, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–05708 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 538 and 560

Effectiveness of Licensing Procedures for Exportation of Agricultural Commodities, Medicine, and Medical Devices to Sudan and Iran; Comment Request

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Request for comments.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is soliciting comments on the effectiveness of OFAC's licensing procedures for the exportation of agricultural commodities, medicine, and medical devices to Sudan and Iran. Pursuant to section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000, OFAC is required to submit a biennial report to the Congress on the operation of licensing procedures for such exports.

DATES: Written comments should be received on or before April 23, 2018 to be assured of consideration.

ADDRESSES: You may submit comments by any of the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.

Fax: Attn: Request for Comments (TSRA) (202) 622–0447.

Mail: Attn: Request for Comments (TSRA), Office of Foreign Assets Control, Department of the Treasury, Freedman's Bank Building, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information about these licensing procedures should be directed to Davin Blackborow, Assistant Director, Licensing Division, Office of Foreign Assets Control, Department of the Treasury, Freedman's Bank Building, 1500 Pennsylvania Avenue NW, Washington, DC 20220, telephone: (202) 622–2480. Additional information about these licensing procedures is also available at *www.treasury.gov/tsra.*

SUPPLEMENTARY INFORMATION: The current procedures used by OFAC pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX of Pub. L. 106–387, 22 U.S.C. 7201 *et seq.*) (the ''Act'') for authorizing the export of agricultural commodities, medicine, and medical devices to Iran are set forth in 31 CFR 560.530 through 560.533. Effective October 12, 2017, sections 1 and 2 of Executive Order (E.O.) 13067 of November 3, 1997 and all of E.O. 13412 of October 13, 2006 were revoked, pursuant to E.O. 13761 of January 13, 2017, as amended by E.O. 13804 of July 11, 2017. As a result of the revocation of these sanctions provisions, effective October 12, 2017, U.S. persons are no longer prohibited from engaging in transactions that were previously prohibited under the Sudanese Sanctions Regulations, 31 CFR part 538. However, pursuant to the Act, an OFAC license is still required for exports and reexports to the Government of Sudan or any other entity in Sudan of agricultural commodities, medicine, and medical devices as a result of Sudan's inclusion on the State Sponsors of Terrorism List. These exports and reexports are generally licensed by OFAC. Under the provisions of section 906(c) of the Act, OFAC must submit a biennial report to the Congress on the operation, during the preceding two-year period, of the licensing procedures required by section 906 of the Act for the export of agricultural commodities, medicine, and medical devices to Sudan and Iran. This report is to include:

(1) The number and types of licenses applied for;

(2) The number and types of licenses approved;

(3) The average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) The extent to which the licensing procedures were effectively implemented; and

(5) A description of comments received from interested parties about the extent to which the licensing procedures were effective, after holding a public 30-day comment period.

This document solicits comments from interested parties regarding the effectiveness of OFAC's licensing procedures for the export of agricultural commodities, medicine, and medical devices to Sudan and Iran for the time period of October 1, 2014 to September 30, 2016. Interested parties submitting comments are asked to be as specific as possible. In the interest of accuracy and completeness, OFAC requires written comments. All comments received on or before April 23, 2018 will be considered by OFAC in developing the report to the Congress. Consideration of comments received after the end of the comment period cannot be assured.

All comments made will be a matter of public record. OFAC will not accept comments accompanied by a request that part or all of the comments be treated confidentially because of their business proprietary nature or for any other reason; OFAC will not consider them and will return such comments when submitted by regular mail to the person submitting the comments.

Copies of past biennial reports may be obtained from OFAC's website (*www.treasury.gov/resource-center/sanctions/Programs/Pages/lic-agmed-index.aspx*). Written requests may be sent to: Office of Foreign Assets Control, U.S. Department of the Treasury, Freedman's Bank Building, 1500 Pennsylvania Ave. NW, Washington, DC 20220, Attn: Assistant Director for Licensing.

Note 1: On December 23, 2016, OFAC published amendments to the Iranian Transactions and Sanctions Regulations, 31 CFR part 560, to expand the scope of medical devices and agricultural commodities generally authorized for export or reexport to Iran pursuant to the Act. This amendment also included new or expanded authorizations related to training, replacement parts, software, and services for the operation, maintenance, and repair of medical devices, and items that are broken or connected to product recalls or other safety concerns. Accordingly, specific licenses are no longer required for these transactions.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–05638 Filed 3–21–18; 8:45 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0145; FRL–9975–55–Region 6]

Approval and Promulgation of State Implementation Plans, Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the State Implementation Plan (SIP) for Oklahoma submitted by the State of Oklahoma designee with a letter dated February 14, 2017. The submittal covers updates to the Oklahoma SIP, as contained in annual SIP updates for 2013, 2014, 2015, and 2016, and incorporates the latest changes to the EPA regulations. The overall intended outcome of this action is to make the approved Oklahoma SIP consistent with current Federal and State requirements. This action is being taken in accordance with the federal Clean Air Act (the Act) March 22, 2018.

DATES: Comments must be received on or before April 23, 2018.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0145, at *http://www.regulations.gov* or via email to *shar.alan@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Mr. Alan Shar, (214) 665–6691, *shar.alan@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar (6MM–AA), (214) 665–6691, *shar.alan@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Alan Shar.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

I. Background

On November 3, 2015 (80 FR 67647), the EPA finalized, among other things, its approval of revisions to Oklahoma Administrative Code (OAC) Title 252 Department of Environmental Quality (ODEQ), Chapter 100 Air Pollution Control (OAC:252:100), Subchapter 17 Incinerators, Subchapter 25 Visible Emissions and Particulates, Appendix E Primary Ambient Air Quality Standards, and Appendix F Secondary Ambient Air Quality Standards.

The submittal dated February 14, 2017 (February 14, 2017 Submittal, or Submittal) which is the subject of this proposed action includes revisions to Subchapters 2 Incorporation by Reference, 5 Registration, Emission Inventory and Annual Operating Fees, 13 Open Burning, 17 Incinerators, 25 Visible Emissions and Particulates, 31 Control of Emission of Sulfur Compounds, Appendix E Primary Ambient Air Quality Standards, Appendix F Secondary Ambient Air Quality Standards, and Appendix Q Incorporation by Reference of OAC:252:100. The Submittal covers the annual updates for the years 2013, 2014, 2015, and 2016.

The criteria used to evaluate these SIP revisions are found primarily in section 110 of the Act. Section 110(l) requires that a SIP revision submitted to the EPA be adopted after reasonable notice and public hearing and also requires that the EPA not approve a SIP revision if the revision would interfere with any applicable requirement concerning

attainment and reasonable further progress, or any other applicable requirement of the Act. See the Technical Support Document (TSD) prepared in conjunction with this action for more information.

II. Evaluation

Subchapters 2, 5, and Appendix Q of the Submittal are air permit-related provisions of the Oklahoma SIP, and we are not acting upon these provisions in this rulemaking action. The EPA plans to act on these provisions separately in a future rulemaking action.

In this action, we are proposing to approve revisions to OAC 252:100, Subchapters 13, 17, 25, 31, Appendix E, and Appendix F, as contained in the Submittal. Appendices E and F adopt primary and secondary National Ambient Air Quality Standards (NAAQS), respectively.

OAC 252:100, Subchapter 13 imposes requirements for controlling open burning of refuse and other combustible materials. It defines ''air curtain incinerator'' or ''air curtain destructor'' as an incineration unit that operates by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs.

The Subchapter 13 revisions limit allowed open burning when an Ozone or PM Watch has been declared for the day of the burn in an area. This provision is intended to assist with attaining and maintaining the Ozone and PM NAAQS. Section OAC 252:100–13–8 concerns the use of air curtain incinerators and prohibits the owner or operator of an air curtain incinerator from accepting to burn any material owned by other persons and transporting any material to the property where the air curtain incinerator is located unless the material is 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of wood waste and clean lumber. This provision makes the open burning activities more stringent and assists with compliance determinations. Revisions to OAC 252:100–13–8 also mandate compliance with applicable federal incineration requirements of 40 CFR part 60. See the TSD prepared in conjunction with this rulemaking action for more information.

Since the record indicates that the submitted revisions to Subchapter 13 make applicability determinations clearer and improves compliance, we find that the Oklahoma SIP has not been relaxed and that the requirements of section 110(l) of the Act have been satisfied. See the TSD in the docket for this action. Therefore, we are proposing to approve the submitted revisions to Subchapter 13 into the Oklahoma SIP.

OAC 252:100, Subchapter 17 specifies design and operating requirements and establishes emission limitations for incinerators and municipal waste combustors. Submitted revisions to OAC 252:100–17, Part 3 General Purpose Incinerators and Part 9 Commercial and Industrial Solid Waste Incineration (CISWI) Units adjust enforceable requirements and compliance dates consistent with revisions to federal requirements dated February 7, 2013 (78 FR 9112). More specifically, the submitted revisions incorporate changes to 40 CFR part 60, subpart DDDD Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration (CISWI) Units, Model Rule, Sections 60.2575 through 60.2875, including Tables 1 through 9. The State has adopted federal requirements for incinerators through an Incorporation By Reference (IBR) mechanism. See 64 FR 57392, and 70 FR 73595. The proposed revisions will render Subchapter 17 consistent with federal requirements and make the SIP more stringent. See the TSD for more information. Therefore, we are proposing to approve the submitted revisions to Subchapter 17 into the Oklahoma SIP.

OAC 252:100, Subchapter 25 concerns visible emissions and particulates and its purpose is to control visible emissions and particulate matter from the operation of specified air contaminant sources. More specifically, submitted revisions to OAC 252:100–25–5 require owners or operators of listed stationary sources install, calibrate, operate, and maintain all monitoring equipment for continuously monitoring opacity; it also requires compliance with 40 CFR part 60, Appendix B, and 40 CFR part 51, Appendix P. The proposed revisions will render Subchapter 25 consistent with federal requirements and make the SIP more stringent. See the TSD for more information. Therefore, we are proposing to approve the submitted revisions to Subchapter 25 into Oklahoma SIP.

ODEQ revised OAC 252:100, Subchapter 31 in 2002, 2003 (twice), 2012, and 2013. As a part of our review of the February 14, 2017 Submittal, each one of these five revisions has been evaluated in the TSD associated with this action.

In particular, Subchapter 252:100:31 concerns control of emission of sulfur compounds and its purpose is control emissions of sulfur compounds from stationary sources. Revisions to 252:100:31–25(3) state that required SO_2 emissions monitoring systems must comply with the provisions of 40 CFR part 60, Appendix B, and 40 CFR part 51, Appendix P. As a result, the proposed revisions will be consistent with federal requirements and make the SIP more stringent. In addition, by replacing State's outdated 24-hour and annual SO_2 standards with the more stringent up-to-date short term federal 2010 1-Hour SO_2 standard (75 FR 35520, June 22, 2010), Subchapter 31 will provide for even better protection of public health and environment and make the SIP more stringent. See the TSD for more information. Therefore, we are proposing to approve the submitted revisions to Subchapter 31 into the Oklahoma SIP.

OAC 252:100, Appendix E concerns the primary NAAQS set forth to provide public health protection, including protecting the health of ''sensitive'' populations such as asthmatics, children, and the elderly. The submitted revision to Appendix E adopts the primary 2015 8-Hour ozone NAAQS and is consistent with 40 CFR 50.19, making the SIP more stringent. Also, see *https://www.epa.gov/criteria-air-pollutants/naaqs-table.* Therefore, we are proposing to approve the submitted revisions to OAC 252:100, Appendix E into the Oklahoma SIP. See the TSD for more information.

OAC 252:100, Appendix F concerns the secondary NAAQS set forth to provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. The submitted revision to Appendix F concerns the secondary 2015 8-Hour ozone NAAQS and is consistent with 40 CFR 50.19, making the SIP more stringent. Also, see *https://www.epa.gov/criteria-air-pollutants/naaqs-table.* Therefore, we are proposing to approve the submitted revisions to OAC 252:100, Appendix F into the Oklahoma SIP.

III. Proposed Action

We are proposing to approve revisions to OAC 252:100, Subchapters 13, 17, 25, 31, Appendix E, and Appendix F, as submitted to us by a letter dated February 14, 2017 (Submittal). The Submittal covers Oklahoma's updates for the years 2013, 2014, 2015, and 2016. We are proposing to approve these revisions in accordance with Section 110 of the Act.

IV. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text

that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to Oklahoma's regulations, as described in the Proposed Action section above. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 16, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–05766 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0578; FRL–9975–87–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Plan for the Warren, Pennsylvania Nonattainment Area for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision, submitted by the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP), to EPA on September 29, 2017, for the purpose of providing for attainment of the 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS) in the Warren, Pennsylvania SO_2 nonattainment area (hereafter referred to as the ''Warren Area'' or ''Area''). The Warren Area is comprised of a portion of Warren County (Conewango Township, Glade Township, Pleasant Township, and the City of Warren) in Pennsylvania surrounding the United Refining Company (hereafter referred to as ''United Refining''). The SIP submission is an attainment plan which includes the base year emissions inventory, an analysis of the reasonably available control technology (RACT) and reasonably available control measure (RACM) requirements, a reasonable further progress (RFP) plan, a modeling demonstration of SO_2 attainment, contingency measures, and a nonattainment new source review (NNSR) program for the Warren Area. As part of approving the attainment plan, EPA is also proposing to approve into the Pennsylvania SIP new SO_2 emission limits and associated compliance parameters for United Refining. EPA proposes to approve Pennsylvania's attainment plan and concludes that the Warren Area will attain the 2010 1-hour primary SO_2 NAAQS by the applicable attainment date and that the plan meets all applicable requirements under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 23, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0578 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

http://www2.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

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I. Background for EPA's Proposed Action

On June 2, 2010, the EPA Administrator signed a final rule establishing a new SO_2 primary NAAQS as a 1-hour standard of 75 parts per billion (ppb), based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. *See* 75 FR 35520 (June 22, 2010), codified at 40 CFR 50.17. This action also revoked the existing 1971 primary annual and 24-hour standards, subject to certain conditions.[1] EPA established the NAAQS based on significant evidence and numerous health studies demonstrating that serious health effects are associated with short-term exposures to SO_2 emissions ranging from 5 minutes to 24 hours with an array of adverse respiratory effects including narrowing of the airways which can cause difficulty breathing (bronchoconstriction) and increased asthma symptoms. For more information regarding the health impacts of SO_2, please refer to the June 22, 2010 final rulemaking. *See* 75 FR 35520. Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA. On August 5, 2013, EPA promulgated initial air quality designations for 29 areas for the 2010 SO_2 NAAQS (78 FR 47191), which became effective on October 4, 2013, based on violating air quality monitoring data for calendar years 2009–2011, where there were sufficient data to support a nonattainment designation.[2]

Effective on October 4, 2013, the Warren Area was designated as nonattainment for the 2010 SO_2 NAAQS for an area that encompasses the primary SO_2 emitting source United Refining and the nearby SO_2 monitor (Air Quality Site ID: 42–123–0004). The October 4, 2013 final designation triggered a requirement for Pennsylvania to submit a SIP revision with an attainment plan for how the Area would attain the 2010 SO_2 NAAQS as expeditiously as practicable, but no later than October 4, 2018, in accordance with CAA section 172(b).

For a number of areas, including the Warren Area, EPA published a notice on March 18, 2016, that Pennsylvania and other pertinent states had failed to submit the required SO_2 attainment plan by this submittal deadline. *See* 81 FR 14736. This finding initiated a deadline under CAA section 179(a) for the potential imposition of new source review and highway funding sanctions. However, pursuant to Pennsylvania's submittal of September 29, 2017, and EPA's subsequent letter dated October 5, 2017, to Pennsylvania finding the submittal complete and noting the stopping of the sanctions deadline, these sanctions under section 179(a) will not be imposed as a consequence of Pennsylvania's having missed the SIP submission deadline. Additionally, under CAA section 110(c), the March 18, 2016 finding triggers a requirement that EPA promulgate a federal implementation plan (FIP) within two years of the effective date of the finding unless, by that time, the state has made the necessary complete submittal and EPA has approved the submittal as meeting applicable requirements. This FIP obligation will not apply if EPA makes final the approval action proposed here by April 18, 2018.

Attainment plans must meet the applicable requirements of the CAA, and specifically CAA sections 172, 191, and 192. The required components of an attainment plan submittal are listed in section 172(c) of Title I, part D of the CAA. On April 23, 2014, EPA issued recommended guidance (hereafter 2014 SO_2 Nonattainment Guidance) for how state submissions could address the statutory requirements for SO_2 attainment plans.[3] In this guidance, EPA described the statutory requirements for an attainment plan, which include: An accurate base year emissions inventory of current emissions for all sources of SO_2 within the nonattainment area (172(c)(3)); an attainment demonstration that includes a modeling analysis showing that the enforceable emissions limitations and other control measures taken by the state will provide for expeditious attainment of the NAAQS (172(c)); demonstration of RFP (172(c)(2)); implementation of RACM, including RACT (172(c)(1)); NNSR requirements (172(c)(5)); and adequate contingency measures for the affected area (172(c)(9)).

II. Pennsylvania's Attainment Plan Submittal for the Warren Area

In accordance with section 172(c) of the CAA, the Pennsylvania attainment plan for the Warren Area includes: (1) An emissions inventory for SO_2 for the plan's base year (2011); and (2) an attainment demonstration. The attainment demonstration includes the following: Analyses that locate, identify, and quantify sources of emissions contributing to violations of the 2010 SO_2 NAAQS; a determination that the control strategy for the primary SO_2 source within the nonattainment areas constitutes RACM/RACT; a dispersion modeling analysis of an emissions control strategy for the primary SO_2 source (United Refining), which also accounts for smaller sources within the Area in the background concentration, showing attainment of the SO_2 NAAQS by the October 4, 2018, attainment date; requirements for RFP toward attaining the SO_2 NAAQS in the Area; contingency measures; the assertion that Pennsylvania's existing SIP-approved NSR program meets the applicable requirements for SO_2; and the request that emission limitations and compliance parameters for United Refining be incorporated into the SIP.

III. EPA's Analysis of Pennsylvania's Attainment Plan for the Warren Area

Consistent with CAA requirements (*see* section 172), an attainment demonstration for an SO_2 nonattainment area must include a showing that the area will attain the 2010 SO_2 NAAQS as

[1] EPA's June 22, 2010, final action revoked the two 1971 primary 24-hour standard of 140 ppb and the annual standard of 30 ppb because they were determined not to add additional public health protection given a 1-hour standard at 75 ppb. *See* 75 FR 35520. However, the secondary 3-hour SO_2 standard was retained. Currently, the 24-hour and annual standards are only revoked for certain of those areas the EPA has already designated for the 2010 1-hour SO_2 NAAQS. *See* 40 CFR 50.4(e).

[2] EPA is continuing its designation efforts for the 2010 SO_2 NAAQS. Pursuant to a court-order entered on March 2, 2015, by the U.S. District Court for the Northern District of California, EPA must complete the remaining designations for the rest of the country on a schedule that contains three specific deadlines. Sierra Club, et al. v. Environmental Protection Agency, 13–cv–03953–SI (2015).

[3] *See* ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (April 23, 2014), available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

expeditiously as practicable. The demonstration must also meet the requirements of 40 CFR 51.112 and 40 CFR part 51, Appendix W, and include inventory data, modeling results, and emissions reductions analyses on which the state has based its projected attainment. EPA is proposing to conclude that the attainment plan submitted by Pennsylvania meets all applicable requirements of the CAA, and EPA is proposing to approve the plan submitted by Pennsylvania to ensure ongoing attainment in the Warren Area.

A. Pollutants Addressed

Pennsylvania's SO_2 attainment plan evaluates SO_2 emissions for the area within the portion of Warren County (Conewango Township, Glade Township, Pleasant Township, and the City of Warren) that is designated nonattainment for the 2010 SO_2 NAAQS. There are no precursors to consider for the SO_2 attainment plan. SO_2 is a pollutant that arises from direct emissions, and therefore concentrations are highest relatively close to the sources and much lower at greater distances due to dispersion. Thus, SO_2 concentration patterns resemble those of other directly emitted pollutants like lead, and differ from those of photochemically-formed (secondary) pollutants such as ozone. Pennsylvania's attainment plan appropriately considered SO_2 emissions for the Indiana Area.

B. Emissions Inventory Requirements

States are required under section 172(c)(3) of the CAA to develop comprehensive, accurate and current emissions inventories of all sources of the relevant pollutant or pollutants in the nonattainment area. These inventories provide detailed accounting of all emissions and emissions sources by precursor or pollutant. In addition, inventories are used in air quality modeling to demonstrate that attainment of the NAAQS is as expeditious as practicable. The 2014 SO_2 Nonattainment Guidance provides that the emissions inventory should be consistent with the Air Emissions Reporting Requirements (AERR) at Subpart A to 40 CFR part 51.[4]

For the base year inventory of actual emissions, a ''comprehensive, accurate and current'' inventory can be represented by a year that contributed to the three-year design value used for the original nonattainment designation. The 2014 SO_2 Nonattainment Guidance notes that the base year inventory should include all sources of SO_2 in the nonattainment area as well as any sources located outside the nonattainment area which may affect attainment in the area. Pennsylvania appropriately elected to use 2011 as the base year. Actual emissions from all the sources of SO_2 in the Warren Area were reviewed and compiled for the base year emissions inventory requirement. The primary SO_2-emitting point source located within the Warren Area is United Refining, a petroleum refinery. United Refining consists of 29 main SO_2 emitters, which include boilers, heaters, reboilers, compressors, and flares. More information on the emissions inventory for the Warren Area can be found in Pennsylvania's September 29, 2017, submittal as well as EPA's emissions inventory Technical Support Document (TSD), which can be found under Docket ID No. EPA–R03–OAR–2017–0578 and which provides EPA's analysis of the emissions inventory.

Table 1 shows the level of emissions, expressed in tons per year (tpy), in the Warren Area for the 2011 base year by emissions source category. The point source category includes all sources within the nonattainment area.

TABLE 1—2011 BASE YEAR SO_2 EMISSIONS INVENTORY FOR THE WARREN AREA

Emission source category	SO_2 Emissions (tpy)
Point	993.095
Area	85.852
Non-road	0.337
On-road	1.380
Total	1,080.664

EPA has evaluated Pennsylvania's 2011 base year emissions inventory for the Warren Area and has made the determination that this inventory was developed in a manner consistent with EPA's guidance. Therefore, pursuant to section 172(c)(3), EPA is proposing to approve Pennsylvania's 2011 base year emissions inventory for the Warren Area.

The attainment demonstration also provides for a projected attainment year inventory that includes estimated emissions for all emission sources of SO_2 which are determined to impact the nonattainment area for the year in which the area is expected to attain the NAAQS. Pennsylvania provided a 2018 projected emissions inventory for all known sources included in the 2011 base year inventory. The projected 2018 emissions are shown in Table 2. Pennsylvania's submittal asserts that the SO_2 emissions are expected to decrease by approximately 436 tons, or 40%, by 2018 from the 2011 base year. More information on the projected emissions for the Warren Area can be found in Pennsylvania's September 29, 2017, submittal, and EPA's analysis of the emissions inventories can be found in EPA's emissions inventory TSD, which can be found under Docket ID No. EPA–R03–OAR–2017–0578. EPA proposes to approve the 2011 base year inventory and the 2018 projected inventory as they meet CAA requirements.

TABLE 2—2018 PROJECTED SO_2 EMISSION INVENTORY FOR THE WARREN AREA

Emission source category	SO_2 Emissions (tpy)
Point	511.199
Area	132.48
Non-road	0.170
On-road	0.530
Total	644.379

C. Air Quality Modeling

The SO_2 attainment demonstration provides an air quality dispersion modeling analysis to demonstrate that control strategies chosen to reduce SO_2 source emissions will bring the Area into attainment by the statutory attainment date of October 4, 2018. The modeling analysis, following recommendations outlined in Appendix W to 40 CFR part 51 (EPA's Modeling Guidance), is used for the attainment demonstration to assess the control strategy for a nonattainment area and establish emission limits that will provide for attainment. The analysis requires five years of meteorological data to simulate the dispersion of pollutant plumes from multiple point, area, or volume sources across the averaging times of interest. The modeling demonstration typically also relies on maximum allowable emissions from sources in the nonattainment area. Though the actual emissions are likely to be below the allowable emissions, sources have the ability to run at higher production rates or optimize controls such that emissions approach the allowable emissions limits. A modeling analysis that provides for attainment under all scenarios of operation for each source must therefore consider the worst case scenario of both the meteorology (*e.g.* predominant wind directions, stagnation, etc.) and the maximum allowable emissions.

[4] The AERR at Subpart A to 40 CFR part 51 cover overarching federal reporting requirements for the states to submit emissions inventories for criteria pollutants to EPA's Emissions Inventory System. EPA uses these submittals, along with other data sources, to build the National Emissions Inventory.

PADEP's modeling analysis was developed in accordance with EPA's Modeling Guidance and the 2014 SO_2 Nonattainment Guidance, and was prepared using EPA's preferred dispersion modeling system, the American Meteorological Society/ Environmental Protection Agency Regulatory Model (AERMOD). A more detailed discussion of PADEP's modeling analysis for the Warren Area can be found in Pennsylvania's September 29, 2017 submittal, and EPA's analysis of the modeling is discussed in more detail in EPA's modeling TSD, which can be found under Docket ID No. EPA–R03–OAR–2017–0578.

EPA has reviewed the modeling that Pennsylvania submitted to support the attainment demonstration for the Warren Area and has determined that this modeling is consistent with CAA requirements, Appendix W, and EPA's guidance for SO_2 attainment demonstration modeling. The modeling properly characterized source limits, local meteorological data, background concentrations, and provided an adequate model receptor grid to capture maximum modeled concentrations. Using the EPA conversion factor for the SO_2 NAAQS, the final modeled design value for the Warren Area is less than 75 ppb.[5] Therefore, EPA is proposing to determine that the analysis demonstrates that the source limits used in the modeling demonstration comply with the 1-hour SO_2 NAAQS. EPA's analysis of the modeling is discussed in more detail in EPA's modeling TSD, which can be found under Docket ID No. EPA–R03–OAR–2017–0578. EPA proposes to conclude that the modeling provided in the attainment plan shows that the Warren Area will attain the 2010 1-hour primary SO_2 NAAQS by the attainment date.

D. RACM/RACT

CAA section 172(c)(1) requires that each attainment plan provide for the implementation of all reasonably available control measures (*i.e.,* RACM) as expeditiously as practicable and shall provide for attainment of the NAAQS. EPA interprets RACM, including RACT, under section 172, as measures that a state determines to be both reasonably available and contribute to attainment as expeditiously as practicable ''for existing sources in the area.''

Pennsylvania's September 29, 2017 submittal discusses federal and state measures that will provide emission reductions leading to attainment and maintenance of the 2010 SO_2 NAAQS. With regards to state rules, Pennsylvania cites to its low sulfur fuel rules, which were SIP-approved on July 10, 2014 (79 FR 39330). Pennsylvania's low sulfur fuel oil provisions apply to refineries, pipelines, terminals, retail outlet fuel storage facilities, commercial and industrial facilities, and facilities with unit burning regulated fuel oil to produce electricity and for domestic home heaters. These low sulfur fuel oil rules reduce the amount of sulfur in fuel oils used in combustion units, thereby reducing SO_2 emissions and the formation of sulfates that cause decreased visibility. In terms of federal measures, Pennsylvania explains that 19 sources at United Refining are required to comply with the Boiler Maximum Achievable Control Technology (MACT), as well as four sources that are required to comply with 40 CFR part 63, subpart UUU, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Petroleum Refineries (the Refinery MACT 2). EPA notes that although Pennsylvania incorporates by reference the NESHAP and MACT, they are not in the Pennsylvania SIP.

Pennsylvania's submittal discusses that enforceable emission changes have been in place at United Refining since 2015 that reduce the SO_2 emissions from the facility. The facility switched from high sulfur (2.8% sulfur) fuel oil to a lower sulfur fuel oil (0.5% sulfur) in 11 combustion units and heaters. Also, in July 2015, United Refining increased the amount of the flue gas desulfurization additive (De-Sox) used for one of the emitting source's (Source ID 101A) catalyst, which prevents the formation of SO_2 during the catalyst regeneration process.

Based on the modeling analysis discussed in section IV.C. Air Quality Modeling, in order to ensure that the Warren Area demonstrates attainment with the SO_2 NAAQS, emission limits established in a Consent Order and Agreement (COA) (*see* Appendix B of the September 29, 2017 submittal) between PADEP and United Refining, will be used to control SO_2 emissions from United Refining. The collective emission limits and related compliance parameters have been proposed for incorporation into the SIP to make these changes federally enforceable. The compliance parameters include United Refining burning certain fuel types; monitoring, record-keeping, and reporting; conducting emission testing; using De-Sox additive where appropriate; and using continuous emission monitoring systems (CEMS). PADEP asserts that this proposed control strategy lowers the modeled SO_2 impacts from United Refining and is sufficient for the Warren Area to attain the 2010 SO_2 NAAQS. The new emission limits for each of the SO_2-emitting sources at United Refining are listed in Table 3. PADEP affirms that the implementation of new emission limits and corresponding compliance parameters serve as RACM/RACT at United Refining, and will enable the Warren Area to attain and maintain the SO_2 NAAQS.

TABLE 3—UNITED REFINING NEW EMISSION LIMITS

Source ID	Source description	SO_2 Emission limit (pounds per hour or lbs/hr)
031, 032, 033	Boiler 1, 2, and 3	27.42
034	Boiler 4	7.21
036	Boiler 5B	0.24
042	FCC Heater	1.10
044	DHT Heater 1	0.10
049	East Reformer Heater	22.42
050	Crude Heater—North	27.78
050A	Crude Heater—South	27.78
051	Pretreater Heater	11.00

[5] The SO_2 NAAQS level is expressed in ppb but AERMOD gives results in μg/m³. The conversion factor for SO_2 (at the standard conditions applied in the ambient SO_2 reference method) is 1 ppb = approximately 2.619 μg/m³. See Pennsylvania's SO_2 Round 3 Designations proposed TSD at *https://www.epa.gov/sites/production/files/2017-08/documents/35_pa_so2_rd3-final.pdf.*

TABLE 3—UNITED REFINING NEW EMISSION LIMITS—Continued

Source ID	Source description	SO_2 Emission limit (pounds per hour or lbs/hr)
052	West Reformer Heater	2.20
053	Sat Gas Plant Reboiler	0.40
054	Vacuum Process Heater	0.80
055	DHT Heater 2	6.36
056	Prefactionator Reboiler 2	5.37
057	Volcanic Heater (T–241)	0.30
101A	FCC Unit	131.50
102	Blowdown System—Combo Flare	0.40
102	Blowdown System—FCC Flare	0.10
105	Middle FCC KVG Compressor	0.14
106	East FCC KVG Compressor	0.14
107	Sat Gas KVG Compressor	0.10
108	Claus Sulfur Plant 2	12.00
108A	Sulfur Plant 2 Hot Oil Heater	0.10
211	Loading Rack Bottom Loading	0.81
037	Boiler 6	4.60
1010	SMR Hydrogen Plant	0.099
C1010	Elevated Process Flare	0.47

EPA is proposing to approve Pennsylvania's determination that the proposed SO_2 control strategy at United Refining constitutes RACM/RACT for that source in the Warren Area based on the modeling analysis previously described. The Area is projected to begin showing attaining monitoring values for the 2010 SO_2 NAAQS by the 2018 attainment date. Furthermore, PADEP requests that the emission limits listed in Table 3 and corresponding compliance parameters found in the unredacted portions of the COA for United Refining will become permanent and enforceable SIP measures to meet the requirements of the CAA. EPA, therefore, proposes to approve Pennsylvania's September 29, 2017, SIP submittal as meeting the RACM/RACT requirements of section 172(c) of the CAA.

E. RFP Plan

Section 172(c)(2) of the CAA requires that an attainment plan include a demonstration that shows reasonable further progress (*i.e.,* RFP) for meeting air quality standards will be achieved through generally linear incremental improvement in air quality. Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D) or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable attainment date.'' As stated originally in the 1994 SO_2 Guidelines Document[6] and repeated in the 2014 SO_2 Nonattainment Guidance, EPA continues to believe that this definition is most appropriate for pollutants that are emitted from numerous and diverse sources, where the relationship between particular sources and ambient air quality are not directly quantified. In such cases, emissions reductions may be required from various types and locations of sources. The relationship between SO_2 and sources is much more defined, and usually there is a single step between pre-control nonattainment and post-control attainment. Therefore, EPA interpreted RFP for SO_2 as adherence to an ambitious compliance schedule in both the 1994 SO_2 Guideline Document and the 2014 SO_2 Nonattainment Guidance. The control measures for attainment of the 2010 SO_2 NAAQS included in Pennsylvania's submittal have been modeled to achieve attainment of the NAAQS. The permits and the adoption of specific emission limits and compliance parameters require these control measures and resulting emission reductions to be achieved as expeditiously as practicable. As a result, based on air quality modeling reviewed by EPA, this is projected to yield a sufficient reduction in SO_2 emissions from United Refining resulting in modeled attainment of the SO_2 NAAQS for the Warren Area. Therefore, EPA has determined that PADEP's SO_2 attainment plan fulfills the RFP requirements for the Warren Area. EPA does not anticipate future nonattainment, or that the Area will not meet the October 4, 2018, attainment date. EPA proposes to approve Pennsylvania's attainment plan with respect to the RFP requirements.

F. Contingency Measures

In accordance with section 172(c)(9) of the CAA, contingency measures are required as additional measures to be implemented in the event that an area fails to meet the RFP requirements or fails to attain the standard by its attainment date. These measures must be fully adopted rules or control measures that can be implemented quickly and without additional EPA or state action if the area fails to meet RFP requirements or fails to meet its attainment date, and should contain trigger mechanisms and an implementation schedule. However, SO_2 presents special considerations. As stated in the final 2010 SO_2 NAAQS promulgation on June 22, 2010 (75 FR 35520) and in the 2014 SO_2 Nonattainment Guidance, EPA concluded that because of the quantifiable relationship between SO_2 sources and control measures, it is appropriate that state agencies develop a comprehensive program to identify sources of violations of the SO_2 NAAQS and undertake an aggressive follow-up for compliance and enforcement.

The United Refining COA (*see* Appendix B of the September 29, 2017 submittal) contains the following measures that are designed to keep the Warren Area from triggering an exceedance or violation of the SO_2 NAAQS: (1) If the SO_2 emissions from the FCC Unit (Source ID 101A) exceeds the validated lbs/hr permitted emission limit listed in Table 3, the facility will

[6] SO_2 Guideline Document, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, EPA–452/R–94–008, February 1994. Located at: *http://www.epa.gov/ttn/oarpg/t1pgm.html.*

perform an audit of the unit's SO_2 control additive system, which will include injection of the proper amount of De-SOx additive, and within 45 days of the exceedance, submit a report to PADEP; (2) If the Warren Overlook SO_2 ambient air quality monitor (ID 42–123–0005) located within the nonattainment area measures a third daily maximum 1-hour SO_2 concentration for any hour greater than 75 parts per billion (ppb) within a calendar year (if this occurs on two days back-to-back, it will be counted as one; if there are three days in a row, it will be counted as two), after verification and notification by PADEP, within 90 calendar days, United Refining must submit an investigative report to PADEP. If the report concludes that SO_2 emissions from one or more SO_2-emitting sources at the facility caused an exceedance, the report must include proposed changes in the facility operations that would be needed in order to avoid a violation of the SO_2 NAAQS; (3) If PADEP identifies a daily maximum SO_2 concentration exceeding 75 ppb at a PADEP-operated SO_2 ambient air quality monitor in the Warren Area, within five days, PADEP will contact United Refining to trigger the implementation of the daily exceedance report contingency measure described above in (2); (4) Section 4(27) of the Pennsylvania Air Pollution Control Act (APCA) authorizes PADEP to take any action it deems necessary or proper for the effective enforcement of APCA and the rules and regulations promulgated under APCA. Such actions include the issuance of orders and the assessment of civil penalties.

EPA is proposing to find that Pennsylvania's September 29, 2017 submittal includes sufficient measures to expeditiously identify the source of any violation of the SO_2 NAAQS and for aggressive follow-up including enforcement measures within PADEP's authority as necessary. Therefore, EPA proposes that the contingency measures submitted by Pennsylvania follow the 2014 SO_2 Nonattainment Guidance and meet the section 172(c)(9) requirements.

G. New Source Review[7]

Section 172(c)(5) of the CAA requires that an attainment plan require permits for the construction and operation of new or modified major stationary sources in a nonattainment area. Pennsylvania has a fully implemented nonattainment new source review (NNSR) program for criteria pollutants in 25 Pennsylvania Code Chapter 127, Subchapter E, which was approved into the Pennsylvania SIP on December 9, 1997 (62 FR 64722). On May 14, 2012 (77 FR 28261), EPA approved a SIP revision pertaining to the pre-construction permitting requirements of Pennsylvania's NNSR program to update the regulations to meet EPA's 2002 NSR reform regulations. EPA then approved an update to Pennsylvania's NNSR regulations on July 13, 2012 (77 FR 41276). These rules provide for appropriate new source review as required by CAA sections 175(c)(5) and 173 and 40 CFR 51.165 for SO_2 sources undergoing construction or major modification in the Warren Area without need for modification of the approved rules. Therefore, EPA concludes that the Pennsylvania SIP meets the requirements of section 172(c)(5) for this Area.

IV. EPA's Proposed Action

EPA is proposing to approve Pennsylvania's SIP revision for the Warren Area, as submitted through PADEP to EPA on September 29, 2017 for the purpose of demonstrating attainment of the 2010 1-hour SO_2 NAAQS. Specifically, EPA is proposing to approve the base year emissions inventory, a modeling demonstration of SO_2 attainment, an analysis of RACM/RACT, a RFP plan, and contingency measures for the Warren Area, and is proposing that the Pennsylvania SIP has met requirements for NSR for the 2010 1-hour SO_2 NAAQS. Additionally, EPA is proposing to approve into the Pennsylvania SIP specific SO_2 emission limits and compliance parameters established for the SO_2 source impacting the Warren Area.

EPA has determined that Pennsylvania's SO_2 attainment plan for the 2010 1-hour SO_2 NAAQS for Warren County meets the applicable requirements of the CAA and comports with EPA's recommendations discussed in the 2014 SO_2 Nonattainment Guidance. Thus, EPA is proposing to approve Pennsylvania's attainment plan for the Warren Area as submitted on September 29, 2017. EPA's analysis for this proposed action is discussed in Section IV of this proposed rulemaking. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. Final approval of this SIP submittal will remove EPA's duty to promulgate and implement a FIP under CAA section 110(c).

V. Incorporation by Reference

In this proposed rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the portions of the Consent Order and Agreement entered between Pennsylvania and United Refining Company on September 29, 2017, that are not redacted. This includes emission limits and associated compliance parameters, record-keeping and reporting, and contingency measures. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

[7] The CAA new source review (NSR) program is composed of three separate programs: Prevention of significant deterioration (PSD), Nonattainment NSR (NNSR), and Minor NSR. PSD is established in part C of title I of the CAA and applies in undesignated areas and in areas that meet the NAAQS—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—designated ''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR program addresses construction or modification activities that do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. Together, these programs are referred to as the NSR programs. Section 173 of the CAA lays out the NNSR program for preconstruction review of new major sources or major modifications to existing sources, as required by CAA section 172(c)(5). The programmatic elements for NNSR include, among other things, compliance with the lowest achievable emissions rate and the requirement to obtain emissions offsets.

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, concerning the SO_2 attainment plan for the Warren nonattainment area in Pennsylvania, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: March 13, 2018.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2018–05876 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0843; FRL–9975–28-Region 6]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Texas for the 2012 primary fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). This submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2012 $PM_{2.5}$ NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the Texas SIP is adequate to meet the state's responsibilities under the CAA.

DATES: Written comments must be received on or before April 23, 2018.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0843, at *http://www.regulations.gov* or via email to *fuerst.sherry@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Sherry Fuerst, (214) 665–6454, *fuerst.sherry@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, (214) 665–6454, *fuerst.sherry@epa.gov.* To inspect the hard copy materials, please schedule an appointment with her or Bill Deese at (214) 665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' mean EPA.

I. Background

Below is a short discussion of the background of the 2012 $PM_{2.5}$ NAAQS addressed in this notice. For more information, please see the Technical Support Document (TSD) and EPA website *http://www3.epa.gov/ttn/naaqs/*.

EPA has regulated PM since 1971, when we published the first NAAQS for PM (36 FR 8186, April 30, 1971). Most recently, by notice dated January 15, 2013, following a periodic review of the NAAQS for $PM_{2.5}$, EPA revised the primary annual $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$ and retained the secondary $PM_{2.5}$ annual standard of 15 $\mu g/m^3$ as well as the 24-hour $PM_{2.5}$ primary and secondary standards of 35 $\mu g/m^3$ (78 FR 3086, December 14, 2012). The primary NAAQS is designed to protect human health, and the secondary NAAQS is designed to protect the public welfare.

Each state must submit an i-SIP within three years after the promulgation of a new or revised NAAQS. Section 110(a)(2) of the CAA includes a list of specific elements the i-SIP must meet. On September 13, 2013, the EPA issued guidance addressing the i-SIP elements for NAAQS.[1] On December 1, 2015, the Chairman of the Texas Commission on Environmental Quality (TCEQ) submitted an i-SIP revision to address the revised NAAQS for 2012 $PM_{2.5}$.[2]

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

[2] Additional information, including the history of the priority pollutants, their levels forms and determination of compliance; EPA approach for reviewing i-SIP submittal and EPA's evaluation; the statute and regulatory citations in the Texas SIP specific to the review the specific i-SIP applicable CAA and EPA regulatory citations, **Federal Register** Notice citations for the Texas SIP approvals; Texas

II. EPA's Evaluation of Texas' NAAQS Infrastructure Submission

Below is a summary of EPA's evaluation of the Texas i-SIP for each applicable element of 110(a)(2)(A)–(M) [3] that we are proposing to approve. At this time, we are not proposing action on the visibility protection sub-element under CAA section 110(a)(2)(D)(i)(II). Texas provided a demonstration of how the existing Texas SIP meets the requirements of the 2012 $PM_{2.5}$ NAAQS, on December 1, 2015.

(A). Emission limits and other control measures: The SIP must include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each of the NAAQS.[4]

The Texas Clean Air Act (TCAA) provides the TCEQ with broad legal authority. It may adopt emission standards and compliance schedules applicable to regulated entities; emission standards and limitations and any other measures necessary for attainment and maintenance of national standards; and, enforce applicable laws, regulations, standards and compliance schedules, and seek injunctive relief. This authority has been employed in the past to adopt and submit multiple revisions to the Texas SIP. The approved SIP for Texas is documented at 40 CFR part 52.2270. TCEQ's air quality rules and standards are codified at Title 30, Part 1 of the Texas Administrative Code (TAC). Numerous parts of the regulations codified into 30 TAC necessary for implementing and enforcing the NAAQS have been adopted into the SIP.

(B) Ambient air quality monitoring/data system: The SIP must provide for establishment and implementation of ambient air quality monitors, collection and analysis of ambient air quality data, and providing the data to EPA upon request.

The TCAA provides the authority allowing the TCEQ to collect air monitoring data, quality-assure the results, and report the data. TCEQ maintains and operates a monitoring network to measure levels of $PM_{2.5}$, as well as other pollutants, in accordance with EPA regulations specifying siting and monitoring requirements. All monitoring data is measured using EPA approved methods and subject to the EPA quality assurance requirements. TCEQ submits all required data to us, following the EPA regulations. The Texas statewide monitoring network was approved into the SIP on May 31, 1972 (37 FR 10842, 10895), was revised on March 7, 1978 (43 FR 9275), and it undergoes annual review by EPA.[5] In addition, TCEQ conducts a recurrent assessment of its monitoring network every five years, as required by EPA rules. The most recent of these 5-year monitoring network assessments was conducted by TCEQ and approved by us in July of 2015.[6] The TCEQ website provides the monitor locations and posts past and current concentrations of criteria pollutants measured by the State's network of monitors.[7]

(C) Program for enforcement of control measures: The SIP must include the following three elements: (1) A program providing for enforcement of the measures in paragraph *(A)* above; (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (*i.e.,* state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[8]

(1) Enforcement of SIP Measures. As noted in (*A*), the TCAA provides authority for the TCEQ, its Chairman, and its Executive Director to enforce the requirements of the TCAA, and any regulations, permits, or final compliance orders. These statutes also provide the TCEQ, its Chairman, and its Executive Director with general enforcement powers. Among other things, they can file lawsuits to compel compliance with the statutes and regulations; commence civil actions; issue field citations; conduct investigations of regulated entities; collect criminal and civil penalties; develop and enforce rules and standards related to protection of air quality; issue compliance orders; pursue criminal prosecutions; investigate, enter into remediation agreements; and issue emergency cease and desist orders. The TCAA also provides additional enforcement authorities and funding mechanisms.

(2) Minor New Source Review (NSR). The SIP is required to include measures to regulate construction and modification of stationary sources to protect the NAAQS. The Texas minor NSR permitting requirements are approved as part of the SIP.[9]

(3) Prevention of Significant Deterioration (PSD) permit program. The Texas PSD portion of the SIP covers all NSR regulated pollutants as well as the requirements for the 2012 $PM_{2.5}$ NAAQS and has been approved by EPA (79 FR 66626, November 10, 2014).[10]

(D) Interstate and international transport: Under CAA section 110(a)(2)(D)(i), there are four sub-elements the SIP must include relating to interstate transport. The first two of the four sub-elements are provided in CAA section 110(a)(2)(D)(i)(I) and require that the SIP contain adequate provisions prohibiting emissions to other states which will (1) contribute significantly to nonattainment of the NAAQS, or (2) interfere with maintenance of the NAAQS. The third and fourth sub-elements are outlined in CAA section 110(a)(2)(D)(i)(II) and require that the SIP contain adequate provisions prohibiting emissions to other states which will (1) interfere with measures required to prevent significant deterioration or (2) interfere with measures to protect visibility. We are not taking action on the visibility protection sub-element at this time.

Texas's SIP revision submittal evaluated the two sub-elements of section 110(a)(2)(D)(i)(I) by considering the following factors:

- An analysis of the most recent annual $PM_{2.5}$ design values to determine

minor New Source Review program and EPA approval activities, and Texas' Prevention of Significant Deterioration (PSD) program can be found in the TSD.

[3] A detailed discussion of our evaluation can be found in the TSD for this action. The TSD can be accessed through *www.regulations.gov* (e-docket EPA–R06–OAR–2013–0465).

[4] The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2012 $PM_{2.5}$. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

[5] A copy of the 2017 Annual Air Monitoring Network Plan and our approval letter are included in the docket for this proposed rulemaking.

[6] A copy of TCEQ's 2015 5-year ambient monitoring network assessment and our response letter are included in the docket for this proposed rulemaking.

[7] See *http://www.tceq.texas.gov/airquality/monops/sites/mon_sites.html* and *http://www17.tceq.texas.gov/tamis/index.cfm?fuseaction=home.welcome.*

[8] We discuss these requirements in further detail in the TSD.

[9] EPA is not proposing to approve or disapprove the existing Texas minor NSR program to the extent that it may be inconsistent with EPA's regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the infrastructure SIP for element C, program for enforcement of control measures, (*e.g.,* 76 FR 41076–41079). The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs.

[10] We discuss this requirement further in the TSD.

which areas near Texas violate, or are close to violating the 2012 annual $PM_{2.5}$ NAAQS;

- An analysis of the $PM_{2.5}$ annual design value trends in Texas to determine if the $PM_{2.5}$ concentrations in Texas are increasing or decreasing; and,
- An investigation of $PM_{2.5}$ annual design value trends in other states to determine whether $PM_{2.5}$ concentrations in those areas are increasing or decreasing.

This evaluation concluded that Texas will not significantly contribute to nonattainment or interfere with maintenance of the $PM_{2.5}$ NAAQS in other states.

On March 17, 2016 EPA issued a memorandum providing information on the development and review of SIPs that address CAA section 110(a)(2)(D)(i) for the 2012 $PM_{2.5}$ NAAQS (Memorandum).[11] We used the information in the Memorandum and additional information for our evaluation and came to the same conclusion as the State. In our evaluation, as discussed in greater detail in the TSD, we identified the potential downwind nonattainment and maintenance receptors (*i.e.,* monitors), and then evaluated them to determine if Texas's emissions could potentially contribute to nonattainment and maintenance problems in 2021, the attainment year for moderate $PM_{2.5}$ nonattainment areas. Specifically, the analysis identified (i) 17 potential nonattainment and maintenance receptors in California, but based on our evaluation of the local emissions, wind speed and direction, topographical and meteorological conditions and seasonal variations recorded at the monitors, we propose to conclude that Texas's emissions do not significantly impact those receptors; (ii) one potential receptor in Shoshone County, Idaho, but based on an evaluation similar to that of the California monitors, we propose to conclude that Texas's emissions do not significantly impact that receptor; (iii) one potential receptor in Allegheny County, Pennsylvania, but we expect the air quality affecting it to improve to the point where there will not be a nonattainment or maintenance receptor by 2021 and, in any event, modeling from the Cross-State Air Pollution Rule (CSAPR) indicates that Texas emissions are not impacting it; (iv) the receptors in four counties in Florida have data gaps, and as such, we initially treat those counties as potential nonattainment or maintenance receptors, but it is unlikely that they will in fact be nonattainment or maintenance receptors in 2021 and in any event, CSAPR modeling indicates that Texas emissions do not impact them; and (v) all receptors in Illinois have data gaps, and same as in (iv) we initially treat them as potential nonattainment or maintenance receptors, but it is unlikely that they will in fact nonattainment or maintenance receptors in 2021 because the most recent air quality data (from 2015 and 2016) indicates that all monitors in Illinois are likely attaining the $PM_{2.5}$ NAAQS. Thus, EPA is proposing to approve the SIP revisions as meeting CAA section 110(a)(2)(i)(I) sub-elements that Texas emissions will not contribute significantly to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS for any other state.

With regard to the PSD sub-element of CAA section 110(a)(2)(D)(i)(II), Texas stated, as noted in element C above, that it has a comprehensive EPA-approved PSD program. As we have approved the Texas comprehensive PSD program (79 FR 66626, November 10, 2014), the third sub-element, that the SIP contain adequate provisions prohibiting emissions to other states which will interfere with measures required to prevent significant deterioration is met. Therefore, we are proposing to approve the portion of the State's i-SIP submission which addresses the PSD sub-element of interstate transport. As noted above, at this time we are not proposing action on the visibility protection sub-element of interstate transport.

A more detailed evaluation of how the SIP revision meets the first three sub-elements of CAA section 110(a)(2)(D)(i) may be found in the TSD.

CAA section 110(a)(2)(D)(ii) requires that the SIP contain adequate provisions insuring compliance with the applicable requirements of sections 126 (relating to interstate pollution abatement) and 115 (relating to international pollution abatement). As stated in its submittal, Texas meets the section 126 requirements as (1) it has a fully approved PSD SIP (79 FR 66626, November 10, 2014), which includes notification to neighboring air agencies of potential impacts from each new or modified major source and (2) no source or sources have been identified by the EPA as having any interstate impacts under section 126 in any pending action related to any air pollutant. Texas meets section 115 requirements as there are no findings by EPA that Texas air emissions affect other countries. Therefore, we propose to approve the submitted revision pertaining to CAA section 110(a)(2)(D)(ii).

(E) Adequate authority, resources, implementation, and oversight: The SIP must provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements relating to state boards; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

Both elements (A) and (E) address the requirement that there is adequate authority to implement and enforce the SIP and that there are no legal impediments.

The i-SIP submission for the 2012 $PM_{2.5}$ NAAQS describes the SIP regulations governing the various functions of personnel within the TCEQ, including the administrative, technical support, planning, enforcement, and permitting functions of the program.

With respect to funding, the TCAA requires TCEQ to establish an emissions fee schedule for sources in order to fund the reasonable costs of administering various air pollution control programs and authorizes TCEQ to collect additional fees necessary to cover reasonable costs associated with processing of air permit applications. EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement and enforce the SIP.

As required by the CAA, the Texas statutes and the SIP stipulate that any board or body, which approves permits or enforcement orders, must have at least a majority of members who represent the public interest and do not derive any ''significant portion'' of their income from persons subject to permits and enforcement orders or who appear before the board on issues related to the CAA or the TCAA. The members of the board or body, or the head of an agency with similar powers, are required to adequately disclose any potential conflicts of interest.

With respect to assurances that the State has responsibility to implement the SIP adequately when it authorizes local or other agencies to carry out portions of the plan, the Texas statutes

[11] ''Information on the Interstate Transport Good Neighbor Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I),'' Memorandum from Stephen D. Page, Director, EPA Office of Air Quality Planning and Standards (March 17, 2016), *https://www.epa.gov/sites/production/files/2016-08/documents/good-neighbor-memo_implementation.pdf.*

and the SIP designate the TCEQ as the primary air pollution control agency and TCEQ maintains authority to ensure implementation of any applicable plan portion.

(F) Stationary source monitoring system: The SIP must provide for the establishment of a system to monitor emissions from stationary sources and to submit periodic emission reports. It must require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and require that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

The TCAA authorizes the TCEQ to require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to the nature and amount of emissions. There also are SIP-approved state regulations pertaining to sampling and testing and requirements for reporting of emissions inventories. In addition, SIP-approved rules establish general requirements for maintaining records and reporting emissions.

The TCEQ uses this information, in addition to information obtained from other sources, to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with SIP-approved regulations and additional EPA requirements. The SIP requires this information be made available to the public. Provisions concerning the handling of confidential data and proprietary business information are included in the SIP-approved regulations. These rules specifically exclude from confidential treatment any records concerning the nature and amount of emissions reported by sources.

(G) Emergency authority: The SIP must provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment and to include contingency plans to implement such authorities as necessary.

The TCAA provides TCEQ with authority to address environmental emergencies, and TCEQ has contingency plans to implement emergency episode provisions. Upon a finding that any owner/operator is unreasonably affecting the public health, safety or welfare, or the health of animal or plant life, or property, the TCAA and 30 TAC chapters 35 and 118 authorize TCEQ to, after a reasonable attempt to give notice, declare a state of emergency and issue without hearing an emergency special order directing the owner/operator to cease such pollution immediately. The TCEQ may issue emergency orders, or issue or suspend air permits as required by an air pollution emergency.

(H) Future SIP revisions: States must have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

The TCAA authorizes the TCEQ to revise the Texas SIP, as necessary, to account for revisions of an existing NAAQS, establishment of a new NAAQS, to attain and maintain a NAAQS, to abate air pollution, to adopt more effective methods of attaining a NAAQS, and to respond to EPA SIP calls concerning NAAQS adoption or implementation.

(I) Nonattainment areas: The CAA section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

However, as noted earlier, EPA does not expect infrastructure SIP submissions to address subsection (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on any part D attainment plan SIP submission through a separate rulemaking process governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: The SIP must meet the following three CAA requirements: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) prevention of significant deterioration of air quality and (4) visibility protection.

(1) *Interagency consultation:* As required by the TCAA, there must be a public hearing before the adoption of any regulations or emission control requirements, and all interested persons are given a reasonable opportunity to review the action that is being proposed and to submit data or arguments, either orally or in writing, and to examine the testimony of witnesses from the hearing. In addition, the TCAA provides the TCEQ the power and duty to establish cooperative agreements with local authorities, and consult with other states, the federal government and other interested persons or groups in regard to matters of common interest in the field of air quality control. Furthermore, the Texas PSD SIP rules mandate that the TCEQ shall provide for public participation and notification regarding permitting applications to any other state or local air pollution control agencies, local government officials of the city or county where the source will be located, tribal authorities, and Federal Land Manager (FLMs) whose lands may be affected by emissions from the source or modification. Additionally, the State's PSD SIP rules require the TCEQ to consult with FLMs regarding permit applications for sources with the potential to impact Class I Federal Areas. The SIP also includes a commitment to consult continually with the FLMs on the review and implementation of the visibility program. The State recognizes the expertise of the FLMs in monitoring and new source review applicability analyses for visibility, and has agreed to notify the FLMs of any advance notification or early consultation with a new or modifying source prior to the submission of a permit application. Likewise, the State's Transportation Conformity SIP rules provide for interagency consultation, resolution of conflicts, and public notification.

(2) *Public Notification:* The i-SIP submission from Texas provide the SIP regulatory citations requiring the TCEQ to regularly notify the public of instances or areas in which any NAAQS are exceeded. Included in the SIP are the rules for TCEQ to advise the public of the health hazard associated with such exceedances; and enhance public awareness of measures that can prevent such exceedances and of ways in which the public can participate in the regulatory and other efforts to improve air quality. In addition, as discussed for infrastructure element B above, the TCEQ air monitoring website provides quality data for each of the monitoring stations in Texas; this data is provided instantaneously for certain pollutants, such as ozone. The website also provides information on the health

effects of lead, ozone, particulate matter, and other criteria pollutants.

(3) *PSD and Visibility Protection:* The PSD requirements for this element are the same as those addressed under element (C) above. The Texas SIP requirements relating to visibility protection are not affected when EPA establishes or revises a NAAQS. Therefore, EPA believes that there are no new visibility protection requirements due to the revision of the NAAQS, and consequently there are no newly applicable visibility protection obligations pursuant to infrastructure element (J).

(K) *Air quality and modeling/data:* The SIP must provide for performing air quality modeling, as prescribed by EPA, to predict the effects on ambient air quality of any emissions of any NAAQS pollutant, and for submission of such data to EPA upon request.

The TCEQ has the power and duty, under TCAA to develop facts and investigate providing for the functions of environmental air quality assessment. Past modeling and emissions reductions measures have been submitted by the State and approved into the SIP. Additionally, TCEQ has the ability to perform modeling for primary and secondary NAAQS on a case by case permit basis consistent with their SIP-approved PSD rules and with EPA guidance.

The TCAA authorizes and requires TCEQ to cooperate with the federal government and local authorities concerning matters of common interest in the field of air quality control, thereby allowing the agency to make such submissions to the EPA.

(L) Permitting Fees: The SIP must require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

See the discussion for element (E) above for the description of the mandatory collection of permitting fees outlined in the SIP.

(M) Consultation/participation by affected local entities: The SIP must provide for consultation and participation by local political subdivisions affected by the SIP.

See discussion for element (J) (1) and (2) above for a description of the SIP's public participation process, the authority to advise and consult, and the PSD SIP's public participation requirements. Additionally, the TCAA also requires initiation of cooperative action between local authorities and the TCEQ, between one local authority and another, or among any combination of local authorities and the TCEQ for control of air pollution in areas having related air pollution problems that overlap the boundaries of political subdivisions, and entering into agreements and compacts with adjoining states and Indian tribes, where appropriate. The transportation conformity component of the Texas SIP requires that interagency consultation and opportunity for public involvement be provided before making transportation conformity determinations and before adopting applicable SIP revisions on transportation-related issues.

III. Proposed Action

EPA is proposing to approve the majority of the December 1, 2015 infrastructure SIP submission from Texas, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2012 $PM_{2.5}$ NAAQS. The Table below outlines the specific actions EPA is proposing to approve.

TABLE 1—PROPOSED ACTION ON TEXAS INFRASTRUCTURE SIP SUBMITTAL FOR VARIOUS NAAQS

Element	2012 $PM_{2.5}$
(A): Emission limits and other control measures	A
(B): Ambient air quality monitoring and data system	A
(C)(i): Enforcement of SIP measures	A
(C)(ii):PSD program for major sources and major modifications	A
(C)(iii): Permitting program for minor sources and minor modifications	A
(D)(i)(I): Contribute to nonattainment/interfere with maintenance of NAAQS (requirements 1 and 2)	A
(D)(i)(II): PSD (requirement 3)	A
(D)(i)(II): Visibility Protection (requirement 4)	NA
(D)(ii): Interstate and International Pollution Abatement	A
(E)(i): Adequate resources	A
(E)(ii): State boards	A
(E)(iii): Necessary assurances with respect to local agencies	A
(F): Stationary source monitoring system	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D	+
(J)(i): Consultation with government officials	A
(J)(ii): Public notification	A
(J)(iii): PSD	A
(J)(iv): Visibility protection	+
(K): Air quality modeling and data	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities	A

Key to Table 1: Proposed action on TX infrastructure SIP submittals for various NAAQS.
A—Approve.
+—Not germane to infrastructure SIPs.
NA EPA is taking no action on this infrastructure requirement.

Based upon review of the State's infrastructure SIP submission and relevant statutory and regulatory authorities and provisions referenced in this submission or referenced in Texas' SIP, EPA believes that Texas has the

infrastructure in place to address all applicable required elements of sections 110(a)(1) and (2) (except otherwise noted) to ensure that the 2012 $PM_{2.5}$, NAAQS are implemented in the state.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

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

Dated: March 16, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–05767 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 84

[Docket No. CDC–2018–0003; NIOSH–309]

RIN 0920–AA66

Clarification of Post-Approval Testing Standards for Closed-Circuit Escape Respirators; Technical Amendments

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services (HHS) proposes to modify current language found in Title 42 of the Code of Federal Regulations which addresses post-approval testing of closed-circuit escape respirators (CCERs). The revised language should clarify that post-approval testing of CCERs may exclude human subject testing and environmental conditioning, at the discretion of the National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention, HHS. The revision to the text in this paragraph will clarify the scope of post-approval testing conducted by NIOSH.

DATES: Comments must be received by May 21, 2018.

ADDRESSES: *Written comments:* You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 1090 Tusculum Avenue, Cincinnati, OH 45226.

Instructions: All submissions received must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC–2018–0003; NIOSH–309) or Regulation Identifier Number (0920–AA66) for this rulemaking. All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.* For detailed instructions on submitting public comments, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Office of the Director, NIOSH; 1090 Tusculum Avenue, MS:C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested parties may participate in this rulemaking by submitting written views, opinions, recommendations, and data. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you do not wish to be disclosed. You may submit comments on any topic related to this notice of proposed rulemaking.

II. Statutory Authority

Pursuant to the Occupational Safety and Health (OSH) Act of 1970 (Pub. L. 91–596), the Organic Act of 1910 (Pub. L. 179), and the Federal Mine Safety and Health Act of 1977 (Pub. L. 91–173), NIOSH is authorized to approve respiratory equipment and to conduct scientific investigations or tests concerning the safety and health of miners and other workers.

III. Background

The provisions in 42 CFR 84.310 govern the procedures NIOSH follows in conducting post-approval testing of closed-circuit escape respirators (CCERs) sold and distributed to employees. The post-approval testing program, known as the long-term field evaluation (LTFE) program, is designed to ensure the CCERs' continued safety and viability as emergency life support after having been exposed to harsh environments such as those found in mining. According to the existing language in § 84.310(c), post-approval

testing is conducted pursuant to the methods promulgated in §§ 84.303 through 84.305, which establish general testing conditions and requirements, including capacity and performance testing.

In a rulemaking conducted in March 2012 to update the standards for the testing of CCERs,[1] NIOSH did not specify that neither the human subject trials specified in §§ 84.303–84.305, nor the environmental conditioning specified in § 84.305, would be conducted on post-market respirators (devices sold and distributed to employees) except at NIOSH's discretion. A clarification about human subject testing was issued in a September 2016 policy statement.[2]

NIOSH requires human subject testing only when new or modified devices are presented for approval evaluation. The human subject trials are included as a final check of functionality in the as-used (worn by a human being) mode of operation. The inclusion of human subject tests addresses the goal of ensuring that no aspect of a design found to be in compliance with the bench tests specified in 42 CFR part 84 is compromised by, or fails to adequately accommodate, the needs of the human/device interaction. Once established, there is no need to re-evaluate the apparatus with the aid of human subjects unless the design is changed.

Bench testing, using a breathing and metabolic simulator, eliminates the potential for human subjects to suffer adverse effects from defective CCERs. A post-market unit that does not function in accordance with the NIOSH approval requirements after potential damage from exposure to the deployment environment could pose a health risk to a human test subject. Further, requiring human subject testing constrains the number of fielded units NIOSH is able to test, due to the logistical complexity and higher cost of hiring human subjects.[3]

Environmental treatments are not conducted on post-market devices, because the intent of the post-market evaluation is to assess the actual effects of the deployed environment on respirators used in the field. The environmental treatments specified in NIOSH regulations involve exposing respirators to realistically harsh conditions representative of industrial environments in order to assess that they are reasonably robust for their intended service. The treatments are conducted only during the evaluation of a new or modified respirator design submitted to NIOSH for approval.

IV. Summary of Proposed Rule

The proposed changes to 42 CFR 84.310(c) would reflect current NIOSH policy by clarifying that neither human subject testing nor environmental testing are required to be routinely conducted on respirators obtained by the LTFE program. The revision would allow NIOSH to conduct human subject testing or environmental treatments in the LTFE program only when NIOSH deems those tests to be necessary.

The language in existing paragraph (d) would be unchanged, and moved into a new paragraph (c)(2). The remainder of the paragraphs in § 84.310 would be redesignated accordingly.

V. Regulatory Assessment Requirements

A. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule has been determined not to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. The revision proposed in this notice would allow NIOSH the discretion to determine whether to conduct human subject tests or environmental treatments on fielded respirators chosen for post-approval testing. The current language requires NIOSH to conduct those tests.

Because this proposed rule is a technical correction and would not affect the cost of the activities authorized by 42 CFR 84.310(c), HHS has not prepared an economic analysis. Accordingly, the Office of Management and Budget (OMB) has not reviewed this rulemaking.

B. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Order 13771 requires executive departments and agencies to eliminate at least two existing regulations for every new significant regulation that imposes costs. Because OMB has determined that this rulemaking is not significant, pursuant to E.O. 12866, and because it does not impose costs, OMB has determined that this rulemaking is exempt from the requirements of E.O. 13771. Thus it has not been reviewed by OMB.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires each agency to consider the potential impact of its regulations on small entities including small businesses, small governmental units, and small not-for-profit organizations. Because no substantive changes are being made to 42 CFR 84.310(c) as a result of this action, HHS certifies that this proposed rule has ''no significant economic impact upon a substantial number of small entities'' within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

D. Paperwork Reduction Act

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* requires an agency to invite public comment on, and to obtain OMB approval of, any regulation that requires 10 or more people to report information to the agency or to keep certain records. In accordance with section 3507(d) of the PRA, HHS has determined that the Paperwork Reduction Act does apply to information collection and recordkeeping requirements included in this rule. The Office of Management and Budget (OMB) has already approved the information collection and recordkeeping requirements under OMB Control Number 0920–0109, *Information Collection Provisions in 42 CFR part 84—Tests and Requirements for Certification and Approval of Respiratory Protective Devices* (expiration date 11/30/2017). NIOSH is currently seeking approval for a renewal of the information collection; a 30-day notice was published in the **Federal Register** on February 20, 2018 (83 FR 7188). The proposed amendments in this rulemaking would not impact the collection of data.

[1] 77 FR 14168, March 8, 2012.

[2] See NIOSH National Personal Protective Technology Laboratory Document No. POL–NPPTL–2016–01, *https://www.cdc.gov/niosh/npptl/resources/certpgmspt/pdfs/LTFEpolicyFinalSigned-012617.pdf.*

[3] Historically, NIOSH employed both the human subject testing and the breathing and metabolic simulator testing to assess the results side-by-side, and to ground the simulator testing to the human subject results. NIOSH has determined that the simulator can reliably replicate human subject testing.

E. Small Business Regulatory Enforcement Fairness Act

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), HHS will report the promulgation of this rule to Congress prior to its effective date.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this proposed rule does not include any Federal mandate that may result in increased annual expenditures in excess of $100 million by State, local or Tribal governments in the aggregate, or by the private sector.

G. Executive Order 12988 (Civil Justice Reform)

This proposed rule has been drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. This rule has been reviewed carefully to eliminate drafting errors and ambiguities.

H. Executive Order 13132 (Federalism)

HHS has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this proposed rule on children. HHS has determined that the rule would have no environmental health and safety effect on children.

J. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)

In accordance with Executive Order 13211, HHS has evaluated the effects of this proposed rule on energy supply, distribution or use, and has determined that the rule will not have a significant adverse effect.

K. Plain Writing Act of 2010

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal government administers or enforces. HHS has attempted to use plain language in promulgating the proposed rule consistent with the Federal Plain Writing Act guidelines.

List of Subjects in 42 CFR Part 84

Mine safety and health, Occupational safety and health, Personal protective equipment, Respirators.

Proposed Rule

For the reasons discussed in the preamble, the Department of Health and Human Services proposes to amend 42 CFR 84.310 as follows:

PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

■ 1. The authority citation for part 84 continues to read as follows:

Authority: 29 U.S.C. 651 *et seq.;* 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

■ 2. Amend § 84.310 by removing paragraph (d), redesignating paragraphs (e)–(g) as (d)–(f), and revising paragraph (c) to read as follows:

§ 84.310 Post-approval testing.

* * * * *

(c) NIOSH will conduct such testing pursuant to the methods specified in §§ 84.303 through 84.305, except as provided under paragraphs (a)(1) and(a)(2) of this section:.

(1) Post-approval tests may exclude human subject testing and environmental conditioning at the discretion of NIOSH.

(2) The numbers of units in an approved CCER to be tested under this section may exceed the numbers of units specified for testing in §§ 84.304 and 84.305.

Dated: March 16, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2018–05775 Filed 3–21–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 171, 172, 173, 174, 177, 178, 179, and 180

[Docket No. PHMSA–2018–0001; Notice No. 2018–01]

Request for Information on Regulatory Challenges to Safely Transporting Hazardous Materials by Surface Modes in an Automated Vehicle Environment

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Request for information.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) requests information on matters related to the development and potential use of automated technologies for surface modes (*i.e.,* highway and rail) in hazardous materials transportation. In anticipation of the development, testing, and integration of Automated Driving Systems in surface transportation, PHMSA is issuing this request for information on the factors the Agency should consider to ensure continued safe transportation of hazardous materials without impeding emerging surface transportation technologies.

DATES: Interested persons are invited to submit comments on or before May 7, 2018. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by Docket Number PHMSA–2018–0001 via any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice. Internet users

may access comments received by DOT at: *http://www.regulations.gov.* Please note that comments received will be posted without change to: *http://www.regulations.gov* including any personal information provided.

Privacy Act: In accordance with 5 U.S.C. 553(c), the DOT solicits comments from the public. The DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Matthew Nickels, Senior Regulations Officer (PHH–10), U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone 202–366–0464, *Matthew.Nickels@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview

The transportation sector is undergoing a potentially revolutionary period, as tasks traditionally performed by humans only are increasingly being done, whether in testing or in actual integration, by automated technologies. Most prominently, ''Automated Driving Systems'' (ADS) have shown the capacity to drive and operate motor vehicles, including commercial motor vehicles, as safely and efficiently as humans, if not more so. Similar technological developments are also occurring in rail.

DOT, including PHMSA, strongly encourages the safe development, testing, and integration of these automated technologies, including the potential for these technologies to be used in hazardous materials transportation. Although an exciting and important innovation in transportation history, the emergence of surface automated vehicles and the technologies that support them may create unique and unforeseen challenges for hazardous materials transportation. The safe transportation of hazardous materials remains PHMSA's top priority, and as the development, testing, and integration of surface automated vehicles into our transportation system continues, PHMSA must ensure the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) framework sufficiently takes into account these new technological innovations.

The purpose of this request for information is to obtain public comment on how the development of automated technologies may impact the HMR, and on the information PHMSA should consider when determining how to best ensure the HMR adequately account for surface automated vehicles.[1] In anticipation of the role surface automated vehicles and the technologies that support them may play on transportation, the movement of freight, and commerce, PHMSA requests comments from the public and interested stakeholders—including entities engaged in the development, testing, and integration of these technologies—on the potential future incompatibilities between the hazardous materials transportation requirements in the HMR and a surface transportation system that incorporates automated vehicles.

II. PHMSA's Safety Mission and Regulatory Objectives

PHMSA is an operating administration within DOT established in 2004 by the Norman Y. Mineta Research and Special Programs Improvement Act (Pub. L. 108–426). PHMSA's mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. To achieve this mission, PHMSA establishes national policy, sets and enforces standards, educates, and conducts research to prevent hazardous materials incidents—often collaborating closely with other Federal agencies, operating administrations, and transportation modes.

Federal hazardous materials law authorizes the Secretary to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.'' 49 U.S.C. 5103(b)(1). The Secretary has delegated this authority to PHMSA in 49 CFR 1.97(b). The HMR are designed to achieve three primary goals: (1) Help ensure that hazardous materials are packaged and handled safely and securely during transportation; (2) provide effective communication to transportation workers and emergency responders of the hazards of the materials being transported; and (3) minimize the consequences of an accident or incident should one occur. The hazardous materials regulatory system is a risk management system that is prevention-oriented and focused on identifying safety or security hazards and reducing the probability and consequences of a hazardous material release.

Under the HMR, hazardous materials are categorized into hazard classes and packing groups based on analysis of and experience with the risks they present during transportation. The HMR: (1) Specify appropriate packaging and handling requirements for hazardous materials based on this classification and require a shipper to communicate the material's hazards through the use of shipping papers, package marking and labeling, and vehicle placarding; (2) require shippers to provide emergency response information applicable to the specific hazard or hazards of the material being transported; and (3) mandate training requirements for persons who prepare hazardous materials for shipment or transport hazardous materials in commerce. The HMR also include operational requirements applicable to each mode of transportation.

As such, PHMSA—in continued collaboration with the Federal Motor Carrier Safety Administration and the Federal Railroad Administration—seeks information regarding the design, development, and potential use of automated transportation systems to safely transport hazardous materials by surface mode in compliance with the HMR, and to identify requirements within the HMR which may impede the integration of this technology.

III. Special Permit Program Allows Regulatory Flexibility To Foster Innovation

PHMSA safely incorporates technological innovation through its special permit (SP) program. SPs set forth alternative requirements—or a variance—to the requirements in the HMR in a manner that achieves an equivalent level of safety to that required under the regulations, or if a required safety level does not exist, that is consistent with the public interest. PHMSA's Approvals and Permits Division is responsible for the issuance of DOT SPs. Specifically, SPs are issued by PHMSA under 49 CFR part 107, subpart B.

The HMR often provide performance-based standards and, as such, provide the regulated community with some flexibility in meeting safety requirements. Even so, not every transportation situation can be anticipated and covered under the regulations. The hazardous materials community is at the cutting edge of development of new materials, technologies, and innovative ways of moving hazardous materials. Innovation

[1] In this notice, PHMSA is not seeking comment on how advances in aviation or maritime technology could affect the transportation of hazardous materials, though the Agency is considering future notices on those issues.

strengthens our economy, and new technologies and operational techniques may enhance safety. Thus, SPs provide a mechanism for testing and using new technologies, promoting increased transportation efficiency and productivity, and ensuring global competitiveness without compromising safety. SPs enable the hazardous materials industry to safely, quickly, and effectively integrate new products and technologies into production and the transportation stream.

IV. Additional DOT Guidance

PHMSA requests information related to the development and potential use of surface automated vehicles and the technologies that support them in hazardous materials transportation by highway or rail. For additional background on ADS for motor vehicles, PHMSA notes that DOT and the National Highway Traffic Safety Administration (NHTSA) released guidance in the *Automated Driving Systems 2.0: A Vision for Safety,*[2] on September 12, 2017. Further, NHTSA issued a notice [September 15, 2017; 82 FR 43321] making the public aware of the guidance and seeking comment. This voluntary guidance, among other things, describes the levels of ''Automated Driving Systems'' for on-road motor vehicles developed by SAE International (see SAE J3016, September 2016) and adopted by DOT.

The SAE definitions divide vehicles into levels based on ''who does what, when.'' Generally:

- At SAE Level 0, the driver does everything.
- At SAE Level 1, an automated system on the vehicle can *sometimes assist* the driver conduct *some parts* of the driving task.
- At SAE Level 2, an automated system on the vehicle can *actually conduct* some parts of the driving task, while the driver continues to monitor the driving environment and performs the rest of the driving task.
- At SAE Level 3, an automated system can both actually conduct some parts of the driving task and monitor the driving environment *in some instances,* but the driver must be ready to take back control when the automated system requests.
- At SAE Level 4, an automated system can conduct the driving task and monitor the driving environment, and the driver need not take back control, but the automated system can operate only in certain environments and under certain conditions.
- At SAE Level 5, the automated system can perform all driving tasks, under all conditions that a driver could perform them.

V. Questions

PHMSA requests comments on the implications of the development, testing, and integration of automated technologies for surface modes (*i.e.,* highway and rail) on both the HMR and the general transport of hazardous materials.

Specifically, PHMSA asks:

1. What are the safety, regulatory, and policy implications of the design, testing, and integration of surface automated vehicles on the requirements in the HMR? Please include any potential solutions PHMSA should consider.

2. What are potential regulatory incompatibilities between the HMR and a future surface transportation system that incorporates automated vehicles? Specific HMR areas could include but are not limited to:

(a) Emergency response information and hazard communication
(b) Packaging and handling requirements, including pre-transportation functions
(c) Incident response and reporting
(d) Safety and security plans (*e.g.,* en route security)
(e) Modal requirements (*e.g.,* highway and rail)

3. Are there specific HMR requirements that would need modifications to become performance-based standards that can accommodate an automated vehicle operating in a surface transportation system?

4. What automated surface transportation technologies are under development that are expected to be relevant to the safe transport of hazardous materials, and how might they be used in a surface transportation system?

5. Under what circumstances do freight operators envision the transportation of hazardous materials in commerce using surface automated vehicles within the next 10 years?

(a) To what extent do the HMR restrict the use of surface automated vehicles in the transportation of hazardous materials in non-bulk packaging in parcel delivery and less-than-truckload freight shipments by commercial motor vehicles?

(b) To what extent do the HMR restrict the use of surface automated vehicles in the transportation of hazardous materials in bulk packaging by rail and commercial motor vehicles?

6. What issues do automated technologies raise in hazardous materials surface transportation that are not present for human drivers or operators that PHMSA should address?

7. Do HMR requirements that relate to the operation of surface automated vehicles carrying hazardous materials present different challenges than those that relate to ancillary tasks, such as inspections and packaging requirements?

8. What solutions could PHMSA consider to address potential future regulatory incompatibilities between the HMR and surface automated vehicle technologies?

9. What should PHMSA consider when reviewing applications for special permits seeking regulatory flexibility to allow for the transport of hazardous materials using automated technologies for surface modes?

10. When considering long-term solutions to challenges the HMR may present to the development, testing, and integration of surface automated vehicles, what information and other factors should PHMSA consider?

11. What should PHMSA consider when developing future policy, guidance, and regulations for the safe transportation of hazardous materials in surface transportation systems?

Signed in Washington, DC, on March 16, 2018.

Drue Pearce,

Deputy Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2018–05785 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–60–P

[2] See *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180110022–8022–01]

RIN 0648–BH52

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 57

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

ACTION: Proposed rule.

SUMMARY: This action proposes approval of, and regulations to implement, Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan. This rule would set

2018–2020 catch limits for 20 multispecies (groundfish) stocks, adjust allocations for several fisheries, revise accountability measures, and make other minor changes to groundfish management measures. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the fishery management plan. The proposed measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Comments must be received by April 6, 2018.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2018–0028, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0028;*

2. Click the ''Comment Now!'' icon and complete the required fields; and

3. Enter or attach your comments.

• *Mail:* Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule for Groundfish Framework Adjustment 57.''

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 us. 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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of Framework Adjustment 57, including the draft Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Policy Analyst, phone: 978–281–9145; email: *Mark.Grant@noaa.gov*.

SUPPLEMENTARY INFORMATION:

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12. Administrative Regulatory Corrections Under Secretarial Authority

1. Summary of Proposed Measures

This action would implement the management measures in Framework Adjustment 57 (Framework 57) to the Northeast Multispecies Fishery Management Plan (FMP). The New England Fishery Management Council deemed the proposed regulations necessary to implement Framework 57 in a March 14, 2018, letter from Council Chairman Dr. John Quinn to Regional Administrator Michael Pentony. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), we are required to publish proposed rules for comment after preliminarily determining whether they are consistent with applicable law. The Magnuson-Stevens Act allows us to approve, partially approve, or disapprove measures that the Council proposes based only on whether the measures are consistent with the fishery management plan, plan amendment, the Magnuson-Stevens Act and its National Standards, and other applicable law. Otherwise, we must defer to the Council's policy choices. We are seeking comments on the Council's proposed measures in Framework 57 and whether they are consistent with the Northeast Multispecies FMP, the Magnuson-Stevens Act and its National Standards, and other applicable law. Through Framework 57, the Council proposes to:

• Set fishing year 2018 shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and Eastern GB cod and haddock;

• Set 2018–2020 specifications for 20 groundfish stocks;

• Revise the common pool trimester total allowable catch (TAC) allocations for several stocks;

• Revise accountability measures (AM) for Atlantic halibut for vessels issued any Federal permit;

• Revise AMs for southern windowpane flounder for non-groundfish trawl vessels;

• Revise the trigger for the scallop fishery's AM for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; and

• Grant the Regional Administrator authority to adjust recreational measures for GB cod.

This action also proposes a number of other measures that are not part of Framework 57, but that may be, or are required to be, considered and implemented under our authority specified in the FMP. We are proposing these measures in conjunction with the Framework 57 proposed measures for expediency purposes, and because these measures are related to the catch limits proposed as part of Framework 57. The additional measures proposed in this action are listed below:

• *Management measures for the common pool fishery*—this action proposes fishing year 2018 trip limits for the common pool fishery.

• *Adjustments for fishing year 2016 catch overages*—this action would reduce the 2018 allocation of GB cod, Gulf of Maine (GOM) cod, and witch flounder due to catch limit overages that occurred in fishing year 2016.

• *Other regulatory corrections*—we propose one administrative correction to address a minor rounding error in the regulations for the common pool trimester TACs. This proposed correction is described in the section ''12. Regulatory Corrections.''

2. 2018 Fishing Year U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

Eastern GB cod, eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the United States/Canada Resource Sharing Understanding. The Transboundary Management Guidance Committee (TMGC) is a government-industry committee made up of representatives from the United States and Canada. For historical information about the TMGC see: *http://www.bio.gc.ca/info/intercol/tmgc-cogst/index-en.php*. Each year, the TMGC recommends a shared quota for

each stock based on the most recent stock information and the TMGC's harvest strategy. The TMGC's harvest strategy for setting catch levels is to maintain a low to neutral risk (less than 50 percent) of exceeding the fishing mortality limit for each stock. The harvest strategy also specifies that when stock conditions are poor, fishing mortality should be further reduced to promote stock rebuilding. The shared quotas are allocated between the United States and Canada based on a formula that considers historical catch (10-percent weighting) and the current resource distribution (90-percent weighting).

For GB yellowtail flounder, the Council's Scientific and Statistical Committee (SSC) also recommends an acceptable biological catch (ABC) for the stock, which is typically used to inform the U.S. TMGC's discussions with Canada for the annual shared quota. Although the stock is jointly managed with Canada, and the TMGC recommends annual shared quotas, the Council may not set catch limits that would exceed the SSC's recommendation. The SSC does not recommend ABCs for eastern GB cod and haddock because they are management units of the total GB cod and haddock stocks. The SSC recommends overall ABCs for the total GB cod and haddock stocks. The shared U.S./Canada quota for eastern GB cod and haddock is included in these overall ABCs, and must be consistent with the SSC's recommendation for the total GB stocks.

2018 U.S./Canada Quotas

The Transboundary Resources Assessment Committee conducted assessments for the three-transboundary stocks in July 2017, and detailed summaries of these assessments can be found at: *http://www.nefsc.noaa.gov/saw/trac/*. The TMGC met in September 2017 to recommend shared quotas for 2018 based on the updated assessments, and the Council adopted the TMGC's recommendations in Framework 57. The proposed 2018 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1.

TABLE 1—PROPOSED 2018 FISHING YEAR U.S./CANADA QUOTAS (mt, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
Total Shared Quota	951	40,000	300
U.S. Quota	257 (27%)	15,600 (39%)	213 (71%)
Canadian Quota	694 (73%)	24,400 (61%)	87 (29%)

The Council's proposed 2018 U.S. quota for eastern GB haddock would be a 47-percent decrease compared to 2017. This decrease is due to a decrease in biomass and a reduction in the portion of the shared quota that is allocated to the United States. The Council's proposed U.S. quota for eastern GB cod and GB yellowtail flounder would be a 76-percent and a 3-percent increase, respectively, compared to 2017, which are a result of increases in survey biomass and the portions of the shared quotas allocated to the United States. For a more detailed discussion of the TMGC's 2018 catch advice, see the TMGC's guidance document at: *https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/announcements/2017tmgcguiddoc.pdf.*

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for eastern GB cod, eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. If catch information for the 2017 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2018 fishing year in a future management action, as close to May 1, 2018, as possible. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would only be applied to that fishery's allocation in the following fishing year. This ensures that catch by one component of the overall fishery does not negatively affect another component of the overall fishery. An overage of the U.S. ABC of GB cod in 2016 is discussed in Section 6, Adjustments Due to Fishing Year 2016 Overages.

3. Catch Limits for the 2018–2020 Fishing Years

Summary of the Proposed Catch Limits

Tables 2 through 9 show the proposed catch limits for the 2018–2020 fishing years. A brief summary of how these catch limits were developed is provided below. More details on the proposed catch limits for each groundfish stock can be found in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2018–FY 2020) to the Framework 57 Environmental Assessment (see **ADDRESSES** for information on how to get this document).

Through Framework 57, the Council proposes to adopt catch limits for the 20 groundfish stocks for the 2018–2020 fishing years based on assessments completed in 2017. Catch limit increases are proposed for 11 stocks: GB and GOM cod, GOM haddock, GB and Cape Cod (CC)/GOM yellowtail flounder, American plaice, witch flounder, GB winter flounder, redfish, pollock, and wolffish. For a number of stocks, the catch limits proposed in this action are lower than the catch limits set for the 2017 fishing year. Although some of these decreases are small, a 75-percent reduction is proposed for SNE/MA yellowtail flounder, and a 45-percent reduction is proposed for GOM winter flounder. The ABC for Atlantic halibut is a decrease from 2017, but is not expected to reduce landings because updated discard mortality information will result in a reduction in mortality attributed to discards. Table 2 details the percent change in the 2018 catch limit compared to the 2017 fishing year.

Overfishing Limits and Acceptable Biological Catches

The overfishing limit (OFL) serves as the maximum amount of fish that can be caught in a year without resulting in overfishing. The OFL for each stock is calculated using the estimated stock size and F_{MSY} (*i.e.,* the fishing mortality rate that, if applied over the long term, would result in maximum sustainable yield). The OFL does not account for scientific uncertainty, so the SSC typically recommends an ABC that is lower than the OFL in order to account for this uncertainty. Usually, the greater the amount of scientific uncertainty, the lower the ABC is set compared to the OFL. For GB cod, GB haddock, and GB yellowtail flounder, the total ABC is then reduced by the amount of the Canadian quota (see Table 1 for the Canadian share of these stocks).

Additionally, although GB winter flounder and Atlantic halibut are not jointly managed with Canada, there is some Canadian catch of these stocks. Because the total ABC must account for all sources of fishing mortality, expected Canadian catch of GB winter flounder (45 mt) and Atlantic halibut (33 mt) is deducted from the total ABC. The U.S. ABC is the amount available to the U.S. fishery after accounting for Canadian catch.

Based on the SSC's recommendation, the Council recommended setting the OFL as unknown for GB yellowtail flounder, witch flounder, and Atlantic halibut. Empirical stock assessments are used for these three stocks, and these assessments can no longer provide quantitative estimates of the status determination criteria. In the temporary absence of an OFL, given recent catch data and estimated trends in stock biomass showing stability or improvement in stock conditions, we have preliminarily determined that these ABCs are a sufficient limit for preventing overfishing and are consistent with the National Standards. This action does not propose any changes to the status determination criteria for these stocks. During development of this action, we notified the Council that we are developing guidance on setting status determination criteria and relevant catch limits in cases when an empirical assessment cannot provide numerical estimates of traditional reference points.

TABLE 2—PROPOSED FISHING YEARS 2018–2020 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES

[mt, live weight]

Stock	2018		Percent change from 2017	2019		2020	
	OFL	U.S. ABC		OFL	U.S. ABC	OFL	U.S. ABC
GB Cod	3,047	1,591	139	3,047	2,285	3,047	2,285
GOM Cod	938	703	41	938	703	938	703
GB Haddock	94,274	48,714	−15	99,757	48,714	100,825	73,114
GOM Haddock	16,954	13,131	190	16,038	12,490	13,020	10,186
GB Yellowtail Flounder	UNK	213	3	UNK	300	UNK	
SNE/MA Yellowtail Flounder	90	68	−75	90	68	90	68
CC/GOM Yellowtail Flounder.	662	511	20	736	511	848	511
American Plaice	2,260	1,732	30	2,099	1,609	1,945	1,492
Witch Flounder	UNK	993	13	UNK	993	UNK	993
GB Winter Flounder	1,083	810	7	1,182	810	1,756	810
GOM Winter Flounder	596	447	−45	596	447	596	447
SNE/MA Winter Flounder	1,228	727	−7	1,228	727	1,228	727
Redfish	15,451	11,552	5	15,640	11,785	15,852	11,942
White Hake	3,885	2,938	−20	3,898	2,938	3,916	2,938
Pollock	51,680	40,172	88	53,940	40,172	57,240	40,172
N. Windowpane Flounder	122	92	−49	122	92	122	92
S. Windowpane Flounder	631	473	−24	631	473	631	473
Ocean Pout	169	127	−23	169	127	169	127
Atlantic Halibut	UNK	104	−34	UNK	104	UNK	104
Atlantic Wolffish	120	90	10	120	90	120	90

SNE/MA = Southern New England/Mid-Atlantic; CC = Cape Cod; N = Northern; S = Southern.
Note: An empty cell indicates no OFL/ABC is adopted for that year. These catch limits will be set in a future action.

Annual Catch Limits

Development of Annual Catch Limits

The U.S. ABC for each stock is divided among the various fishery components to account for all sources of fishing mortality. First, an estimate of catch expected from state waters and the ''other'' sub-component (*e.g.,* non-groundfish fisheries or some recreational groundfish fisheries) is deducted from the U.S. ABC. These sub-components are not subject to specific catch controls by the FMP. As a result, the state waters and other sub-components are not allocations, and these sub-components of the fishery are not subject to AMs if the catch limits are exceeded. After the state and other sub-components are deducted, the remaining portion of the U.S. ABC is distributed to the fishery components that receive an allocation for the stock. Components of the fishery that receive an allocation are subject to AMs if they exceed their respective catch limit during the fishing year. Fishing year 2016 overages of the GB cod, GOM cod, and witch flounder allocations are discussed in detail in Section 6, Adjustments Due to Fishing Year 2016 Overages.

Once the U.S. ABC is divided, sub-annual catch limits (sub-ACL) are set by reducing the amount of the ABC distributed to each component of the fishery to account for management uncertainty. Management uncertainty seeks to account for the possibility that management measures will result in a level of catch greater than expected. For each stock and fishery component, management uncertainty is estimated using the following criteria: enforceability and precision of management measures; adequacy of catch monitoring; latent effort; and whether the composition of catch includes landings and discards, or is all discards.

The total ACL is the sum of all of the sub-ACLs and state and other sub-components, and is the catch limit for a particular year after accounting for both scientific and management uncertainty. Landings and discards from all fisheries (commercial and recreational groundfish fisheries, state waters, and non-groundfish fisheries) are counted against the ACL for each stock.

Sector and Common Pool Allocations

For stocks allocated to sectors, the commercial groundfish sub-ACL is further divided into the non-sector (common pool) sub-ACL and the sector sub-ACL, based on the total vessel enrollment in sectors and the cumulative potential sector contributions (PSC) associated with those sectors. The preliminary sector

and common pool sub-ACLs proposed in this action are based on fishing year 2018 PSCs and fishing year 2017 sector rosters. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2018, to withdraw from a sector and fish in the common pool for the 2018 fishing year. In addition to the enrollment delay, all permits that change ownership after December 1, 2017, may join a sector through April 30, 2018. We will publish final sector and common pool sub-ACLs based on final 2018 sector rosters as soon as possible after the start of the 2018 fishing year. These are adjusted later to reflect final sector enrollment.

Common Pool Total Allowable Catches

The common pool sub-ACL for each stock (except for SNE/MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester TACs. The distribution of the common pool sub-ACLs into trimesters was adopted in Amendment 16 to the FMP (75 FR 18262; April 9, 2010) and was based on landing patterns at that time. Framework 57 proposes to revise the apportionment of TACs among the trimesters (discussed in detail in Section 5, Revisions to Common Pool Trimester Allocations). Once we project that 90 percent of the trimester TAC is caught for a stock, the trimester TAC area for that stock is closed for the remainder of the trimester. The closure applies to all common pool vessels fishing on a groundfish trip with gear capable of catching the pertinent stock. Any uncaught portion of the TAC in Trimester 1 or Trimester 2 is carried forward to the next trimester. Overages of the Trimester 1 or Trimester 2 TAC are deducted from the Trimester 3 TAC. Any overages of the total common pool sub-ACL are deducted from the following fishing year's common pool sub-ACL for that stock. Uncaught portions of any trimester TAC may not be carried over into the following fishing year. Table 6 summarizes the common pool trimester TACs proposed in this action. These trimester TACs are based on the proposed changes to the apportionment of the common pool sub-ACL among the trimesters that are also included in this action.

Incidental catch TACs are also specified for certain stocks of concern (*i.e.,* stocks that are overfished or subject to overfishing) for common pool vessels fishing in the special management programs (*i.e.,* special access programs (SAP) and the Regular B Days-at-Sea (DAS) Program), in order to limit the catch of these stocks under each program. Tables 7 through 9 summarize the proposed Incidental Catch TACs for each stock and the distribution of these TACs to each special management program.

Closed Area I Hook Gear Haddock SAP

Overall fishing effort by both common pool and sector vessels in the Closed Area I Hook Gear Haddock SAP is controlled by an overall TAC for GB haddock, which is the target species for this SAP. The GB haddock TAC for the SAP is based on the amount allocated to this SAP for the 2004 fishing year (1,130 mt) and adjusted according to the growth or decline of the western GB haddock biomass in relationship to its size in 2004. Based on this formula, the Council's proposed GB Haddock TAC for this SAP is 2,511 mt for the 2018 fishing year. Once this overall TAC is caught, the Closed Area I Hook Gear Haddock SAP will be closed to all groundfish vessels for the remainder of the fishing year.

TABLE 3—PROPOSED CATCH LIMITS FOR THE 2018 FISHING YEAR

[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	1,519	1,360	1,335	25					16	143
GOM Cod	666	610	377	13	220				47	9
GB Haddock	46,312	44,659	44,348	311		680			487	487
GOM Haddock	12,409	12,097	8,643	95	3,358	122			95	95
GB Yellowtail Flounder	206	169	167	3			33.1	4.0	0.0	0.0
SNE/MA Yellowtail Flounder	66	42	34	8			4		2	17
CC/GOM Yellowtail Flounder	490	398	381	18					51	41
American Plaice	1,649	1,580	1,550	29					35	35
Witch Flounder	948	849	830	19					40	60
GB Winter Flounder	787	731	725	6					0	57
GOM Winter Flounder	428	357	339	18					67	4
SNE/MA Winter Flounder	700	518	456	62					73	109
Redfish	10,986	10,755	10,696	59					116	116
White Hake	2,794	2,735	2,713	22					29	29
Pollock	38,204	37,400	37,163	237					402	402
N. Windowpane Flounder	86	63	na	63			18		2	3
S. Windowpane Flounder	457	53	na	53			158		28	218
Ocean Pout	120	94	na	94					3	23
Atlantic Halibut	100	77	na	77					21	2
Atlantic Wolffish	84	82	na	82					1	1

TABLE 4—PROPOSED CATCH LIMITS FOR THE 2019 FISHING YEAR

[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	2,182	1,954	1,918	36					23	206
GOM Cod	666	610	377	13	220				47	9
GB Haddock	46,312	44,659	44,348	311		680			487	487
GOM Haddock	11,803	11,506	8,222	90	3,194	116			91	91
GB Yellowtail Flounder	291	239	235	4			47	6	0	0
SNE/MA Yellowtail Flounder	66	32	26	6			15		2	17
CC/GOM Yellowtail Flounder	490	398	381	18					51	41
American Plaice	1,532	1,467	1,440	27					32	32
Witch Flounder	948	849	830	19					40	60
GB Winter Flounder	787	731	725	6					0	57
GOM Winter Flounder	428	357	339	18					67	4
SNE/MA Winter Flounder	700	518	456	62					73	109
Redfish	11,208	10,972	10,911	60					118	118
White Hake	2,794	2,735	2,713	22					29	29
Pollock	38,204	37,400	37,163	237					402	402
N. Windowpane Flounder	86	63		63			18		2	3
S. Windowpane Flounder	457	53		53			158		28	218
Ocean Pout	120	94		94					3	23
Atlantic Halibut	100	77		77					21	2
Atlantic Wolffish	84	82		82					1	1

TABLE 5—PROPOSED CATCH LIMITS FOR THE 2020 FISHING YEAR

[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod	2,182	1,954	1,918	36					23	206
GOM Cod	666	610	377	13	220				47	9
GB Haddock	69,509	67,027	66,560	467		1,020			731	731
GOM Haddock	9,626	9,384	6,705	74	2,605	95			74	74
GB Yellowtail Flounder							0.0	0.0	0.0	0.0
SNE/MA Yellowtail Flounder	66	31	25	6			16		2	17
CC/GOM Yellowtail Flounder	490	398	381	18					51	41
American Plaice	1,420	1,361	1,335	25					30	30
Witch Flounder	948	849	830	19					40	60
GB Winter Flounder	787	731	725	6					0	57
GOM Winter Flounder	428	357	339	18					67	4
SNE/MA Winter Flounder	700	518	456	62					73	109
Redfish	11,357	11,118	11,057	61					119	119
White Hake	2,794	2,735	2,713	22					29	29
Pollock	38,204	37,400	37,163	237					402	402
N. Windowpane Flounder	86	63		63					2	3
S. Windowpane Flounder	457	53		53			158		28	218
Ocean Pout	120	94		94					3	23
Atlantic Halibut	100	77		77					21	2
Atlantic Wolffish	84	82		82					1	1

TABLE 6—PROPOSED FISHING YEARS 2018–2020 COMMON POOL TRIMESTER TACS

[mt, live weight]

Stock	2018			2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	7.0	8.5	9.6	10.1	12.3	13.7	10.1	12.3	13.7
GOM Cod	6.2	4.2	2.3	6.2	4.2	2.3	6.2	4.2	2.3

TABLE 6—PROPOSED FISHING YEARS 2018–2020 COMMON POOL TRIMESTER TACS—Continued

[mt, live weight]

Stock	2018			2019			2020		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Haddock	84.0	102.6	124.4	84.0	102.6	124.4	126.1	154.1	186.7
GOM Haddock	25.6	24.7	44.6	24.4	23.5	42.4	19.9	19.1	34.6
GB Yellowtail Flounder	0.5	0.8	1.3	0.7	1.1	1.9			
SNE/MA Yellowtail Flounder	1.7	2.3	4.2	1.3	1.7	3.2	1.3	1.7	3.1
CC/GOM Yellowtail Flounder	10.0	4.6	3.0	10.0	4.6	3.0	10.0	4.6	3.0
American Plaice	21.8	2.4	5.3	20.3	2.2	4.9	18.8	2.0	4.6
Witch Flounder	10.4	3.8	4.7	10.4	3.8	4.7	10.4	3.8	4.7
GB Winter Flounder	0.5	1.4	4.1	0.5	1.4	4.1	0.5	1.4	4.1
GOM Winter Flounder	6.5	6.7	4.4	6.5	6.7	4.4	6.5	6.7	4.4
Redfish	14.8	18.4	26.1	15.1	18.7	26.6	15.3	19.0	27.0
White Hake	8.3	6.8	6.8	8.3	6.8	6.8	8.3	6.8	6.8
Pollock	66.4	83.0	87.7	66.4	83.0	87.7	66.4	83.0	87.7

Note. An empty cell indicates that no catch limit has been set yet for these stocks. These catch limits will be set in a future management action.

TABLE 7—PROPOSED COMMON POOL INCIDENTAL CATCH TACS FOR THE 2018–2020 FISHING YEARS

[mt, live weight]

Stock	Percentage of common pool sub-ACL	2018	2019	2020
GB Cod	2	0.50	0.72	0.72
GOM Cod	1	0.13	0.13	0.13
GB Yellowtail Flounder	2	0.05	0.07	0.00
CC/GOM Yellowtail Flounder	1	0.18	0.18	0.18
American Plaice	5	1.47	1.37	1.27
Witch Flounder	5	0.95	0.95	0.95
SNE/MA Winter Flounder	1	0.62	0.62	0.62

TABLE 8—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern US/CA haddock SAP
GB Cod	50	16	34
GOM Cod	100		
GB Yellowtail Flounder	50		50
CC/GOM Yellowtail Flounder	100		
American Plaice	100		
Witch Flounder	100		
SNE/MA Winter Flounder	100		
White Hake	100		

TABLE 9—PROPOSED FISHING YEARS 2018–2020 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[mt, live weight]

Stock	Regular B DAS program			Closed area I hook gear haddock SAP			Eastern U.S./Canada haddock SAP		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
GB Cod	0.25	0.36	0.36	0.08	0.12	0.12	0.17	0.25	0.25
GOM Cod	0.13	0.13	0.13	n/a	n/a	n/a	n/a	n/a	n/a
GB Yellowtail Flounder	0.03	0.04	0.00	n/a	n/a	n/a	0.03	0.04	0.00
CC/GOM Yellowtail Flounder	0.18	0.18	0.18	n/a	n/a	n/a	n/a	n/a	n/a
American Plaice	1.47	1.37	1.27	n/a	n/a	n/a	n/a	n/a	n/a
Witch Flounder	0.95	0.95	0.95	n/a	n/a	n/a	n/a	n/a	n/a
SNE/MA Winter Flounder	0.62	0.62	0.62	n/a	n/a	n/a	n/a	n/a	n/a

4. Default Catch Limits for the 2021 Fishing Year

Framework 53 established a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of a fishing year on May 1, then default catch limits are set at 35 percent of the previous year's catch limit, effective until July 31 of that fishing year, or when replaced by new catch limits. If this value exceeds the Council's recommendation for the upcoming fishing year, the default catch limits will be reduced to an amount equal to the Council's recommendation for the upcoming fishing year. Because groundfish vessels are not able to fish if final catch limits have not been implemented, this measure was established to prevent disruption to the groundfish fishery. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule (80 FR 25110; May 1, 2015).

The default catch limits for 2021 are shown in Table 10. The default limits would become effective May 1, 2021, until replaced by final specifications, although they will remain in effect through no later no later than July 31, 2021. The preliminary sector and common pool sub-ACLs in Table 10 are based on existing 2017 sector rosters, and will be adjusted for new specifications beginning in fishing year 2021 based on rosters from the 2020 fishing year. In addition, prior to the start of the 2021 fishing year, we will evaluate whether any of the default catch limits announced in this rule exceed the Council's recommendations for 2021. If necessary, we will announce adjustments prior to May 1, 2021.

TABLE 10—DEFAULT SPECIFICATIONS FOR THE 2021 FISHING YEAR

[mt, live weight]

Stock	U.S. ABC	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Midwater trawl fishery
GOM Cod	800	764	684	671	13	.....
GB Haddock	246	233	213	132	4	.....
GOM Haddock	25,590	24,328	23,460	23,296	163	1,020
GB Yellowtail Flounder	3,565	3,369	3,284	2,347	26	95
SNE/MA Yellowtail Flounder	0	0	0	0	0	.....
CC/GOM Yellowtail Flounder	24	23	11	9	2	.....
American Plaice	179	172	139	133	6	.....
Witch Flounder	522	497	476	467	9	.....
GB Winter Flounder	348	332	297	291	7	.....
GOM Winter Flounder	284	276	256	254	2	.....
SNE/MA Winter Flounder	156	150	125	119	6	.....
Redfish	254	245	181	160	22	.....
White Hake	4,180	3,975	3,891	3,870	21	.....
Pollock	1,028	978	957	950	8	.....
N. Windowpane Flounder	14,060	13,371	13,090	13,007	83	.....
S. Windowpane Flounder	32	30	22	0	22	.....
Ocean Pout	166	160	18	0	18	.....
Atlantic Halibut	44	42	33	0	33	.....
Atlantic Wolffish	36	35	27	0	27	.....

5. Revisions to Common Pool Trimester Allocations

As discussed above in Section 3, Catch Limits for Fishing Years 2018–2020, the common pool sub-ACL for each stock (except for SNE/MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester TACs. The percentages of the common pool sub-ACL allocated to each trimester, as determined in Amendment 16, are shown in Table 11. The Council developed this initial distribution based on recent fishing effort at the time after considering the influence of regulatory changes on recent landings patterns. Amendment 16 specified that the trimester TAC apportionment could be adjusted on a biennial basis with specifications based on the most recent 5-year period available. Framework 57 would grant the Regional Administrator authority to modify the trimester TAC apportionments, for stocks that have experienced early closures in Trimester 1 or 2, on a biennial basis using the process specified in Amendment 16.

Framework 57 proposes to revise the apportionment of the common pool sub-ACL among the trimesters, using the calculation method specified in Amendment 16, for stocks that have experienced early closure in Trimester 1 or 2 since the 2010 fishing year. The stocks that meet these criteria are: GB cod; GOM cod; SNE/MA yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice; and witch flounder. The Trimester 1 portion of the sub-ACL for each of these stocks would increase, with the exception of SNE/MA yellowtail, which remains unchanged. The trimester 2 portion of the sub-ACL for each of these stocks would be reduced. The trimester 3 portion of the TAC would be unchanged for GB cod; increased for SNE/MA yellowtail flounder; and decreased for GOM cod, Cape Cod/GOM yellowtail flounder, American plaice, and witch flounder. The proposed trimester TAC apportionments for these stocks are shown in Table 12.

TABLE 11—TRIMESTER TAC APPORTIONMENTS SET IN AMENDMENT 16

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB Cod	25	37	38
GOM Cod	27	36	37

TABLE 11—TRIMESTER TAC APPORTIONMENTS SET IN AMENDMENT 16—Continued

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB Haddock	27	33	40
GOM Haddock	27	26	47
GB Yellowtail	19	30	52
SNE/MA Yellowtail	21	37	42
CC/GOM Yellowtail	35	35	30
American Plaice	24	36	40
Witch Flounder	27	31	42
GB Winter	8	24	69
GOM Winter	37	38	25
Redfish	25	31	44
White Hake	38	31	31
Pollock	28	35	37

TABLE 12—PROPOSED REVISIONS TO TRIMESTER TAC APPORTIONMENTS

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB Cod	28	34	38
GOM Cod	49	33	18
SNE/MA Yellowtail	21	28	51
CC/GOM Yellowtail	57	26	17
American Plaice	74	8	18
Witch Flounder	55	20	25

6. Adjustments Due to Fishing Year 2016 Overages

If the overall ACL is exceeded due to catch from vessels fishing in state waters outside of the FMP or from vessels fishing in non-groundfish fisheries that do not receive an allocation, the overage is distributed to the components of the fishery with an allocation. If a fishery component's catch and its share of the ACL overage exceed the component's allocation, then the applicable AMs must be implemented. In the case of the commercial groundfish fishery, the AMs require a reduction of the sector or common pool sub-ACL following an overage.

In fishing year 2016, the overall ACL was exceeded for GOM cod and witch flounder, and the U.S. ABC was exceeded for GB cod (Table 13). This proposed rule includes a description of fishing year 2016 catch overages and required adjustments to fishing year 2018 allocations. These adjustments are not part of Framework 57. We are including them in conjunction with Framework 57 proposed measures for expediency purposes, and because they relate to the catch limits proposed in Framework 57.

Total GB cod catch exceeded the total ACL and U.S. ABC due to a minor overage by the common pool (2.8 mt) and higher than expected catches by the state and other sub-components. Sectors did not fully harvest their allocation. The overage of the common pool sub-ACL has already been addressed, as required, through a reduction of the 2017 common pool sub-ACL (82 FR 51778; November 8, 2017). The remaining overage (166 mt) must be paid back by the common pool and sectors in proportion to their shares of the 2016 groundfish fishery ACL. The sector sub-ACL underage in 2016 reduces the adjustment to the 2018 sector sub-ACL. No other fishery has an allocation of GB cod, and as a result, this overage is distributed only to sectors and the common pool.

Total GOM cod catch exceeded the total ACL due to an overage by the recreational fishery and higher than expected catch by the state sub-component. Both the sector and common pool sub-ACLs were underharvested. The recreational fishery's overage of its 2016 sub-ACL has been addressed by a change in recreational fishery management measures as an AM for fishing year 2017 (82 FR 35457; July 31, 2017). The remaining overage (50 mt) due to state waters catch must be distributed among the common pool, sectors, and the recreational fishery in proportion to their shares of the 2016 groundfish fishery ACL. The commercial fishery AM for overages is a pound-for-pound payback that results in a deduction of the overage amount from the fishing year 2018 commercial fishery sub-ACLs. The sector and common pool sub-ACL underages in 2016 reduce the adjustment to the 2018 sector and common pool sub-ACLs. The portion of the overage allocated to the recreational fishery does not result in a pound-for-pound reduction of that sub-ACL. Rather, the recreational AM requires management measures for fishing year 2018 to be adjusted to address the overage.

Total witch flounder catch exceeded the total ACL due to higher than expected catch from vessels fishing in state waters outside of the FMP. Both the sector and common pool sub-ACLs were underharvested. Only the commercial groundfish fishery has an allocation for this stock, so the remaining overage (38 mt) must be paid back by the common pool and sectors in proportion to their shares of the 2016 groundfish fishery ACL. The sector and common pool sub-ACL underages in 2016 reduce the adjustment to the 2018 sector and common pool sub-ACLs.

Each sub-component's payback amounts for these stocks is shown in Table 14. Revised 2017 allocations, incorporating these payback amounts, for these stocks are shown in Table 15.

TABLE 13—2016 ABCS, ACLS, CATCH, AND OVERAGES

[mt, live weight]

Stock	U.S. ABC	Total ACL	Catch	Overage	Amount to be paid back
GB Cod	762	730	1,132.1	402.1	165.97
GOM Cod	500	473	633.7	160.7	37.66
Witch Flounder	878	441	460.3	19.3	19.20

TABLE 14—2016 PAYBACK AMOUNTS

[mt, live weight]

Stock	Total	Sector	Common pool	Recreational
GB Cod	402.1	162.57	3.40	n/a
GOM Cod	160.7	21.05	0.00	16.61
Witch Flounder	19.3	19.15	0.05	n/a

Note: "n/a" indicates that the stock is not allocated to that sub-component of the fishery. A value of 0.00 indicates that no payback is required.

TABLE 15—REVISED 2018 ALLOCATIONS

[mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Initial preliminary sector sub-ACL	Revised preliminary sector sub-ACL	Initial preliminary common pool sub-ACL	Revised preliminary common pool sub-ACL
GB Cod	1,519	1,360	1,335.17	1,172.61	25.13	21.73
GOM Cod	666	610	376.92	355.87	12.73	*unchanged*
Witch Flounder	948	849	830.09	810.94	18.93	18.88

7. Revisions to Atlantic Halibut Accountability Measures

The FMP includes two reactive AMs for Atlantic halibut that affect the Federal commercial groundfish fishery. If the Atlantic halibut ACL is exceeded by an amount greater than the uncertainty buffer (*i.e.,* the ABC is exceeded), then commercial groundfish vessels are prohibited from retaining Atlantic halibut and several gear-restricted areas are implemented for commercial groundfish vessels (Figure 1). When the Atlantic halibut AM is triggered, trawl vessels fishing in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, a Ruhle trawl, a rope separator trawl, or other approved gear. When in effect, groundfish vessels with gillnet or longline gear may not fish or be in the Atlantic Halibut Fixed Gear AM Areas, unless transiting with gear stowed or using approved gear.

Framework 57 would extend the zero-possession AM to all Federal permit holders (including federally-permitted scallop, lobster, and highly migratory species general category vessels). Vessels issued only a Northeast multispecies charter/party permit, an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit would be exempt from the zero-possession AM. Dealer data documents that federally-permitted vessels on non-groundfish trips, especially commercial vessels with lobster and highly migratory species permits, land significant amounts of halibut. The intent of expanding the AM is to reduce the catch of halibut by federally-permitted vessels not currently subject to the AM and to facilitate enforcement of Federal fishery limits. It is difficult to enforce the prohibition of possession at sea when some federally-permitted vessels can possess Atlantic halibut in state waters. Prohibiting all federally-permitted vessels from possessing Atlantic halibut can be enforced at the dock as well as at sea. This is designed to ensure a reduction in directed fishing effort by federally-permitted vessels that is expected to increase the probability that catch will be below the ACL.

Framework 57 would also modify the gear-restricted AM areas for Federal groundfish vessels using updated information. Based on an updated evaluation of the existing AM areas, the areas would be modified by allowing access to places and times where Atlantic halibut encounter rates are low, and protect areas and times where encounter rates are highest. This would allow groundfish trawl and fixed gear vessels additional flexibility while continuing to reduce catch of halibut when the AMs are triggered (Figure 2). Framework 57 would eliminate the Fixed Gear AM Area 1 on Stellwagen Bank; exempt longline gear from Fixed Gear AM Area 2 on Platts Bank; allow gillnet gear in Fixed Gear AM Area 2 from November through February; and allow standard trawl gear in the Trawl Gear AM Area between 41 degrees 40 minutes N latitude and 42 degrees N latitude from April through July (see dashed line in Figure 2). These modifications would likely have minimal impacts on the Atlantic halibut stock due to the low encounter rates and low catch rates in the seasons and areas included, and would preserve fishing opportunities for vessels targeting other species.

Figure 1. Map of Existing Atlantic Halibut AM Areas

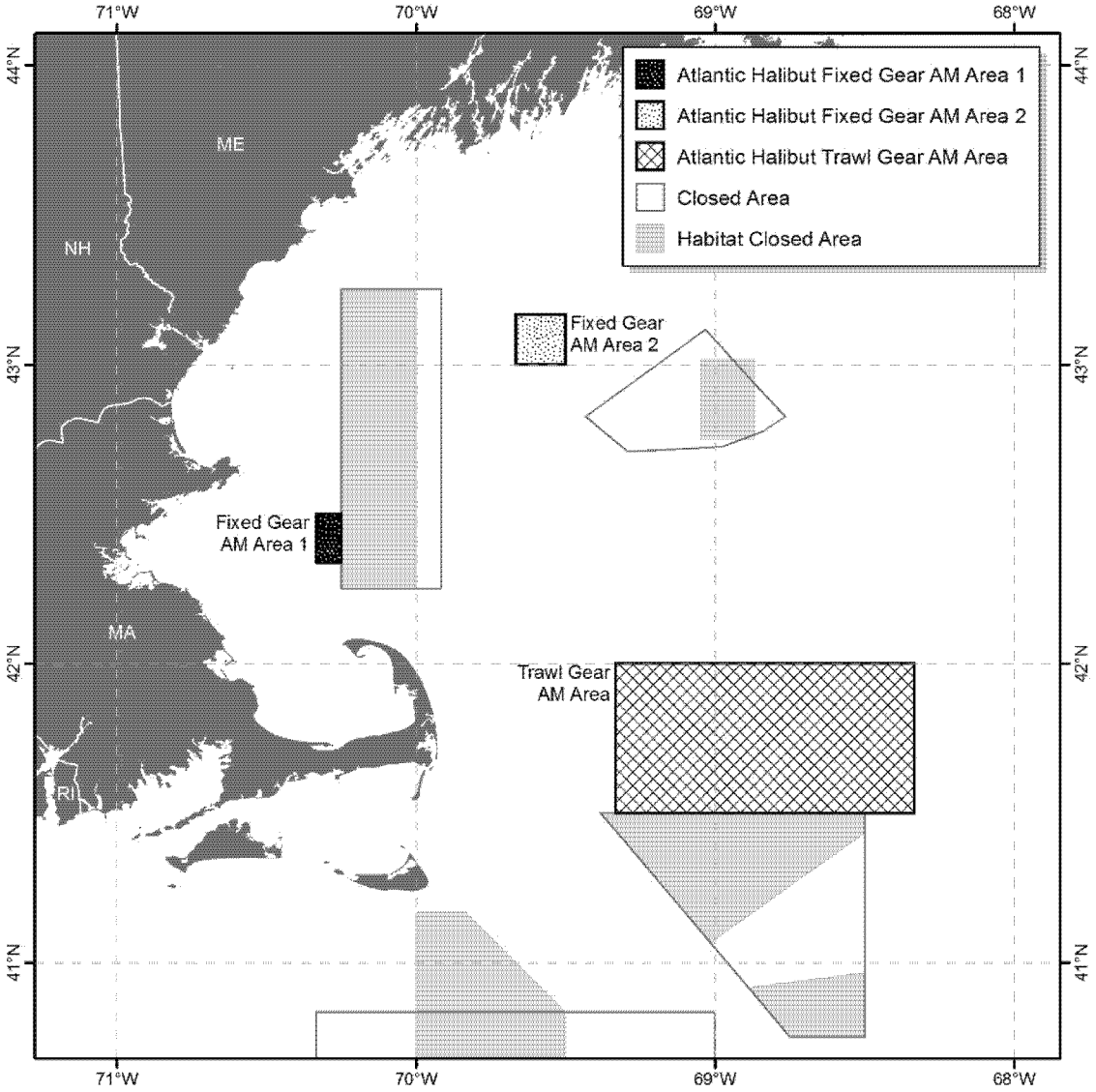
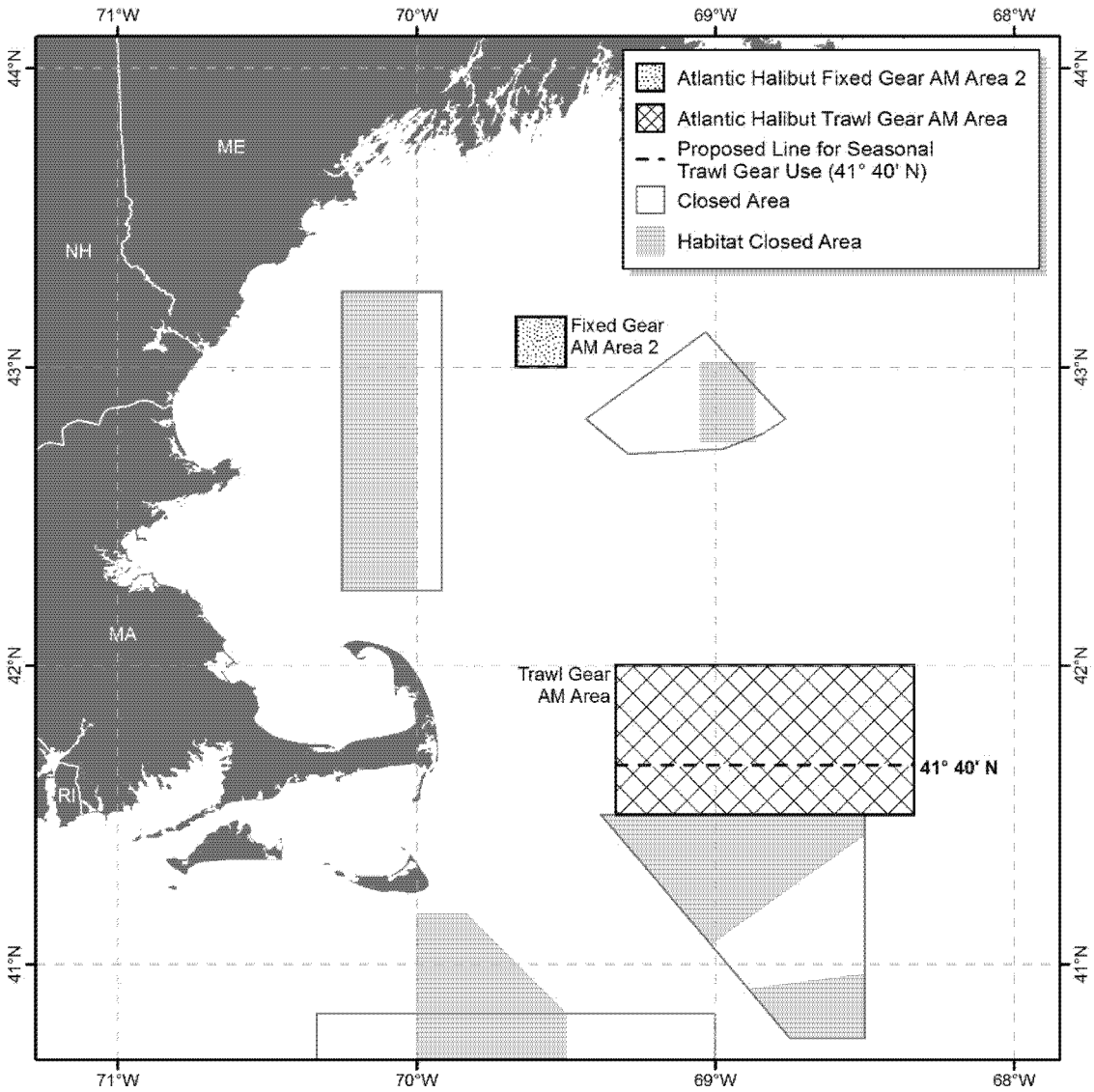


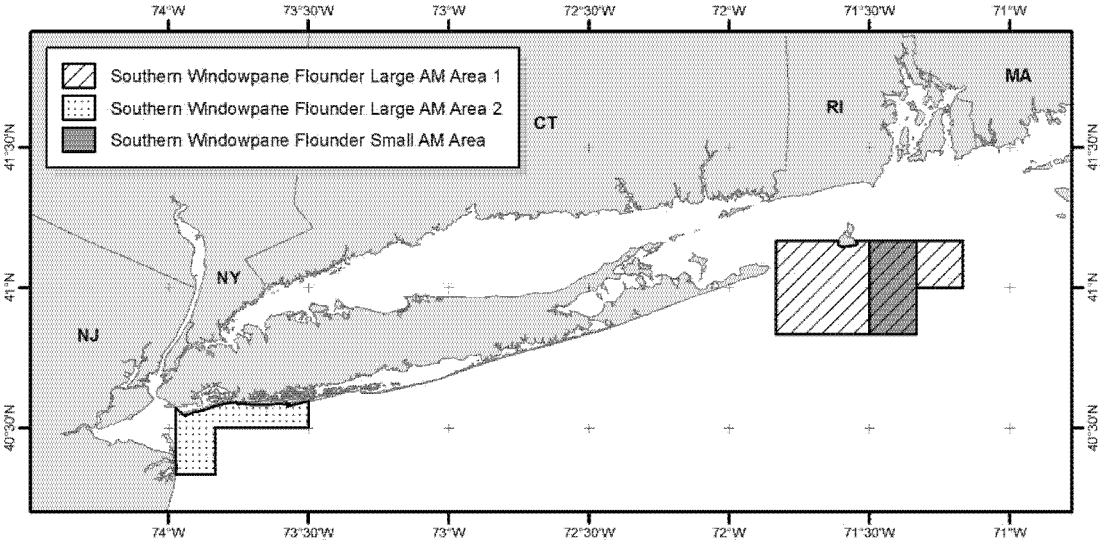
Figure 2. Proposed Changes to Atlantic Halibut AM Areas.



8. Revisions to Southern Windowpane Flounder AMs for Non-Groundfish Trawl Vessels

The southern windowpane flounder AMs are gear restricted areas that affect groundfish trawl vessels and non-groundfish trawl vessels using a codend mesh size of 5 inches (12.7 cm) or greater (see Figure 3). This includes vessels that target summer flounder, scup, and skates. The AM for large-mesh non-groundfish fisheries is implemented if the total ACL is exceeded by more than the management uncertainty buffer and catch by the other sub-component exceeds what was expected. When the AM is triggered, large-mesh non-groundfish vessels fishing with trawl gear with codend mesh size of 5 inches (12.7 cm) or greater are required to use selective trawl gear to minimize the catch of flatfish in the AM areas. Approved gears include the separator trawl, Ruhle trawl, mini-Ruhle trawl, and rope trawl, which are inefficient at catching the species targeted by the non-groundfish large-mesh trawl fleet. The FMP includes several provisions that allow a reduction in the size and duration of the AM for groundfish vessels if certain stock status criteria are met. Framework 57 would extend similar provisions to the large mesh non-groundfish fleet and modify the current gear restricted areas that would apply to the non-groundfish fleet when an AM is triggered.

Figure 3. Southern Windowpane AM Areas for Large Mesh Non-Groundfish Fisheries



Reducing the Size of the AM

Framework 57 would scale the size of the AM areas based on the condition of the stock and catch in the year after the overage. Similar to the AM for the groundfish fishery, when the stock is rebuilt and the biomass criterion (defined below) is greater than the fishing year catch, the AM areas may be adjusted to reflect these conditions. Based on an updated evaluation of the existing AM areas, Framework 57 would reduce the size of the AM areas and shorten the seasons for non-groundfish trawl vessels using a 5-inch (12.7-cm) mesh or greater cod end. These modifications would allow additional flexibility for affected vessels while continuing to reduce impacts on the southern windowpane stock, similar to provisions already implemented for the groundfish fishery.

When the large AM area has been triggered, we would then determine whether the following criteria are met:

(1) The stock is rebuilt; and

(2) The biomass criterion is greater than the fishing year catch. Framework 57 defines the biomass criterion as the 3-year centered average of the 3 most recent surveys multiplied by 75 percent of the F_{MSY} of the most recent assessment. F_{MSY} is the fishing mortality rate that, if applied over the long term, would result in maximum sustainable yield.

If we determine that these criteria are met, the small AM area would be implemented rather than the large AM area. This AM trigger would better account for the uncertainty associated with this index-based stock because it would evaluate an overage in the context of the biomass and exploitation trends in the stock assessment. As explained in the EA, using survey information to determine the size of the AM is appropriate because windowpane flounder is assessed with an index-based method, possession is prohibited, and the ABCs and ACLs are not based on a projection that accounts for possible increases in biomass over time. This change would minimize the economic impacts of the AM for a rebuilt stock, while still correcting for any overage and mitigating potential biological consequences.

Reducing the Duration of the AM

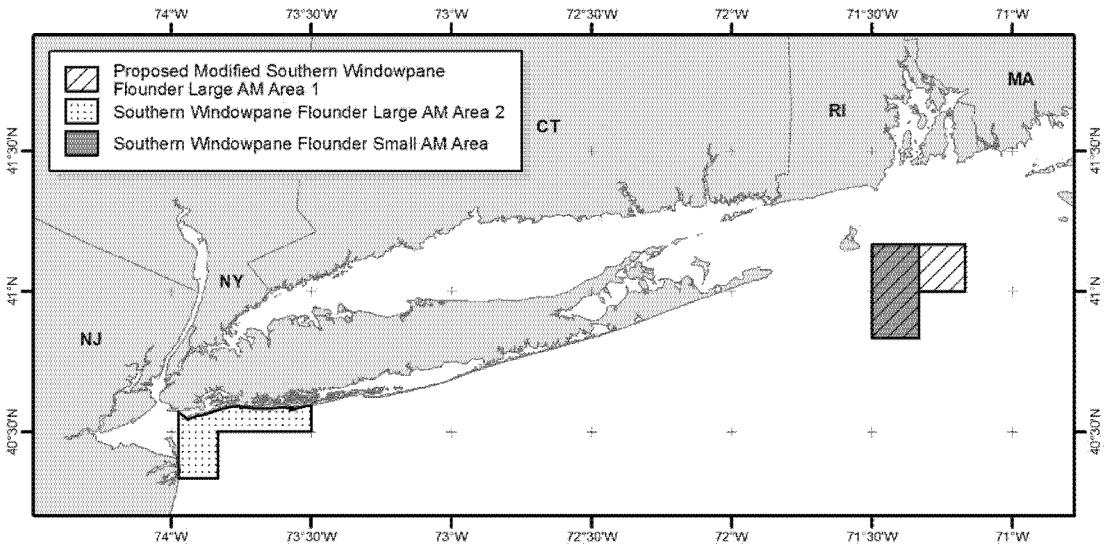
This action also proposes to grant the Regional Administrator authority to remove the southern windowpane flounder AM early for non-groundfish trawl vessels if certain criteria are met. If an overage in year 1 triggers the AM for year 3, and we determine that the applicable windowpane flounder ACL was not exceeded in year 2, then the Regional Administrator would be authorized to remove the AM on or after September 1 once year-end data for year 2 are complete. This reduced duration would not occur if we determine during year 3 that a year 3 overage of the southern windowpane flounder ACL has occurred. Final year-end catch data are not available until several months after the end of the fishing year, which results in delayed implementation of AMs for southern windowpane flounder. Because of this delay, it is possible that, although an overage occurs in year 1, a subsequent overage may not occur in year 2. If an overage does not occur in year 2, implementing an AM for the entire duration of year 3 may not be necessary. An underage in year 2, coupled with an AM for at least 4 months of year 3, would sufficiently correct and mitigate any overage for southern windowpane flounder, while continuing to provide an incentive to avoid future overages. This proposed provision is similar to provisions already implemented for the groundfish fishery.

Modification of the Gear-Restricted Areas

Framework 57 would revise the area and season of the AM areas for non-groundfish trawl vessels using a codend mesh size of 5 inches (12.7 cm) or greater based on an updated evaluation of the existing AM areas using recent data (see Figure 4). The geographic area of the small AM area would remain unchanged, but the AM would be in effect from September through April, rather than the whole year. The large AM area south of Long Island would remain unchanged, but the large AM area east of Long Island would shrink to a smaller geographic area made up of the small AM area and the eastern most 10-minute square of the current large AM area. Both large AM areas would be closed year-round when triggered. These changes would not affect the AM

areas applicable to groundfish trawl vessels. Based on recent data, these modifications are likely to have minimal impacts on the southern windowpane flounder stock because of the low bycatch ratios documented in the areas that would no longer be closed. The revised areas are intended to provide additional opportunities for the non-groundfish fleet to pursue target stocks, while still maintaining the necessary conservation benefits of the AMs.

Figure 4. Proposed Changes to the Southern Windowpane AM Areas for Large Mesh Non-Groundfish Fisheries



9. Revision to the SNE/MA Yellowtail Flounder AMs for Scallop Vessels

The scallop fishery is allocated sub-ACLs for four stocks: GB yellowtail flounder; SNE/MA yellowtail flounder; northern windowpane flounder; and southern windowpane flounder. These allocations are made to manage the scallop fishery's bycatch of these stocks and mitigate potential negative impacts to the groundfish fishery. Framework 47 (77 FR 26104; May 2, 2012) established a policy for triggering scallop fishery AMs. The AMs are triggered if the scallop fishery either exceeds its sub-ACL for a stock and the overall ACL for that stock is exceeded, or the scallop fishery exceeds its sub-ACL for a stock by 50 or more percent. Framework 56 (82 FR 35660; August 1, 2017) made a change to this policy for GB yellowtail flounder and northern windowpane flounder to remove the second trigger for the 2017 and 2018 fishing years. Thus, the AMs for GB yellowtail flounder and northern windowpane flounder are triggered only if the scallop fishery exceeds its sub-ACL and the overall ACL is exceeded. Framework 57 would expand that change to the SNE/MA yellowtail flounder stock for the 2018 fishing year.

For fishing year 2018, the AM for the scallop fishery's sub-ACL would be triggered only if the scallop fishery's sub-ACL and the overall ACL for the stock is exceeded. Framework 57 would reduce the 2018 SNE/MA yellowtail flounder ABC by 75 percent when compared to 2017. Overfishing occurs when the overfishing limit is exceeded and is likely to occur only if the total ACL is exceeded, which would trigger the AM to prevent subsequent ACL overages and correct the cause of the overage. The intent of this change to the trigger is to provide flexibility for the scallop fishery to better achieve optimal yield, despite a reduction in the ACL, while continuing to prevent overfishing. To align with changes to the AM triggers for GB yellowtail flounder and northern windowpane flounder, and to reduce the potential risk for the groundfish fishery, this change would be effective for 1 year.

10. Recreational Fishery Measures

GB cod is not allocated to the recreational fishery. Instead, a catch target is set. Recreational fishery management measures were designed and put in place to control recreational catch. The Council set the recreational measures for GB cod in 2010 through Amendment 16. The current recreational minimum size for GB cod is 22 inches (55.9 cm), and private recreational vessels have a possession limit of 10 fish per person per day. There is no possession limit for charter or party vessels. The recreational fishery does not have an allocation of GB cod, and as a result, no AMs apply to this fishery in the event of an ACL overage. The Council must undertake an action (amendment or framework adjustment) to make changes to the recreational measures.

In response to increasing recreational catch in recent years and unusually high recreational catch in 2016 that contributed to an ACL overage, the Council calculated a recreational catch target for GB cod of 138 mt for 2018–2020. This catch target was calculated using the average catch (landings and discards) of the most recent 5 calendar years included in the GB cod stock assessment. This catch target was used in setting the values of the state and other sub-components (see Appendix II of the EA). To prevent future overages of the GB cod ACL, Framework 57 would give the Regional Administrator authority to set recreational measures for fishing years 2018 and 2019 to prevent the catch target from being

exceeded. After consultation with the Council, any changes to recreational measures would be made consistent with the Administrative Procedure Act.

This action only proposes to grant the Regional Administrator authority to change recreational management measures for GB cod. However, no changes to recreational measures are included in this action. A separate rulemaking expected in March 2018 will consider GOM cod and haddock and GB cod recreational management measures for the 2018 fishing year.

11. Fishing Year 2018 Annual Measures Under Regional Administrator Regulatory Authority

The FMP and its implementing regulations gives the Regional Administrator authority to implement certain types of management measures for the common pool fishery, the U.S./Canada Management Area, and Special Management Programs on an annual basis, or as needed. This proposed rule includes a description of these management measures that are being considered for the 2018 fishing year to provide an opportunity for the public to comment on whether the proposed measures are appropriate. These measures are not part of Framework 57, and were not specifically proposed by the Council. We are proposing them in conjunction with Framework 57 measures in this action for expediency purposes, and because they relate to the catch limits proposed in Framework 57.

Common Pool Trip Limits

Tables 16 and 17 provide a summary of the current common pool trip limits for fishing year 2017 and the initial trip limits proposed for fishing year 2018. The proposed 2018 trip limits were developed after considering changes to the common pool sub-ACLs and potential sector enrollment, proposed trimester TACs for 2018, catch rates of each stock during 2017, and other available information.

The default cod trip limit is 300 lb (136 kg) for Handgear A vessels and 75 lb (34 kg) for Handgear B vessels. If the GOM or GB cod landing limit for vessels fishing on a groundfish DAS drops below 300 lb (136 kg), then the respective Handgear A cod trip limit must be reduced to the same limit. Similarly, the Handgear B trip limit must be adjusted proportionally (rounded up to the nearest 25 lb (11 kg)) to the DAS limit. This action proposes a GOM cod landing limit of 50 lb (23 kg) per DAS for vessels fishing on a groundfish DAS, which is 94 percent lower than the default limit specified in the regulations for these vessels (800 lb (363 kg) per DAS). As a result, the proposed Handgear A trip limit for GOM cod would be reduced to 50 lb (23 kg) per trip, and the proposed Handgear B trip limit for GOM cod would be maintained at 25 lb (11 kg) per trip. This action proposes a GB cod landing limit of 100 lb (45 kg) per DAS for vessels fishing on a groundfish DAS, which is 95 percent lower than the 2,000-lb (907-kg) per DAS default limit specified in the regulations for these vessels. As a result, the proposed Handgear A trip limit for GB cod would be 100 lb (45 kg) per trip, and the proposed Handgear B trip limit for GB cod would be 25 lb (11 kg) per trip.

Vessels with a Small Vessel category permit can possess up to 300 lb (136 kg) of cod, haddock, and yellowtail, combined, per trip. For the 2018 fishing year, we are proposing that the maximum amount of GOM cod and haddock (within the 300-lb (136-kg) trip limit) be set equal to the possession limits applicable to multispecies DAS vessels (see Table 16). This adjustment is necessary to ensure that the trip limit applicable to the Small Vessel category permit is consistent with reductions to the trip limits for other common pool vessels, as described above.

TABLE 16—PROPOSED COMMON POOL TRIP LIMITS FOR THE 2018 FISHING YEAR

Stock	Current 2017 trip limit	Proposed 2018 trip limit
GB Cod (outside Eastern U.S./Canada Area)	Possession Prohibited	100 lb (45 kg) per DAS, up to 200 lb (91 kg) per trip
GB Cod (inside Eastern U.S./Canada Area)		100 lb (45 kg) per DAS, up to 500 (227 kg) lb per trip.
GOM Cod	25 lb (11 kg) per DAS, up to 100 lb (45 kg) per trip.	50 lb (23 kg) per DAS, up to 100 lb (45 kg) per trip.
GB Haddock	100,000 lb (45,359 kg) per trip.	
GOM Haddock	500 lb (227 kg) per DAS, up to 1,000 lb (454 kg) per trip.	1,000 lb (454 kg) per DAS, up to 2,000 lb (907 kg) per trip.
GB Yellowtail Flounder	100 lb (45 kg) per trip.	
SNE/MA Yellowtail Flounder	500 lb (227 kg) per DAS, up to 1,000 lb per trip.	100 lb (45 kg) per DAS, up to 200 lb (91 kg) per trip.
Cape Cod (CC)/GOM Yellowtail Flounder	750 lb (340 kg) per DAS, up to 1,500 lb (680 kg) per trip.	
American plaice	500 lb (227 kg) per trip	750 lb (340 kg) per DAS, up to 1,500 lb (680 kg) per trip.
Witch Flounder	400 lb (181 kg) per trip.	
GB Winter Flounder	250 lb (113 kg) per trip.	
GOM Winter Flounder	2,000 lb (907 kg) per trip	1,000 lb (454 kg) per trip.
SNE/MA Winter Flounder	2,000 lb (907 kg) per DAS, up to 4,000 lb (1,814 kg) per trip.	
Redfish	Unlimited.	

TABLE 16—PROPOSED COMMON POOL TRIP LIMITS FOR THE 2018 FISHING YEAR—Continued

Stock	Current 2017 trip limit	Proposed 2018 trip limit
White hake	1,500 lb (680 kg) per trip.	
Pollock	Unlimited.	
Atlantic Halibut	1 fish per trip.	
Windowpane Flounder Ocean Pout Atlantic Wolffish	Possession Prohibited.	

TABLE 17—PROPOSED COD TRIPS LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS FOR THE 2018 FISHING YEAR

Permit	Current 2017 trip limit	Proposed 2017 trip limit
Handgear A GOM Cod	25 lb (11 kg) per trip	50 lb (23 kg) per trip.
Handgear A GB Cod	Possession Prohibited	100 lb (45 kg) per trip.
Handgear B GOM Cod	25 lb (11 kg) per trip.	
Handgear B GB Cod	Possession Prohibited	25 lb (11 kg) per trip.
Small Vessel Category	300 lb (136 kg) of cod, haddock, and yellowtail flounder combined; additionally, vessels are limited to the common pool DAS limit for all stocks.	

Closed Area II Yellowtail Flounder/Haddock SAP

This action proposes to allocate zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2018. Vessels could still fish in this SAP in 2018 to target haddock, but must fish with a haddock separator trawl, a Ruhle trawl, or hook gear. Vessels would not be allowed to fish in this SAP using flounder trawl nets. This SAP is open from August 1, 2018, through January 31, 2019.

We have the authority to determine the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on several criteria, including the GB yellowtail flounder catch limit and the amount of GB yellowtail flounder caught outside of the SAP. The FMP specifies that no trips should be allocated to the Closed Area II Yellowtail Flounder/Haddock SAP if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit (or 2,250,000 lb (1,020,600 kg)). This calculation accounts for the projected catch from the area outside the SAP. Based on the proposed fishing year 2018 GB yellowtail flounder groundfish sub-ACL of 372,581 lb (169,000 kg), there is insufficient GB yellowtail flounder to allocate any trips to the SAP, even if the projected catch from outside the SAP area is zero. Further, given the low GB yellowtail flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2018 GB yellowtail flounder allocation.

12. Administrative Regulatory Corrections Under Secretarial Authority

This rule proposes to correct a minor error in the regulations that specify the apportionment of the common pool sub-ACLs among the trimesters. This change is proposed under the authority of section 305(d) of the Magnuson-Stevens Act, which states that the Secretary of Commerce may promulgate regulations necessary to ensure that FMPs or amendments are implemented in accordance with the Magnuson-Stevens Act. The proposed change to the regulations is necessary to correct a rounding error and ensure that not more than 100 percent of the common pool sub-ACL is allocated among the trimesters.

In § 648.82(n), the proportion of the common pool sub-ACLs allocated to each trimester for GB yellowtail flounder and GB winter flounder are corrected to sum to 100 percent to address a previous rounding error. The distribution of the common pool sub-ACLs into trimesters was adopted in Amendment 16 to the FMP and was based on landing patterns at that time. Due to a rounding error in the calculations, the apportionment of the TAC among trimesters for GB yellowtail flounder and GB winter flounder each adds up to 101 percent. Although this error has not lead to overages, we are correcting this error to ensure that not more than 100 percent of the common pool sub-ACL is allocated among the trimesters.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the National Marine Fisheries Service (NMFS) Assistant Administrator has made a preliminary determination that this proposed rule is consistent with Framework 57, other provisions of the Magnuson-Stevens Act, and other applicable law. In making the final determination, we will consider the data, views, and comments received during the public comment period.

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

This proposed rule does not contain policies with Federalism or takings implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual determination for this determination is as follows.

Periodic framework adjustments are used to revise the Northeast Multispecies Fishery Management Plan (FMP) in response to new information to support catch limits that prevent overfishing and other adjustments to improve management measures included in the FMP. Framework 57 proposes to revise groundfish catch limits for 20 groundfish stocks for fishing years 2018–2020 (May 1, 2018, through April 30, 2020), adjust several allocations and AMs for groundfish catch in non-groundfish fisheries, and make other administrative changes to groundfish management measures. Our analysis of the likely economic impacts of Framework 57 measures predicts that the proposed action will have positive impacts on fishing vessels, purchasers of seafood products, recreational anglers, and operators of party/charter businesses.

For purposes of the Regulatory Flexibility Act, NMFS established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The determination of whether the entity is large or small is based on the average annual revenue for the most recent 3 years for which data are available (from 2014 through 2016).

As of May 1, 2016 (beginning of fishing year 2016), NMFS had issued 899 limited access groundfish permits associated with vessels, 453 open access groundfish handgear permits, 733 limited access and general category Atlantic sea scallop permits, 766 small-mesh multispecies permits, 81 Atlantic herring permits, and 794 permits to vessels that are not permitted in the groundfish fishery but have been active in the large-mesh non-groundfish fishery over the past year. Therefore, this action potentially regulates 3,727 permits. Some of these permits are issued to the same vessel. When accounting for this overlap between fisheries, this action potentially regulates 2,393 permitted vessels. Each vessel may be individually owned or part of a larger corporate ownership structure. For RFA purposes, the proposed action ultimately regulates the ownership entity. Ownership entities are identified on June 1 of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2016 permits and contains gross sales associated with those permits for calendar years 2014 through 2016.

Based on the ownership data, 1,798 distinct business entities hold at least one permit that the proposed action potentially regulates. Of these, 205 are inactive and do not have revenues. Of the 1,798 entities, 1,789 entities are categorized as small, and 9 entities are categorized as large.

This action would set catch limits for groundfish stocks and revise AMs for numerous fisheries that catch groundfish species. These measures would enhance the operational flexibility of fishermen and increase profits. The measures proposed in Framework 57 are expected to have a positive economic effect on small entities because they are expected to generate $27 million in additional gross revenues, compared to expected gross revenues if no action is taken. The measures are also expected to generate $9 million in additional gross revenues relative to the most recent fishing year. Additional details of these economic analyses are included in Framework 57 (see **ADDRESSES**).

Description of Proposed Framework 57 Measures

Annual Catch Limits

This action would set 2018–2020 catch limits for 20 groundfish stocks and 2018 catch limits for the 3 stocks jointly managed with Canada (Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder) based on assessments completed in 2017.

Revisions to Common Pool Trimester Allocations

The common pool quota for each stock is split into trimester total allowable catches (TAC) in fixed proportions based on historic fishing effort, and this distribution has not been changed since 2010. Using recent data, Framework 57 revises the proportion of the TAC allocated to each trimester for six stocks that have experienced early closures in either Trimester 1 or 2 since 2012. Framework 57 would also grant authority to the Regional Administrator to modify future trimester TAC allocations under specific circumstances to help provide an opportunity to achieve the catch targets.

Revised Atlantic Halibut AM

Framework 57 would expand the existing zero-possession AM to all vessels issued a Federal permit, excluding vessels issued only a Federal multispecies charter/party permit, an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit.

When the total ACL is exceeded, groundfish vessels are also subject to several gear-restricted areas. Framework 57 would also revise the existing Atlantic halibut AM gear-restricted areas using updated information. The modifications would allow groundfish trawl and fixed gear vessels additional flexibility while continuing to reduce catch of halibut when the AMs are triggered.

Revised Southern Windowpane Flounder AM for Non-Groundfish Vessels

The proposed measure would scale the size of the southern windowpane AM area based on the condition of the stock and catch in the year after the overage for non-groundfish fisheries, but would not alter the AM trigger. Based on an updated evaluation of the existing AM areas, Framework 57 would allow reduced AM areas and seasons for non-groundfish trawl vessels using a 5-inch mesh or greater cod end.

Atlantic Scallop Fishery AM Policy

For fishing year 2018, the AM for the scallop fishery would only be triggered if the overall ACL for the stock is exceeded and the scallop fishery exceeds its sub-ACL. This change would be effective for 1 year, and is identical to the scallop fishery's AM trigger for GB yellowtail flounder and northern windowpane flounder.

Recreational Fishery Measures

Framework 57 would provide authority to the Regional Administrator to adjust recreational measures for GB cod in 2018 and 2019. This authority is intended to address recent increases in the recreational fishery catch of GB cod and to ensure the fishery does not exceed its catch target. Potential changes to the GB cod recreational measures would be proposed in a separate rule and the economic impacts on party/charter small entities would be analyzed under that action.

Overall, the measures proposed in Framework 57 are expected to have a positive economic effect on small entities. This action would provide additional fishing opportunities, enhanced operational flexibility, and increased profits to fishermen in the groundfish, scallop, summer flounder, scup, and skate fisheries.

This action is not expected to have a significant or substantial effect on small entities. The effects on the regulated small entities identified in this analysis are expected to be positive in comparison with the no action alternative, which would result in lower revenues and profits than under the proposed action. Under the proposed action, small entities would not be placed at a competitive disadvantage relative to large entities, and the regulations would not reduce the profits for any small entities relative to taking no action. Thus, this proposed rule would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 16, 2018.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, revise paragraphs (k)(18) and (20) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(18) *Trimester TAC AM.* It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fish for, harvest, possess, or land regulated species or ocean pout in or from the closed areas specified in § 648.82(n)(2)(ii) once such areas are closed pursuant to § 648.82(n)(2)(i).

* * * * *

(20) *AMs for both stocks of windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish.* It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, to fail to comply with the restrictions on fishing and gear specified in § 648.90(a)(5)(i)(D) through (H).

* * * * *

■ 3. In § 648.82, revise paragraph (n)(2)(i) to read as follows:

§ 648.82 Effort-control program for NE multispecies limited access vessels.

* * * * *

(n) * * *

(2)* * *

(i) *Trimester TACs*— (A) *Trimester TAC distribution.* With the exception of SNE/MA winter flounder, any sub-ACLs specified for common pool vessels pursuant to § 648.90(a)(4) shall be apportioned into 4-month trimesters, beginning at the start of the fishing year (*i.e.,* Trimester 1: May 1-August 31; Trimester 2: September 1-December 31; Trimester 3: January 1-April 30), as follows:

PORTION OF COMMON POOL SUB-ACLS APPORTIONED TO EACH STOCK FOR EACH TRIMESTER

Stock	Trimester 1 (percent)	Trimester 2 (percent)	Trimester 3 (percent)
GB cod	28	34	38
GOM cod	49	33	18
GB haddock	27	33	40
GOM haddock	27	26	47
GB yellowtail flounder	19	30	51
SNE/MA yellowtail flounder	21	28	51
CC/GOM yellowtail flounder	57	26	17
American plaice	74	8	18
Witch flounder	55	20	25
GB winter flounder	8	24	68
GOM winter flounder	37	38	25
Redfish	25	31	44
White hake	38	31	31
Pollock	28	35	37

(B) *Trimester TAC adjustment.* For stocks that have experienced early closures (*e.g.,* Trimester 1 or Trimester 2 closures), the Regional Administrator may use the biennial adjustment process specified in § 648.90 to revise the distribution of trimester TACs specified in paragraph (n)(2)(i)(A) of this section. Future adjustments to the distribution of trimester TACs shall use catch data for the most recent 5-year period prior to the reevaluation of trimester TACs.

* * * * *

■ 4. In § 648.89, add paragraph (g) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(g) *Regional Administrator authority for 2018 and 2019 Georges Bank cod recreational measures.* For the 2018 or 2019 fishing years, the Regional Administrator, after consultation with the NEFMC, may adjust recreational measures for Georges Bank cod to prevent the recreational fishery from exceeding the annual catch target of 138 mt. Appropriate measures, including adjustments to fishing seasons, minimum fish sizes, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with the final measures published in the **Federal Register** prior to the start of the fishing year when possible. Separate measures may be implemented for the private and charter/party components of the recreational fishery. Measures in place in fishing year 2019 will be in effect beginning in fishing year 2020, and will remain in effect until they are changed by a Framework Adjustment or Amendment to the FMP, or through an emergency action.

■ 5. Section 648.90 is amended by:
■ a. Removing reserved paragraph (a)(5)(i)(E);
■ b. Redesignating paragraphs (a)(5)(i)(D)(*1*) through (*4*) as paragraphs (a)(5)(i)(E) through (H);
■ c. Revising newly redesignated paragraphs (a)(5)(i)(E) through (H); and
■ d. Adding paragraph (a)(5)(iv)(C).

The revisions and addition read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(E) *Windowpane flounder.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(*5*) and (*6*) of this section, if NMFS determines the total catch exceeds the overall ACL for either stock of windowpane flounder, as described in this paragraph (a)(5)(i)(E), by any amount greater than the management uncertainty buffer, up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, the applicable large AM area(s) for the stock shall be implemented, as specified in this paragraph (a)(5)(i)(E), consistent with the Administrative Procedure Act. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

(*1*) If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to the multispecies fishery pursuant to paragraph (a)(4)(iii)(H)(*2*) of this section, the applicable AM area(s) shall be in effect year-round for any limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip.

(*2*) If an overage of the overall ACL for southern windowpane flounder is a result of an overage of the sub-ACL allocated to exempted fisheries pursuant to paragraph (a)(4)(iii)(F) of this section, the applicable AM area(s) shall be in effect for any trawl vessel fishing with a codend mesh size of greater than or equal to 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3). If triggered, the Southern Windowpane Flounder Small AM Area will be implemented from September 1 through April 30; the Southern Windowpane Flounder Large AM Areas 2 and 3 will be implemented year-round.

(*3*) If an overage of the overall ACL for southern windowpane flounder is a result of overages of both the multispecies fishery and exempted fishery sub-ACLs, the applicable AM area(s) shall be in effect for both the multispecies fishery and exempted fisheries as described in this paragraph (a)(5)(i)(E). If a sub-ACL for either stock of windowpane flounder is allocated to another fishery, consistent with the process specified at paragraph (a)(4) of this section, and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to paragraph (a)(5) of this section exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

(*4*) Windowpane AM Areas. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted.

Point	N latitude	W longitude
Northern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	67°40′
2	41°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	41°10′	67°40′
Northern Windowpane Flounder and Ocean Pout Large AM Area		
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′
Southern Windowpane Flounder and Ocean Pout Small AM Area		
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′
Southern Windowpane Flounder and Ocean Pout Large AM Area 1		
1	41°10′	71°50′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°50′
1	41°10′	71°50′
Southern Windowpane Flounder and Ocean Pout Large AM Area 2		
1	([1])	73°30′
2	40°30′	73°30′
3	40°30′	73°50′
4	40°20′	73°50′
5	40°20′	([2])
6	([3])	73°58.5′
7	([4])	73°58.5′
8	[5] 40°32.6′	[5] 73°56.4′
1	([1])	73°30′
Southern Windowpane Flounder Large AM Area 3		
1	41°10′	71°30′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°30′
1	41°10′	71°30′

[1] The southernmost coastline of Long Island, NY, at 73°30′ W longitude.

[2] The easternmost coastline of NJ at 40°20′ N latitude, then northward along the NJ coastline to Point 6.

[3] The northernmost coastline of NJ at 73°58.5′ W longitude.

[4] The southernmost coastline of Long Island, NY, at 73°58.5′ W longitude.

[5] The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.

(*5*) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that the stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the small AM may be implemented as described in paragraph (a)(5)(i)(D)(*1*) of this section, consistent with the Administrative Procedure Act. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting

exempted species specified in § 648.80(b)(3).

(*6*) *Reducing the duration of an AM.* If the northern or southern windowpane flounder AM is implemented in the third fishing year following the year of an overage, as described in paragraph (a)(5)(i)(D) of this section, and NMFS subsequently determines that the applicable windowpane flounder ACL was not exceeded by any amount the year immediately after which the overage occurred (*i.e.,* the second year), on or after September 1 the AM can be removed once year-end data are complete. This reduced duration does not apply if NMFS determines during year 3 that a year 3 overage of the applicable windowpane flounder ACL has occurred. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

(F) *Atlantic halibut.* If NMFS determines the overall ACL for Atlantic halibut is exceeded, as described in this paragraph (a)(5)(i)(F), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented and any vessel issued a Federal permit for any fishery management plan may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented, as specified in paragraph (a)(5)(i)(F) of this section. Vessels issued only a charter/party permit, and/or an Atlantic highly migratory species angling permit, and/or an Atlantic highly migratory species charter/headboat permit are exempt from the AM. A vessel issued a permit that is not exempt from the AM in addition to an exempt permit may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(F) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6); except that selective trawl gear is not required in the portion of the Trawl Gear AM Area between 41 degrees 40 minutes and 42 degrees from April 1 through July 31. When in effect, a limited access NE multispecies permitted vessel with gillnet gear may not fish or be in the Atlantic Halibut Fixed Gear AM Area from March 1 through October 31, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic halibut is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC HALIBUT TRAWL GEAR AM AREA

Point	N latitude	W longitude
1	42°00′	69°20′
2	42°00′	68°20′
3	41°30′	68°20′
4	41°30′	69°20′

ATLANTIC HALIBUT GILLNET GEAR AM AREA

Point	N latitude	W longitude
1	43°10′	69°40′
2	43°10′	69°30′
3	43°00′	69°30′
4	43°00′	69°40′

(G) *Atlantic wolffish.* If NMFS determines the overall ACL for Atlantic wolffish is exceeded, as described in this paragraph (a)(5)(i)(G), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented, as specified in this paragraph (a)(5)(i)(G). If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in this paragraph (a)(5)(i)(G), and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Wolffish Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Wolffish Fixed Gear AM Areas, unless transiting with its gear stowed and not available for immediate use as defined in § 648.2, or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic wolffish is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and AMs are developed for that fishery, the multispecies fishery AM shall only be implemented if the sub-ACL allocated to the multispecies fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC WOLFFISH TRAWL GEAR AM AREA

Point	N latitude	W longitude
1	42°30′	70°30′
2	42°30′	70°15′
3	42°15′	70°15′
4	42°15′	70°10′
5	42°10′	70°10′
6	42°10′	70°20′
7	42°20′	70°20′
8	42°20′	70°30′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 1

Point	N latitude	W longitude
1	41°40′	69°40′
2	41°40′	69°30′
3	41°30′	69°30′
4	41°30′	69°40′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 2

Point	N latitude	W longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

(H) *Ocean pout.* Unless otherwise specified in paragraphs (a)(5)(i)(E)(*5*) and (*6*) of this section, if NMFS determines the total catch exceeds the overall ACL for ocean pout, as described in paragraph (a)(5)(i)(E) of this section, by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, large AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(E) of this section, consistent with the Administrative Procedure Act. The AM areas for ocean pout are defined in paragraph (a)(5)(i)(E)(*4*) of this section, connected in the order listed by rhumb lines, unless otherwise noted. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6).

* * * * *

(iv) * * *

(C) *2018 fishing year threshold for implementing the Atlantic sea scallop fishery AM for SNE/MA yellowtail flounder.* For the 2018 fishing year, if the scallop fishery catch exceeds its SNE/MA yellowtail flounder sub-ACL specified in paragraph (a)(4) of this section, and total catch exceeds the overall ACL for that stock, then the applicable scallop fishery AM will take effect, as specified in § 648.64 of the Atlantic sea scallop regulations. Beginning in fishing year 2019, the threshold for implementing scallop fishery AMs for SNE/MA yellowtail flounder listed in paragraph (a)(5)(iv)(A) of this section will be in effect.

* * * * *

[FR Doc. 2018–05755 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180201108–8261–01]

RIN 0648–BH55

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2018 Recreational Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to set 2018 recreational management measures for Gulf of Maine cod and haddock and Georges Bank cod. This action is necessary to respond to updated catch and other scientific information. The proposed measures are intended to ensure the recreational fishery achieves, but does not exceed, its fishing year 2018 catch limits.

DATES: Comments must be received by April 6, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0040, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0040*
2. Click the ''Comment Now!'' icon, complete the required fields, and
3. Enter or attach your comments.

• *Mail:* Submit written comments to: Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Fishing Year 2018 Groundfish Recreational Measures.''

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).

Copies of the analyses supporting this rulemaking, including the Framework Adjustment 57 environmental assessment (EA) prepared by the New England Fishery Management Council, and draft supplemental EA to Framework Adjustment 57 prepared by the Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, are available from: Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Emily Keiley, Fishery Management Specialist, phone: 978–281–9116; email: *Emily.Keiley@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. Proposed Gulf of Maine Recreational Management Measures for Fishing Year 2018
2. Fishing Year 2018 Georges Bank Cod Recreational Management Measures
3. Regulatory Corrections

Background

Proposed Gulf of Maine Recreational Management Measures for Fishing Year 2018

The recreational fishery for Gulf of Maine (GOM) cod and haddock is managed under the Northeast Multispecies Fishery Management Plan (FMP). The FMP sets sub-annual catch limits (sub-ACL) for the recreational fishery for each fishing year for GOM cod and haddock. These sub-ACLs are a portion of the overall catch limit for each stock. The multispecies fishery opens on May 1 each year and runs through April 30 of the following calendar year. The FMP also includes recreational accountability measures (AM) to prevent the recreational sub-ACLs from being exceeded, or to correct the cause of an overage if one occurs.

The proactive AM provision in the FMP requires the Regional Administrator, in consultation with the New England Fishery Management Council, to develop recreational management measures for the upcoming fishing year to ensure that the recreational sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations.

For fishing year 2017, the recreational sub-ACL for GOM cod remained the same as 2016, and the recreational sub-ACL for GOM haddock increased 25 percent. In order to reduce cod catch and prevent subsequent overages, and because haddock management measures affect cod catch, both cod and haddock management measures were more conservative in 2017. This is because in 2016 cod catch increased more than predicted and the recreational sub-ACL was exceeded by 92 percent. Preliminary estimates of 2017 recreational GOM cod catch exceed the sub-ACL by 55 percent despite the more conservative management measures. Estimates of 2017 GOM haddock catch are less than half of the sub-ACL.

According to the 2017 stock assessments, the GOM cod and haddock stocks are increasing, although cod remains overfished and subject to a rebuilding plan. Framework Adjustment 57, a concurrent action, proposes 2018 ACLs based on the updated assessments. For 2018, the proposed haddock sub-ACL increases by 290 percent, from 1,160 mt to 3,358 mt, and the proposed cod sub-ACL increases from 157 to 220 mt. The recreational sub-ACLs are based on a fixed percentage of the total commercial ACLs. This action sets recreational management measures designed to achieve, but not exceed the recreational sub-ACLs.

As specified in Table 1, compared to the 2017 catch, the 2018 sub-ACLs would allow for a 78-percent increase in haddock catch, but would require an 11-percent reduction in cod catch. Status quo measures are projected to result in cod catch above the sub-ACL, and haddock catch below the sub-ACL. Because 2018 catch of cod under the status quo measures is projected to be above the cod sub-ACL, we are required, in consultation with the Council, to revise the GOM recreational measures for fishing year 2018.

TABLE 1—FISHING YEAR 2017 CATCH COMPARED TO FISHING YEAR 2017 AND 2018 SUB-ACLS

GOM stock	Estimated 2017 catch (mt)	2017 sub-ACL (mt)	Percent of FY 2017 sub-ACL caught	2018 sub-ACL (mt)	Change in 2017 catch to reach 2018 sub-ACL (percent)
Cod	244	157	155	220	−11
Haddock	740	1,160	64	3,358	78

Proposed Measures

We consulted with the Council and its Recreational Advisory Panel (RAP) in January 2018. The RAP and Council recommended status quo measures for GOM cod and haddock. Status quo measures are projected to constrain the catch of cod to the sub-ACL only if the Commonwealth of Massachusetts prohibits recreational anglers in state waters from retaining GOM cod. For-hire vessels in Massachusetts are prohibited from fishing for cod. Alternatively, the Council recommended implementing different measures for the private angler and for-hire components of the fishery if the Commonwealth of Massachusetts does not prohibit the possession of cod. Recent catch information suggests the for-hire fleet has been able to avoid cod bycatch when fishing for haddock more effectively than private anglers. As a result, the Council determined separate measures for each fleet would more effectively achieve the necessary cod reductions. The addition of a May closure for private anglers, combined with a reduction of the for-hire haddock possession limit is projected to keep cod catch below the sub-ACL.

A peer-reviewed bioeconomic model, developed by the Northeast Fisheries Science Center, was used to estimate 2018 recreational GOM cod and haddock mortality under various combinations of minimum sizes, possession limits, and closed seasons. Even when incorporating zero possession of GOM cod in Federal waters, but without an accompanying prohibition of recreational possession of cod by Massachusetts private anglers, the model estimates that the status quo measures for GOM haddock are not expected to constrain the bycatch of cod to the 2018 catch limit. The model estimates that the status quo haddock measures would result in cod catch of 226 mt and haddock catch of 920 mt (see Table 3), which would be 102 percent of the 220 mt cod sub-ACL and 27 percent of the haddock sub-ACL. If Massachusetts prohibits private angler possession of cod, status quo Federal measures for cod and haddock are expected to constrain cod catch to the sub-ACL. Predicted cod catch, under this scenario, is 193 mt. The Council's recommended, but non-preferred alternative does not rely on modifications to Massachusetts' recreational measures, but implements a new closure for the month of May for private anglers, and reduces the for-hire possession limit from 12 to 10 fish. Under this alternative cod catch is projected to be 198 mt.

Table 2 summarizes the status quo measures and the measures being proposed for comment, along with the model's estimates of catch and the likelihood of catch remaining below the sub-ACLs. At the time the model was run and presented to the Council for consideration, the preliminary GOM cod sub-ACL was estimated to be 200 mt, and the probabilities are based on this amount. We have since determined that the fishing year 2018 GOM cod sub-ACL will be 220 mt. The increased quota does not change the predicted cod catch under the different measures, but the probability that cod catch will be below the sub-ACL increases. Projected catch associated with the status quo measures still exceeds the updated sub-ACL, and the proposed alternatives do not change. We intend to update the model probabilities using the higher, updated sub-ACL and publish those results with the final rule for this action.

Table 2. Summary of the Status Quo Measures and the Proposed Measures, with Model Estimates of Catch and the Likelihood of Catch Remaining Below the sub-ACLs.

2018 Measures	Fleet	Haddock Possession Limit	Minimum Fish Size	Closed Season	Predicted Haddock Catch (mt)	Probability Haddock Catch Below sub-ACL[2]	Predicted Cod Catch (mt)	Probability Cod Catch Below sub-ACL[3]
Status Quo	Private	12 fish per angler	17 inches	3/1 - 4/14 9/17 - 10/31	920	100	226	19
	For-hire							
Council Preferred[1]	Private	12 fish per angler	17 inches	3/1 - 4/14 9/17 - 10/31	916	100	193	57
	For-hire							
Council Not-Preferred Alternative	Private	12 fish per angler	17 inches	3/1 - 4/14 5/1 - 5/31 9/17 - 10/31	839	100	198	51
	For-hire	10 fish per angler		3/1 - 4/14 9/17 - 10/31				

[1]This option requires that the Commonwealth of Massachusetts prohibit GOM cod possession by recreational anglers.

[2]The 2018 GOM haddock sub-ACL is 3,358 mt.

[3]The model assumed a GOM cod sub-ACL of 200 mt, the actual GOM cod sub-ACL is 220 mt.

The bioeconomic model's predicted probabilities that catch will remain at or below the sub-ACLs are informative. The model uses preliminary data from the Marine Recreational Information Program (MRIP). MRIP data are updated throughout the fishing year as new data arrives in different waves and older data is updated. Incorporation of new waves, or updates, may result in changes. The MRIP data are estimates and highly variable from year to year. This combination of factors makes it difficult to produce consistent predictions and to assess the underlying reasons for the discrepancies between the model's predicted catch and estimates of actual catch. The model has underestimated recreational catch historically, but its predictive power has been increasing in recent years. Recent measures have resulted in catch close to the sub-ACLs; however, a number of overages have still occurred. Increasing the probability of maintaining catch under the sub-ACL provides more confidence that the measures may keep catch within the sub-ACL despite this data uncertainty.

2. Fishing Year 2018 Georges Bank Cod Recreational Management Measures

As part of Framework 57 to the Northeast Multispecies FMP, the Council recommended to give the Regional Administrator authority to adjust the GB cod recreational management measures for fishing years 2018 and 2019. Framework 57 is intended to be implemented for the 2018 fishing year. Concurrent to the Framework 57 rulemaking, which is expected in March 2018, we are considering whether adjustments to GB cod recreational measures are necessary, should the framework be approved. This action was precipitated by an unusually high recreational catch estimate of GB cod in 2016 that contributed to an overage of the total ACL and acceptable biological catch. Unlike GOM cod and haddock, there is no recreational sub-ACL for GB cod and no accountability measures for the recreational fishery when an overage occurs. The Council did not consider a recreational sub-ACL in this action because of a lack of time to consider this issue. However, the Council recommended a catch target for us to use when considering adjustments to GB cod measures. The catch target is based on the most recent 5 year (calendar years 2012–2016) average recreational catch (138 mt). The Council expects that measures designed to achieve this target amount for the recreational fishery will help the overall fishery attain, but not exceed, its overall ACL. According to the 2017 updated assessment the stock remains in poor condition, but the GB cod stock biomass is increasing and supports an increase in the ACL consistent with this change. Based on the updated assessment the proposed 2018 overall ACL is increasing 139 percent compared to 2017.

With the exception of 2013, recreational catch of Georges Bank cod has been increasing (see Table 4). Recreational management measures for this stock have not been modified since 2010. For these reasons, we expect the increasing trend in recreational catch to continue.

Table 4: Georges Bank Cod Recreational Catch, Fishing Years 2012-2016

Georges Bank Cod (mt)	Fishing Year				
	2012	2013	2014	2015	2016
Total Catch	67.1	8	91.4	165	477.5

Since the Council meeting in December 2018, preliminary 2017 wave 6 MRIP data were released. Wave 6 (November–December) encompass the season for which GB recreational cod catches are historically the highest. The updated projection for fishing year 2017 recreational catch of GB cod is 120 percent lower than what was previously estimated and presented to the RAP and Council. The updated fishing year 2017 estimate is 51 mt. This reduction is not

consistent with the increasing trend in catch that has been observed since 2013. Given the inherent variability in the MRIP data, many recreational fisheries use a moving average when considering measures for subsequent years. Incorporating the updated 2017 catch estimate, the 3-year average (fishing years 2015–2017) recreational catch is 196 mt. This average is greater than the catch target, and recreational catch in 2015 and 2016 was greater than the catch target.

Proposed Measures

Due to the potential increase in cod encounters by recreational anglers, and the poor stock condition, the Council is recommending measures to limit the potential for extreme catch amounts of cod and facilitate enforcement of the measures. To meet this goal, the Council recommended setting a possession limit for the for-hire fleet. Currently private anglers have a 10-fish possession limit, and for-hire vessels have no limit. The proposed change would harmonize the private and for-hire restrictions while meeting capping potential cod interactions on a trip-by-trip basis. The Council also proposed an increase in the minimum size limit from 22 to 24 inches (55.88 to 60.96 cm). The proposed minimum size is consistent with the minimum size for recreationally caught cod in the GOM when that fishery is open. Also, a uniform size limit can help avoid confusion and aid enforcement. In 2016, approximately 40 percent of the cod landings were less than 24 inches. Thus, an increase to the minimum size we expect would reduce cod mortality relative to 2016 catch.

Unlike for the GOM recreational fishery, there is no model available to evaluate the probability of catch amounts for the Georges Bank management changes. However, past data shows that setting a possession limit and increasing the minimum size are effective techniques for reducing recreational catch. A possession limit will cap the amount of catch per trip and help meet the goal of limiting extreme events. Uniform size limits also will limit mortality as well as assist enforcement. The proposed fishing year 2018 recreational measures for Georges Bank cod are specified in Table 5, along with information on fishing year 2017 measures for comparison.

Table 5: Proposed Georges Bank Cod Recreational Management Measures for Fishing Year 2018 and Status Quo (Fishing Year 2017) Measures

2018 Options	Fleet	Georges Bank Cod Possession Limit	Minimum Fish Size	Open Season
Status Quo	Private	10	22 inches	5/1 - 4/30
	For-hire	Unlimited		
Council Reccomended	Private	10	24 inches	5/1 - 4/30
	For-hire			

We are seeking comments on the Council's trip and size limits in relation to preventing extreme recreational catches of GB cod, assisting enforcement, and avoiding the potential negative impacts on the commercial groundfish fishery from recreational catch that contributes to overall ACL overages. In particular, we are interested in the measures in relation to achieving the catch target and avoiding overages of the overall ACL in light of the new MRIP data and estimated 2017 recreational GB cod catch. Because of the variability in MRIP data, and the lack of a model to evaluate the effect of the proposed measures, it is difficult to determine the probability that measures may constrain harvest to the catch target. Additionally, because the recreational fishery does not receive an allocation for GB cod, there are no AMs for recreational vessels in the event the catch target or the overall ACL is exceeded. For 2018, the commercial groundfish fishery is required to payback the 2016 fishing year ACL overage.

3. Regulatory Corrections

This action also proposes several corrections to the regulatory text to improve clarity and consistency of the recreational regulations. The corrections in this action are proposed under the authority of section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which states that the Secretary of Commerce may promulgate regulations necessary to ensure that FMPs are implemented in accordance with the Magnuson-Stevens Act.

In § 648.89(c), we have adopted a new approach to present recreational possession limits to simplify and improve clarity of the regulations. Rather than stating possession limits and seasons exclusively through text, a table would be used. Explanatory information (*e.g.,* filleting exemption from minimum size) would still be in text form.

In § 648.14(k)(16), we propose to add the possession prohibitions for ocean pout and windowpane flounder by the recreational fishery. Possession, by the recreational fishery, of ocean pout and windowpane flounder is already prohibited. We are adding text to the prohibitions section to improve consistency and clarity of the regulations.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. Thus, this rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities, and also determines ways to minimize these impacts. The IRFA incorporates sections

of the preamble (**SUPPLEMENTARY INFORMATION**) and analyses supporting this rulemaking, including the Framework Adjustment 57 EA and the draft supplemental EA to Framework 57. A summary of the analysis follows (see **ADDRESSES**).

Description of the Reasons Why Action by the Agency Is Being Considered

Because the recreational measures currently in place for GOM cod and haddock are not expected to constrain fishing year 2018 catch to the cod sub-ACL, this action proposes new measures, as required by the FMP, to ensure that the previously established sub-ACL is not exceeded. This action also proposes new recreational measures for Georges Bank cod. These measures have been designed to achieve the catch target set in Framework 57.

Statement of the Objectives of, and Legal Basis for, This Proposed Rule

The FMP allows the Regional Administrator, in consultation with the Council, to modify the GOM recreational management measures for the upcoming fishing year to ensure that the sub-ACL is achieved, but not exceeded. The provisions authorizing this action can be found in § 648.89(f)(3) of the FMP's implementing regulations. One of the intended effects of this action is to reduce recreational catch of GOM cod. This action is necessary to ensure that the fishing year 2018 recreational GOM cod catch limit is not exceeded.

Framework 57, a concurrent action, proposes to give the Regional Administrator authority to change the Georges Bank cod recreational management measures for fishing years 2018 and 2019. Framework 57 also proposed a catch target of 138 mt. Limiting catch to this target amount is expected to help ensure that the overall ACL for this stock is not exceeded. Management measures proposed in this action are designed to achieve, but not exceed this target.

Description and Estimate of the Number of Small Entities to Which This Proposed Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfishing or shellfishing business (NAICS code 11411) as a firm with annual receipts (gross revenue) of up to $11.0 million for Regulatory Flexibility Act compliance purposes only. A small for-hire recreational fishing business is defined as a firm with receipts of up to $7.5 million (NAICS code 487210). Having different size standards for different types of fishing activities creates difficulties in categorizing businesses that participate in multiple fishing related activities. For purposes of this assessment, business entities have been classified into the SBA-defined categories based on which activity produced the highest percentage of average annual gross revenues from 2014–2016. This is the most recent 3-year period for which data are available. Ownership data in the Northeast permit database identify all individuals who own fishing vessels. Using this information, vessels can be grouped together according to common owners. The resulting groupings were treated as a fishing business for purposes of this analysis. Revenues summed across all vessels in a group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business.

The proposed regulations include closed seasons in addition to possession limits and size limits. For purposes of this analysis, it is assumed that all three types of recreational fishing restrictions may directly affect for-hire businesses. According to the FMP, it is unlawful for the owner or operator of a charter or party boat issued a valid multispecies permit, when the boat is carrying passengers for hire, to:

- Possess cod or haddock in excess of the possession limits.
- Fish with gear in violation of the regulations.
- Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod or haddock on board that was caught outside the GOM Regulated Mesh Area.

As the for-hire owner and operator can be prosecuted under the law for violations of the proposed regulations, for-hire business entities are considered directly affected in this analysis. Private recreational anglers are not considered ''entities'' under the RFA, and thus economic impacts on anglers are not discussed here.

For-hire fishing businesses are required to obtain a Federal charter/party multispecies fishing permit in order to carry passengers to catch cod or haddock. Thus, the affected businesses entities of concern are businesses that hold Federal multispecies for-hire fishing permits. While all business entities that hold for-hire permits could be affected by changes in recreational fishing restrictions, not all businesses that hold for-hire permits actively participate in a given year. The regulations affect the group of business entities who actively participate, *i.e.,* land fish. Latent fishing power (in the form of unfished permits) has the potential to alter the impacts on a fishery. However, it is not possible to predict how many of these latent business entities will or will not participate in this fishery in fishing year 2018.

The Northeast Federal landings database (*i.e.,* vessel trip report data) indicates that a total of 661 vessels held a multispecies for-hire fishing permit in 2016. This is the most recent full year of available data. Of the 661 for-hire permitted vessels, only 164 actively participated in the for-hire Atlantic cod and haddock fishery in fishing year 2016 (*i.e.,* reported catch of cod or haddock).

Using vessel ownership information developed from Northeast Federal permit data and Northeast vessel trip report data, it was determined that the 164 actively participating for-hire vessels are owned by 151 unique fishing business entities. The vast majority of the 151 fishing businesses were solely engaged in for-hire fishing, but some also earned revenue from shellfish and/or finfish fishing. For all but 23 of these fishing businesses, the revenue from for-hire fishing was greater than the revenue from shellfishing and the revenue from finfish fishing.

According to the SBA size standards, small for-hire businesses are defined as firms with annual receipts of up to $7.5 million. Small commercial finfishing or shellfishing businesses are defined as firms with annual receipts (gross revenue) of up to $11.0 million. Average annual gross revenue estimates calculated from the most recent 3 years (2014–2016) indicate that none of the 151 fishing business entities had annual receipts of more than $2.8 million from all of their fishing activities (for-hire, shellfish, and finfish). Therefore, all of the affected fishing business entities are considered ''small'' based on the SBA size standards. As a result, this action would not disproportionately affect small versus large for-hire business entities.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There are no proposed reporting, recordkeeping, or other compliance requirements.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

The proposed action does not duplicate, overlap, or conflict with other Federal rules.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

There are three options that were presented to the Council [(Framework 57 EA and draft Supplemental EA, *see* **ADDRESSES**) that would accomplish the objectives, but are not being proposed. Options 5 and 6 were only discussed by the Council, and while they would achieve the objective, were not selected. The options presented, but not proposed, were rejected either because they did not achieve the required cod sub-ACL, or they had significant negative impacts on the for-hire fleet (*e.g.,* Option 2, a May closure). The options proposed in this action minimize, to the extent practical, the impact on small entities.

Table 4—Projected Fishing Year 2018 Recreational Cod and Haddock Catch Under Alternative Measures

Table 4. Projected Fishing Year 2018 Recreational Cod and Haddock Catch under Alternative Measures

Option	Had Limit	Had Size	Had Closed Season	Total Mortality mt (Median)	Cod Limit	Cod Closed Season	Total Mortality mt (Median)	Angler Trips (Median)	Had ACL (out of 100 (Simulations)	Cod ACL (out of 100 (Simulations)*
0 (Status Quo)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	920	0	May-Apr	226	155,733	100	19
1 (Status Quo, no MA Cod Possession)	12	17"	Mar-Apr 14, Sep 17 - Oct 31	916	0	May-Apr	193	155,160	100	57
2 (Additional May Had Closure)	12	17"	Mar-Apr 14, May, Sep 17 - Oct 31	822	0	May-Apr	194	150,713	100	56
3 (No MA Cod Possession, no Had Minimum Size)	12		Mar-Apr 14, Sep 17 - Oct 31	979	0	May-Apr	213	162,543	100	34
4 (Additional May Had Closure, no Had Minimum Size)	12		Mar-Apr 14, May, Sep 17 - Oct 31	864	0	May-Apr	203	157,731	100	45
5 (Additional May Had Closure, 16" Had Minimum Size)	12	16"	Mar-Apr 14, May, Sep 17 - Oct 31	835	0	May-Apr	198	153,441	100	51
6 (Additional May Had Closure, 15" Had Minimum Size)	12	15"	Mar-Apr 14, May, Sep 17 - Oct 31	854	0	May-Apr	200	157,203	100	50
7 (Split Measures by Mode)	10 FH 12	17"	Mar-Apr 14, Sep 17 - Oct 31 Mar-Apr 14, May, Sep 17 - Oct 31	839	0	May-Apr	198	152,091	100	51

FY 2018 rec sub-ACLs: haddock = 3,358 mt, cod = 220 mt - payback

*Assumes a cod sub-ACL of 200 mt

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 16, 2018

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14, add paragraphs (k)(16)(viii) and (ix) to read as follows:

§ 648.14 Recreational and charter/party vessel restrictions.

(k) * * *

(16) * * *

(viii) *Ocean pout.* If fishing under the recreational or charter/party regulations, possess ocean pout.

(ix) *Windowpane flounder.* If fishing under the recreational or charter/party regulations, possess windowpane flounder.

* * * * *

■ 3. In § 648.89, revise paragraphs (b) and (c) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

(b) *Recreational minimum fish sizes*—(1) *Minimum fish sizes.* Unless further restricted under this section, persons aboard charter or party boats permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and private recreational fishing vessels in or possessing fish from the EEZ, may not possess fish smaller than the minimum fish sizes, measured in total length, as follows:

Species	Minimum size	
	Inches	cm
Cod:		
Inside GOM Regulated Mesh Area [1]	24	61.0
Outside GOM Regulated Mesh Area [1]	24	61.0
Haddock:		
Inside GOM Regulated Mesh Area [1]	17	43.2
Outside GOM Regulated Mesh Area [1]	18	45.7
Pollock	19	48.3
Witch Flounder (gray sole)	14	35.6
Yellowtail Flounder	13	33.0
American Plaice (dab)	14	35.6
Atlantic Halibut	41	104.1
Winter Flounder (black back)	12	30.5
Redfish	9	22.9

[1] GOM Regulated Mesh Area specified in § 648.80(a).

(2) *Exceptions*—(i) *Fillet size.* Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(ii) *Transiting.* Vessels in possession of cod or haddock caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area with cod and haddock that meet the minimum size specified for fish caught outside the GOM Regulated Mesh Area specified in § 648.80(b)(1), provided all bait and hooks are removed from fishing rods, and any cod and haddock on board has been gutted and stored.

(3) Fish fillets, or parts of fish, must have at least 2 square inches (5.1 square cm) of skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. The skin must be contiguous and must allow ready identification of the fish species.

(c) *Possession Restrictions*—(1) *Private recreational vessels.* Persons aboard private recreational fishing vessels in or possessing fish from the EEZ, during the open season listed in the column titled ''Open Season'' in Table 1 to paragraph (c), may not possess more fish than the amount listed in the column titled ''Possession Limit'' in Table 1 to paragraph (c).

(i) *Closed season.* Persons aboard private recreational fishing vessels may not possess species, as specified in the column titled ''Species'' in Table 1 to paragraph (c), in or from the EEZ during that species closed season as specified in the column titled ''Closed Season'' in Table 1 to paragraph (c).

TABLE 1 TO PARAGRAPH (c)

Species	Open season	Possession limit	Closed season
GB Cod	All Year	10	N/A.
GOM Cod	CLOSED	No retention	All Year.
GB Haddock	All Year	Unlimited	N/A.
GOM Haddock	June 1–September 16; November 1–February 28 (or 29); April 15–30.	12	September 17–October 31; March 1–April 14; May 1–31.
GB Yellowtail Flounder	All Year	Unlimited	N/A.
SNE/MA Yellowtail Flounder	All Year	Unlimited	N/A.
CC/GOM Yellowtail Flounder	All Year	Unlimited	N/A.
American Plaice	All Year	Unlimited	N/A.
Witch Flounder	All Year	Unlimited	N/A.
GB Winter Flounder	All Year	Unlimited	N/A.

TABLE 1 TO PARAGRAPH (c)—Continued

Species	Open season	Possession limit	Closed season
GOM Winter Flounder	All Year	Unlimited	N/A.
SNE/MA Winter Flounder	All Year	Unlimited	N/A.
Redfish	All Year	Unlimited	N/A.
White Hake	All Year	Unlimited	N/A.
Pollock	All Year	Unlimited	N/A.
N Windowpane Flounder	CLOSED	No retention	All Year.
S Windowpane Flounder	CLOSED	No retention	All Year.
Ocean Pout	CLOSED	No retention	All Year.
Atlantic Halibut	See paragraph (c)(3)		
Atlantic Wolffish	CLOSED	No retention	All Year.

(2) *Charter or Party Boats.* Persons aboard party or charter boats in or possessing fish from the EEZ, during the open season listed in the column titled ''Open Season'' in Table 2 to paragraph (c), may not possess more fish than the amount listed in the column titled ''Possession Limit'' in Table 2 to paragraph (c).

TABLE 2 TO PARAGRAPH (c)

Species	Open season	Possession limit	Closed season
GB Cod	All Year	10	N/A.
GOM Cod	CLOSED	No retention	All Year.
GB Haddock	All Year	Unlimited	N/A.
GOM Haddock	May 1–September 16; November 1–February 28 (or 29); April 15–30.	10	September 17–October 31; March 1–April 14.
GB Yellowtail Flounder	All Year	Unlimited	N/A.
SNE/MA Yellowtail Flounder	All Year	Unlimited	N/A.
CC/GOM Yellowtail Flounder	All Year	Unlimited	N/A.
American Plaice	All Year	Unlimited	N/A.
Witch Flounder	All Year	Unlimited	N/A.
GB Winter Flounder	All Year	Unlimited	N/A.
GOM Winter Flounder	All Year	Unlimited	N/A.
SNE/MA Winter Flounder	All Year	Unlimited	N/A.
Redfish	All Year	Unlimited	N/A.
White Hake	All Year	Unlimited	N/A.
Pollock	All Year	Unlimited	N/A.
N Windowpane Flounder	CLOSED	No retention	All Year.
S Windowpane Flounder	CLOSED	No retention	All Year.
Ocean Pout	CLOSED	No retention	All Year.
Atlantic Halibut	See Paragraph (c)(3)		
Atlantic Wolffish	CLOSED	No retention	All Year.

(3) *Atlantic halibut.* Vessels permitted under this part, and recreational fishing vessels fishing in the EEZ, may not possess more than one Atlantic halibut on board the vessel.

(4) *Accounting of daily trip limit.* For the purposes of determining the per day trip limit for cod and haddock for private recreational fishing vessels and charter or party boats, any trip in excess of 15 hours and covering 2 consecutive calendar days will be considered more than 1 day. Similarly, any trip in excess of 39 hours and covering 3 consecutive calendar days will be considered more than 2 days and, so on, in a similar fashion.

(5) *Fillet conversion.* For purposes of counting fish for cod and haddock for private recreational fishing vessels and charter or party boats, if fish are filleted, fillets will be converted to whole fish by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(6) *Application of possession limit.* Cod and haddock harvested by recreational fishing vessels in or from the EEZ with more than one person aboard may be pooled in one or more containers. If cod or haddock have been pooled into one or more containers, compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(7) *Storage.* Cod and haddock must be stored so as to be readily available for inspection.

* * * * *

[FR Doc. 2018–05811 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 56

Thursday, March 22, 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

Forest Service

Rogue-Umpqua Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Rogue-Umpqua Resource Advisory Committee (RAC) will meet in Roseburg, Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. RAC information can be found at the following website: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcwWAAS.*

DATES: The meeting will be held on April 4, 2018, at 9:30 a.m.

All RAC meetings are subject to cancellation. For 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 Umpqua National Forest (NF) Supervisor's Office, Diamond Lake Conference Room, 2900 Northwest Stewart Parkway, Roseburg, Oregon.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Rogue River-Siskiyou National Forest Office, 3040 Biddle Road, Medford, Oregon. Please call ahead at (541) 618–2200 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Chamise Kramer, Public Affairs Specialist, by phone at (541) 618–2051 or via email at *chamisekramer@fs.fed.us.*

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 projects previously authorized under Title II of the Act; and

2. Review and make proposed fee changes for fee sites on the Rogue River-Siskiyou National Forest.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 19, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before the meeting. Written comments and requests for time to make oral comments must be sent to Chamise Kramer, Public Affairs Specialist, Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, Oregon, 97504; by email *Rogue_River-Siskiyou_RecFee@fs.fed.us,* or via facsimile to (541) 618–2400.

Meeting Accommodations: If you 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, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 6, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–05770 Filed 3–21–18; 8:45 am]

BILLING CODE 3415–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Region Recreation Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Region Recreation Resource Advisory Committee (Recreation RAC) will meet in Baltimore, Maryland. The Recreation RAC is authorized pursuant with the Federal Lands Recreation Enhancement Act (the Act), and the Federal Advisory Committee Act (FACA). Additional information concerning the Recreation RAC can be found by visiting the Recreation RAC's website at: *http://www.fs.usda.gov/main/r9/recreation/racs.*

DATES: The meeting will be held on Thursday, April 19, 2018, from 1:00 p.m. to 4:30 p.m. and Friday, April 20, 2018, from 8:00 a.m. to 4:30 p.m. Eastern Standard Time (EST).

All Recreation RAC meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under the **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites Downtown Baltimore Inner Harbor, 101 South President Street, Baltimore, Maryland 21202. The meeting will also be available via teleconference. For anyone who would like to attend via teleconference, please visit the website in the **SUMMARY** section or contact Joanna Wilson at *jwilson08@fs.fed.us.*

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 Eastern Region Regional Office located at 626 East Wisconsin Avenue, Milwaukee, Wisconsin. Please call 541–860–8048 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Joanna Wilson, Eastern Region Recreation RAC Coordinator, by phone at 541–860–8048 or by email at *jwilson08@fs.fed.us.*

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:

Review the following fee proposals:

a. Regional fee consistency approach;

b. Monongahela National Forest fee proposals which include the Hopkins Cabin;

c. Wayne National Forest fee proposals reducing trail permit fees for off-highway vehicle (OHV) users and eliminating fees for horse and mountain bike users;

d. Hiawatha National Forest fee proposals for Grand Island;

e. Chequamegon-Nicolet National Forest fee proposals including new fees at day use sites and one cabin rental, and fee increases for overnight sites; and

f. Green Mountain Finger Lakes National Forest fee proposals including new fee at Silver Lake Campgrounds, Texas Falls Day Use Area Pavilion, Grout Pond Campground, Backbone Horse Camp and Potomac Group Camp and Pavilion and fee increases at Chittenden Brook, Moosalamoo Campground, Hapgood Pond Campground, Hapgood Pond Day Use, Hapgood Pond Group Picnic sites, and Blueberry Patch Recreation Area.

Details on all fee proposals can be found by visiting the website in the **SUMMARY** section.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes. Individuals wishing to make an oral statement should request in writing by April 9, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Recreation RAC may file written statements with the Committee's staff before or after the meeting. Written comments and time requests for time to make oral comments must be sent to Joanna Wilson, Eastern Region Recreation RAC Coordinator, 855 South Skylake Drive, Woodland Hills, Utah 84653; or by email to *jwilson08@fs.fed.us*.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by case basis.

Dated: March 6, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–05773 Filed 3–21–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Notice of Correction to Federal Register Notice for Pilot of USPS Postal Carriers as Census Enumerators During 2018 End-to-End Census Test

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of correction.

SUMMARY: On September 20, 2017, the Census Bureau published a notice, **Federal Register** Document 2017–20036 (**Federal Register** Volume 82, Number 181, Pages 43934–43935), proposing to conduct a proof of concept study on the use of the United States Postal Service (USPS) Postal Carriers as Census Enumerators in conjunction with the 2018 End-to-End Census Test—Peak Operations. This notice corrects **Federal Register** Document 2017–20036 to cancel this collection after the **Federal Register** Notice was published for public comment.

SUPPLEMENTARY INFORMATION: The Census Bureau cancelled the proof of concept study after determining during discussions with USPS that postal carriers had certain disclosure obligations that made it impossible for them to comply with the strict legal confidentiality requirements under Title 13 governing Census data.

The Census Bureau received a total of twelve sets of comments on the initial **Federal Register** Notice posting, none of which were dispositive. Two sets of comments requested more information or materials about who would be performing enumeration in special situations, including deployed military and others living outside the country at the time of enumeration. The Census Bureau has special operations and procedures for enumeration of people in these situations, and the proposal for use of USPS Postal Carriers as Census Enumerators did not extend to special operations.

Three sets of comments generally expressed support for conducting the pilot. One commenter noted that mail carriers know their area of delivery and the people who live there, also expressing a general concern for the safety of those performing enumeration activities. Another commenter suggested that part-time carriers would be better as enumerators than full-time carriers due to schedule flexibility and hourly wages, as well as knowledge of more than one carrier route. The third commenter thought the idea was potentially good, but that care would be required in a nationwide implementation and that results from the pilot test would be important.

Seven sets of comments expressed concerns about using Postal Carriers to conduct enumeration activities. These comments generally noted that Postal Carriers already work full-time jobs, that Postal Carriers' familiarity with addresses does not necessarily translate into knowledge of the people living at those addresses, and that using Postal Carriers instead of Census employees would not be economically expedient. The latter comment also referenced a Government Accountability Office report that studied the use of Postal Carriers to conduct enumeration activities. Other commenters stated that Postal Carriers and Enumerators require different skill sets to perform in their respective positions and that using Postal Carriers for enumeration could endanger the public perception of Postal Carriers. Yet other comments stated that the test site was not representative of the communities that typically do not self-respond, that the relationship between Postal Carriers and their customers could affect the quality and completeness of data collected, and that enumerating a housing unit could alter the long-term relationship between Postal Carriers and the residents of that housing unit.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–05874 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Service Annual Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before May 21, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Andrew Baer, U.S. Census Bureau, 8K057, Washington, DC 20233–6500, 301–763–3183, *Andrew.L.Baer@Census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Service Annual Survey (SAS), produces annual nationwide estimates of revenue and expenses for service industries. These service industries include all or portions of the following North American Industry Classification System (NAICS) sectors: Utilities (NAICS 22); Transportation and Warehousing (NAICS 48 and 49); Information (NAICS 51); Finance and Insurance (NAICS 52); Real Estate and Rental and Leasing (NAICS 53); Professional, Scientific and Technical Services (NAICS 54); Administrative and Support and Waste Management and Remediation Services (NAICS 56); Educational Services (NAICS 61); Health Care and Social Assistance (NAICS 62); Arts, Entertainment, and Recreation (NAICS 71); Accommodation and Food Services (NAICS 72); and Other Services (NAICS 81).

For most industries, SAS produces estimates of revenue for selected detailed products. The program also collects and publishes information about sales generated from electronic sources (e-commerce). Inventory estimates are produced for selected industries in the Transportation and Information sectors. For industries with a significant non-profit component, separate estimates are developed for taxable firms and organizations exempt from federal income tax.

The Census Bureau is authorized by Title 13, United States Code, to conduct surveys necessary to furnish current data on subjects covered by the major censuses. These surveys provide continuing and timely national statistical data for the period between economic censuses. The SAS is one of multiple Census Bureau surveys that fulfill this role.

Data from the Service Annual Survey are needed to provide a sound statistical basis for the formation of policy by various governmental agencies, private businesses, and trade associations, among other users. The media and the public also rely on these data to understand the health of the U.S. service sector. The Bureau of Economic Analysis, the primary Federal user of these annual program statistics, uses the information in developing the national income and product accounts, compiling benchmark and annual input-output tables, and computing Gross Domestic Product by industry. The Bureau of Labor Statistics uses the data as inputs to its Producer Price Index and in developing productivity measurements. The Centers for Medicare and Medicaid Services use the data in the development of the National Health Expenditure Accounts. The Federal Communications Commission (FCC) uses the data as a means for assessing FCC policy. The Census Bureau uses the data to provide new insight into changing structural and cost conditions that will impact the planning and design of future Economic Census questionnaires.

Among the many private sector entities that rely on SAS data, trade and professional organizations, like the Coalition of Service Industries, use the data to analyze industry trends and benchmark their own statistical programs, develop forecasts, and evaluate regulatory requirements. Private businesses use the data to measure market share, analyze business potential, and plan investment decisions. Private industry also uses the data as a tool for marketing analysis. The media uses the data for news reports and background information.

Through the SAS, the Census Bureau collects data from all of the largest firms in the services sector and from a sample of small- and medium-sized businesses selected using a stratified sampling procedure. The Census Bureau reselects the samples periodically, generally at 5-year intervals. The largest firms in a given industry are always in the sample, while nearly all of the small- and medium-sized firms from the prior sample are replaced following the reselection process. The Census Bureau uses a secure online reporting instrument (Centurion) for all SAS data collection. This electronic system of reporting allows respondents easier access, and more convenience and flexibility than paper survey forms. In rare cases where the company has no access to the internet, the Census Bureau can arrange for the company to provide data to an analyst via telephone.

In an effort to continue to provide quality data, reduce respondent burden, and increase clarity of the surveys, forms have been examined and will be revised where needed. Current research is being conducted to evaluate the possibility of removing expense questions from some or all forms. In addition, a new question about the incidence of telemedicine will be tested as a possible addition to the form for ambulatory health care service providers.

II. Method of Collection

The Census Bureau collects this information via the internet, but in rare cases when respondents have no access to the internet, the Census Bureau will collect the information by telephone.

III. Data

OMB Control Number: 0607–0422.

Form Number(s): The Service Annual Survey program consists of more than 170 unique forms for respondents in different industries, which are too extensive to list here. All SAS forms can be viewed at *https://www.census.gov/programs-surveys/sas/technical-documentation/questionnaire-app.html*.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions and Government hospitals located in the United States.

Estimated Number of Respondents: 90,590.

Estimated Time per Response: 3 to 6 hours depending on form.

Estimated Total Annual Burden Hours: 337,958.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–05871 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–19–2018]

Foreign-Trade Zone 283—Western Tennessee Area; Application for Reorganization, (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Northwest Tennessee Regional Port Authority, grantee of Foreign-Trade Zone 283, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 19, 2018.

FTZ 283 was approved under the ASF by the FTZ Board on October 11, 2012 (Board Order 1851, 77 FR 64463–64464, October 22, 2012), and the service area was expanded on March 1, 2017 (Board Order 2030, 82 FR 13578, March 14, 2017). The zone currently has a service area that includes the Counties of Dyer, Gibson, Haywood, Lake, Lauderdale, Madison, Obion, Tipton, Fayette, Hardeman and McNairy, Tennessee.

The applicant is now requesting authority to expand the service area of the zone to include Crockett County as well as portions of Weakley, Henry, Carroll and Henderson Counties, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Memphis Customs and Border Protection Port of Entry.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is May 21, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 5, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.* For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: March 19, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–05835 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Volodymyr Nedoviz, Hudson County Correctional Facility, 30–35 Hackensack Avenue, Kearney, NJ 07032, and with a prior known address at: Pekarskaya Street, Building 37, Apt. 10, Lvov, Ukraine 79000

On January 11, 2018, in the U.S. District Court for the Eastern District of New York, Volodymyr Nedoviz (''Nedoviz'') was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) (''AECA''). Specifically, Nedoviz was convicted of knowingly, intentionally and willfully exporting and attempting to export from the United States to Ukraine night vision and thermal imaging equipment designated as defense articles on the United States Munitions List, namely an Armasight Zeus-Pro 640 2–16x50 (60Hz) Thermal Imaging sighting instrument, without the required U.S. Department of State license. Nedoviz was sentenced to time served, two years of supervised release, a criminal forfeiture of $2,500, and a special assessment of $100.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'')[1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the EAA [Export Administration Act], the EAR, or any order, license, or authorization issued thereunder; any regulation, license or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)); or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the Export Administration Act (''EAA'' or ''the Act''), 50 U.S.C. 4610(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. 4610(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued pursuant to the Act or the Regulations in which the person had an interest at the time of his/her conviction.

BIS has received notice of Nedoviz's conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Nedoviz to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS has not received a submission from Nedoviz.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Nedoviz's export

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2017). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (available at *http://uscode.house.gov*)) (''EAA'' or ''the Act''). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2017 (82 FR 39005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)).

privileges under the Regulations for a period of 10 years from the date of Nedoviz's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Nedoviz had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

First, from the date of this Order until January 11, 2028, Volodymyr Nedoviz, currently with an address at Hudson County Correctional Facility, 30–35 Hackensack Avenue, Kearny, NJ 07032, and with a prior known address of Pekarskaya Street, Building 37, Apt. 10, Lvov, Ukraine 79000, when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Nedoviz by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Nedoviz may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Nedoviz and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 11, 2028.

Issued this 16th day of March 2018.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2018–05830 Filed 3–21–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal Zone Management Program Administration

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, and to solicit public comment on the revised and updated CZMA Section 306A Guidance.

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

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Patmarie S. Nedelka, (240) 533–0725, or *patmarie.nedelka@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection and to solicit public comment on the revised and updated CZMA Section 306A Guidance.

In 1972, in response to intense pressure on United States (U.S) coastal resources, and because of the importance of U.S. coastal areas, the U.S. Congress passed the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 et. seq. The CZMA authorized a federal program to encourage coastal states and territories to develop comprehensive coastal management programs. The CZMA has been reauthorized on several occasions, most recently with the enactment of the Coastal Zone Protection Act of 1996. (CZMA as amended). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Services (NOS).

The coastal zone management grants provide funds to states and territories to: Implement federally-approved coastal management programs; complete information for the Coastal Zone Management Program (CZMP) Performance Management System; develop multi-year program assessments and strategies to enhance their programs within priority areas under Section 309 of the CZMA; submit documentation as described in the CZMA Section 306A on the approved coastal zone management

programs; submit requests to update their federally-approved programs through amendments or program changes; and develop and submit state coastal nonpoint pollution control programs (CNP) as required under Section 6217 of the Coastal Zone Act Reauthorization Amendments.

Revisions:

1. The CZMA Section 306A guidance and project questionnaire have been updated to reduce confusion. The 306A Guidance and project questionnaire currently in use were developed in 1999 and need to be updated to ensure consistency with NOAA/NOS environmental compliance policies or grants requirements, and CZMA national strategic priorities, such as community resilience. The revised 306A guidance and questionnaire will provide clarification on the collection of project information and resolve confusion over grants management timelines. The current guidance and proposed revisions can be found at *https://coast.noaa.gov/czm/guidance/*. Based on recent experience, the time estimate for completing the questionnaire and collecting the necessary documentation is being increased from 5 hours to 15 hours per project.

2. An electronic system is being developed to improve the routine program change submission process and will replace the current paper-only submission process. The new site will provide the following functionalities: Make active program change documents electronically available to the public, states and federal agencies; Provide electronic notices to state agencies, federal agencies and the public of state program change submissions, OCM decision deadlines and OCM decisions; Automatically notify federal agencies, states and members of the public who request such notifications via email; Allow federal agencies and the public to submit comments to OCM on individual state program change submissions; Allow ability of OCM staff to upload text-searchable PDF documents that are part of program changes. These uploads need to be allowable on a daily basis, and need to be uploaded into a publicly available database. The database should have the ability to contain information for each program change (as in what is currently included in the Microsoft Access database) and to hold associated program change documents; Allow the ability to provide electronic notices to state agencies, federal agencies and the public by adding the notices to the online database and also automatically sending them to a particular list of contacts; and Provide an area on the website/database interface for interested parties to request to be added to the automatic notification contact list. The system is currently being designed and will undergo beta testing later this year. Respondents will have the ability to make their submissions using the new system or by paper until the system is fully operational and accurate, which is expected to be within one year.

II. Method of Collection

Respondents have a choice of electronic or paper formats for submitting program documents, assessment and strategy documents, and other required materials. Grant applications are submitted electronically via *Grants.gov* and performance reports are submitted electronically through NOAA Grants Online. Performance measurement data is submitted through an online database. Methods of submittal for other program documents and required materials include electronic submittal via email, mail and facsimile transmission of paper forms, or submittal of electronic files on compact disc.

III. Data

OMB Control Number: 0648–0119.

Form Number: None.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: State, Local and Tribal Governments.

Estimated Number of Respondents: 34.

Estimated Time per Response: Performance reports, 27 hours; assessment and strategy documents, 240 hours; Section 306A questionnaire and documentation, 15 hours; amendments and routine program changes, 16 hours; CNP documentation, 320 hours; CZMA Performance Management System, 24 hours.

Estimated Total Annual Burden Hours: 6,280 hours.

Estimated Total Annual Cost to Public: $850 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) proposed changes or questions concerning the revised and updated CZMA Section 306A Guidance.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–05804 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG096

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 Joint Herring Advisory Panel and Committee on Wednesday, April 4, 2018 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, April 4, 2018 at 9 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Holiday Inn Logan Airport, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

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 Herring Advisory Panel (AP) will meet with the Herring Committee (CTE) to review and provide recommendations on a draft white paper considering the addition of river herring and shad as stocks in the Atlantic herring fishery. The AP and CTE will review the final

report from the herring and mackerel fishery electronic monitoring project, as well as any associated correspondence. The group will consider whether electronic monitoring/portside sampling is an adequate substitute for at-sea monitoring coverage aboard mid-water trawl vessels, and make recommendations to the Council to consider as they relate to the Industry-Funded Monitoring Amendment. The group will also discuss how recent river herring/shad bycatch accountability measures triggered in the mackerel fishery could impact the 2018 herring fishing season. The Mid-Atlantic Fishery Management Council is potentially considering measures to address this issue in the 2019–21 specifications process. Other business may be discussed if 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 these meetings. 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. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. 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.

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. 2018–05771 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration (NOAA).

Title: Shipboard Observation Form for Floating Marine Debris.

OMB Control Number: 0648–0644.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 5.

Average Hours per Response: 30 minutes.

Burden Hours: 3.

Needs and Uses: This request is for extension of a currently approved information collection.

This data collection project is coordinated by the NOAA Marine Debris Program, and involve recreational and commercial vessels (respondents), shipboard observers (respondents), NGOs (respondents) as well as numerous experts on marine debris observations at sea. The Shipboard Observation Form for Floating Marine Debris was created based on methods used in studies of floating marine debris by established researchers, previous shipboard observational studies conducted at sea by NOAA, and the experience and input of recreational sailors. The goal of this form is to be able to calculate the density of marine debris within an area of a known size. Additionally, this form will help collect data on potential marine debris resulting from future severe marine debris generating events in order to better model movement of the debris as well as prepare (as needed) for debris arrival. This form may additionally be used to collect data on floating marine debris in any water body.

Affected Public: Individuals or households; not for profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–05802 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration (NOAA).

Title: Coral Reef Conservation Program Administration.

OMB Control Number: 0648–0448.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 89.

Average Hours per Response: Match waiver request, 1.5 hours; proposal comments, 2 hours.

Burden Hours: 157.

Needs and Uses: This request is for extension of a currently approved information collection.

The Coral Reef Conservation Act of 2000 (Act) was enacted to provide a framework for conserving coral reefs. The Coral Reef Conservation Grant Program, under the Act, provides funds to broad-based applicants with experience in coral reef conservation to conduct activities to protect and conserve coral reef ecosystems. The information submitted by applicants is used to determine if a proposed project is consistent with the NOAA coral reef conservation priorities and the priorities of authorities with jurisdiction over the area where the project will be carried out. As part of the application, NOAA requires a Data and Information Sharing Plan in addition to the standard required application materials.

Affected Public: Not-for-profit institutions; state, local and tribal governments; federal government.

Frequency: Annually or biennially.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–05801 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce 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: National Oceanic and Atmospheric Administration (NOAA).

Title: Cooperative Gamefish Tagging Report.

OMB Control Number: 0648–0247.

Form Number(s): NOAA Form 88–162.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 10,000.

Average Hours per Response: 2 minutes.

Burden Hours: 333.

Needs and Uses: The Cooperative Game Fish Tagging Program was initiated in 1971 as part of a comprehensive research program resulting from passage of Public Law 86–359, Study of Migratory Game Fish, and other legislative acts under which the National Marine Fisheries Service (NMFS) operates. The Cooperative Tagging Center attempts to determine the migration patterns of, and other biological information for, billfish, tunas, and swordfish. The fish tagging report is provided to the angler with the tags, and he/she fills out the card with the information when a fish is tagged and mails it to NMFS. Information on each species is used by NMFS to determine migratory patterns, distance traveled, stock boundaries, age, and growth. These data are necessary input for developing management criteria by regional fishery management councils, states, and NMFS.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–05803 Filed 3–21–18; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2 018–0001]

Request for Information Regarding Bureau Civil Investigative Demands and Associated Processes

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice; extension of comment period.

SUMMARY: On January 26, 2018, the Bureau of Consumer Financial Protection (Bureau) published a Request for Information Regarding Bureau Civil Investigative Demands and Associated Processes (RFI), which provided that comments must be received on or before March 27, 2018. On February 22, 2018, the Bureau received a letter from two industry trade associations requesting a 30-day comment period extension for this RFI and for two other Bureau Requests for Information. The additional time is requested in order to allow commenters to develop meaningful responses to the RFI and the other identified Requests for Information. The Bureau believes the extension will allow all stakeholders the opportunity to provide more robust responses. In response to this request, the Bureau has determined that a 30 day extension of the comment period is appropriate.

DATES: The comment period for the Request for Information Regarding Bureau Civil Investigative Demands and Associated Processes, published January 26, 2018, at 83 FR 3686 has been extended. Comments must now be received on or before April 26, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0001, 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–2018–0001 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: Mark Samburg, Counsel, at 202–435–9710. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

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

Dated: March 16, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–05783 Filed 3–21–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0003]

Request for Information Regarding Bureau Enforcement Processes

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice; extension of comment period.

SUMMARY: On February 12, 2018, the Bureau of Consumer Financial Protection (Bureau) published a Request for Information Regarding Bureau Enforcement Processes (RFI), which provided that comments must be received on or before April 13, 2018. On February 22, 2018, the Bureau received a letter from two industry trade associations requesting a 30-day comment period extension for this RFI and for two other Bureau Requests for Information. The additional time is requested in order to allow commenters to develop meaningful responses to the RFI and the other identified Requests for Information. The Bureau believes the extension will allow all stakeholders the opportunity to provide more robust responses. In response to this request, the Bureau has determined that a 30 day extension of the comment period is appropriate.

DATES: The comment period for the Request for Information Regarding Bureau Enforcement Processes, published February 12, 2018, at 83 FR 5999 has been extended. Comments must now be received on or before May 14, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0003, 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–2018–0003 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: Mark Samburg, Counsel, at 202–435–9710. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

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

Dated: March 16, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–05784 Filed 3–21–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for the Air Force Reserve Command F–35A Operational Beddown

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The United States Air Force (USAF) is issuing this notice to advise the public of the intent to prepare an Environmental Impact Statement (EIS) for the Air Force Reserve Command (AFRC) F–35A Operational Beddown. The EIS will assess the environmental consequences that could result from the beddown and operation of 24 Primary Aerospace Vehicles Authorized (PAA) F–35A aircraft with 2 Backup Aircraft Inventory (BAI), facility and infrastructure development, and personnel changes at a military base in the continental United States where the AFRC conducts a global precision attack mission.

DATES: The USAF intends to hold public scoping meetings from 5:00 p.m. to 8:00 p.m. in the following communities on the following dates:

1. Homestead Air Reserve Base (ARB)—17 April 2018, at the William F. Dickenson Community Center, 1601 N Krome Avenue, Homestead, Florida 33030
2. Naval Air Station (NAS) Fort Worth Joint Reserve Base (JRB)—19 April 2018, at the Cendera Center, 3600 Benbrook Hwy., Fort Worth, Texas 76116
3. Davis-Monthan Air Force Base (AFB)—24 April 2018, at the Tucson Convention Center, 260 S Church Avenue, Tucson, Arizona 85701
4. Whiteman AFB—26 April 2018, at Knob Noster High School, 504 S Washington Avenue, Knob Noster, Missouri 65336.

ADDRESSES: The project website (*www.AFRC-F35A-Beddown.com*) provides more information on the EIS and can be used to submit scoping comments. Scoping comments can also be submitted to Mr. Hamid Kamalpour, U.S. Air Force, (210) 925–2738, AFCEC/CZN, 2261 Hughes Ave., Ste. 155, JBSA-Lackland AFB, Texas 78236–9853, *hamid.kamalpour@us.af.mil*.

For comments submitted by mail, a comment form is available for download on the project website. Comments will be accepted at any time during the environmental impact analysis process. However, to ensure the USAF has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted via the project website or to the address listed above by 11 May 2018.

SUPPLEMENTARY INFORMATION: The AFRC F–35A mission includes the beddown and operation of one squadron of 24 PAA F–35A aircraft with 2 BAI. The 24 PAA AFRC F–35A aircraft with 2 BAI would replace either 24 AFRC F–16 aircraft at Homestead ARB or NAS Fort Worth JRB or 24 AFRC A–10 aircraft at Davis-Monthan AFB or Whiteman AFB. The USAF has identified NAS Forth Worth JRB as the preferred alternative, and Davis-Monthan AFB, Homestead ARB, and Whiteman AFB as reasonable alternatives. Along with the No Action Alternative, all four bases will be evaluated as alternatives in the EIS. The United States Navy is a Cooperating Agency to the USAF for this EIS.

Scoping and Agency Coordination: To effectively define the full range of issues to be evaluated in the EIS, the USAF will solicit comments from interested local, state, and federal agencies and elected officials, Native American tribes, interested members of the public, and others. Public scoping meetings will be held in the local communities near the alternative bases. The scheduled dates, times, locations, and addresses for the

public scoping meetings concurrently being published in local media.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2018–05807 Filed 3–21–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2018–HQ–0009]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Army 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 Army Marketing and Research Group, ATTN: Mrs. Crystal G. Deleon, 2530 Crystal Drive, Suite 4150, Arlington, VA 22202, or call 703–545–3480.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Marketing Army Civilian Employment Survey; OMB Control Number 0702–XXXX.

Needs and Uses: The information collection requirement is necessary to provide the data needed to understand the best marketing strategies to raise awareness of Army civilian employment opportunities with the ultimate goal of filling critical Department of the Army occupations.

Affected Public: Individuals or Households.

Annual Burden Hours: 1,667.

Number of Respondents: 5,000.

Responses per Respondent: 1.

Annual Responses: 5,000.

Average Burden per Response: 20 minutes.

Frequency: One-Time.

The purpose of this collection is to provide quantitative (survey) data to the Department of the Army on the civilian workforce's attitudes, perceptions, and awareness of civilian career opportunities within the Federal Government, and the Army. The Department of the Army maintains a listing of professional and technical skill sets that are critical to the Service's needs of today and tomorrow. The collection, compilation, and analysis of the proposed quantitative data is imperative to the Department of the Army's marketing and recruitment strategy for informing, identifying, and ultimately hiring those identified with the skill sets necessary for a sustainable Department of the Army. Information for this study will be collected as a survey which will be administered online.

The data collected will be supplemented with reviews of recent Army branding and marketing practices as well as of recent and projected hiring needs into Department of the Army Civilian jobs. Respondents for quantitative study will be individuals currently employed in the private sector in occupations deemed essential by the Army or individuals who are considering careers in these essential occupations. Quota groups will be established to ensure there is an adequate representation of career stage (pre-, early- and mid) among respondents. Participation in the quantitative study will be voluntary. This is a one-time data collection anticipated to be completed within approximately three months of OMB approval.

The data collection will focus on awareness and knowledge of Department of Army Civilian job opportunities; comparison of Department of Army Civilian vs. private jobs/careers across key dimensions; most important reasons to seek civilian employment in the Army; perceived negative aspects of Army Civilian employment; reactions to facts and marketing concepts concerning Army Civilian employment; and intended behaviors concerning applying for civilian employment in the Army or recommending to others that they do so.

Dated: March 19, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–05812 Filed 3–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0015]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness 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 Manpower Data Center (DMDC) at: ATTN: Joint Personnel Adjudication System (JPAS), Defense Manpower Data Center (DMDC), Suite 04E25, 4800 Mark Center Drive, Alexandria, VA, 22350–3100, OR Fax: 571–372–1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personnel Security System Access Request (PSSAR) Form; DD Form 2962–1, DD Form 2962–2; OMB Control Number 0704–0542.

Needs and Uses: The information collection requirement is necessary because Joint Personnel Adjudication System, Defense Information System for Security, Secure Web Fingerprint Transmission, and Defense Central Index of Investigations require personal data collection to facilitate the granting of access to the suite of DMDC systems to Security Managers for the purpose of the initiation, investigation and adjudication of information relevant to DoD security clearances and employment suitability determinations for active duty military, civilian employees and contractors requiring the aforementioned clearances. As a suite of Personnel Security Systems, they are the authoritative source for clearance information resulting in accesses determinations to sensitive/classified information and facilities.

Affected Public: Business or other for profit.

Annual Burden Hours: 7,408.

Number of Respondents: 22,225.

Responses per Respondent: 2.

Annual Responses: 44,450.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

Respondents are Security Managers and Adjudicators at various levels who initiate investigations, verify information and update eligibility and access levels of military, civilian and contractor personnel nominated for access to sensitive/classified DoD information and suitability for employment. The PSSAR is the authoritative source to request, record, and identify what levels of access, roles, and permissions are needed to the suite of DMDC Personnel Security Systems for the purpose of performing functions such as outlined above.

Dated: March 19, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–05841 Filed 3–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0013]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Research and Engineering, Defense Standardization Program Office 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 Standardization Program Office (DSPO–DS), ATTN: Mr. Timothy Koczanski, 8725 John J. Kingman Road, STOP 5100, Fort Belvoir, VA 22060–6220, or call (571) 767–6870.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certification of Qualified Products; DD Form 1718; OMB Control Number 0704–0487.

Needs and Uses: The information collection requirement is necessary to obtain, certify, and record qualification of products or processes falling under the DoD Qualification Program. This form is included as an exhibit in an appeal or hearing case file as evidence of the reviewers' products or process

qualifications in advance of, and independent of, acquisition.

Affected Public: Business or other for profit.

Annual Burden Hours: 638.

Number of Respondents: 1276.

Responses per Respondent: 1.

Annual Responses: 1276.

Average Burden per Response: 30 minutes.

Frequency: Bi-annually.

Dated: March 19, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–05831 Filed 3–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0014]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Manpower Data Center 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 Manpower Data Center (DMDC) at: ATTN: Defense Information System for Security (DISS), Defense Manpower Data Center (DMDC); Suite 04E25, 4800 Mark Center Drive, Alexandria, VA 22350–3100; OR Fax: 571–372–1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Information System for Security (DISS); OMB Control Number 0704–XXXX.

Needs and Uses: This information collection is necessary as the DISS system requires personal data collection to facilitate the initiation, investigation and adjudication of information relevant to DoD security clearances and employment suitability determinations for active duty military, civilian employees and contractors requiring such credentials. As a Personnel Security System it is the authoritative source for clearance information resulting in accesses determinations to sensitive/classified information and facilities.

Affected Public: Individuals or Households.

Annual Burden Hours: 333,375.

Number of Respondents: 22,225.

Responses per Respondent: 45.

Annual Responses: 1,000,125.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

The Defense Information System for Security (DISS) is a DoD personnel security system and is the authoritative source for clearance information resulting in access determinations to sensitive/classified information and facilities. Collection and maintenance of personal data in DISS is required to facilitate the initiation, investigation and adjudication of information relevant to DoD security clearances and employment suitability determinations for active duty military, civilian employees, and contractors requiring such credentials. Facility Security Officers (FSOs) working in private companies that contract with DoD and who need access to the DISS system to update security-related information about their company's employees must complete DD Form 2962 (cleared under a separate OMB Control Number). Specific uses include: Facilitation for DoD Adjudicators and Security Managers to obtain accurate up-to-date eligibility and access information on all personnel (military, civilian and contractor personnel) adjudicated by the DoD. The DoD Adjudicators and Security Managers are also able to update eligibility and access levels of military, civilian and contractor personnel nominated for access to sensitive DoD information. Once granted access, the FSOs maintain employee personal information, submit requests for investigations, and submit other relevant personnel security information into DISS on over 1,000,000 contract employees annually.

Dated: March 19, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–05837 Filed 3–21–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–OCR–0094]

Privacy Act of 1974; System of Records

AGENCY: Office for Civil Rights, Department of Education.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a modified system of records entitled ''Complaint Files and Log'' (18–08–01). The system contains information on individuals or groups of individuals who have made civil rights complaints to the Office for Civil Rights (OCR). The information maintained in the system will consist of one or more of the following: Names, addresses, and telephone numbers of complainants, complaint allegations, and results of investigations; correspondence related to the complaint; investigator and

attorney memoranda; interview notes or transcriptions and witness statements; documents gathered during an investigation and charts, prepared exhibits, or other analytical materials prepared by OCR staff or by consultants retained by OCR. The information that will form the modified system of records will be collected through complaint investigation files. The information will be used to fulfill the requirement outlined in Federal law.

DATES: Submit your comments on this modified system of records notice on or before April 23, 2018.

This modified system of records will become applicable upon publication in the **Federal Register** on March 22, 2018, unless the modified system of records notice needs to be changed as a result of public comment. Significantly modified routine use (8) and newly proposed routine uses (9) and (10) in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become applicable on April 23, 2018, unless the modified system of records notice needs to be changed as a result of public comment. The Department will publish any significant changes resulting from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''Help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this modified system of records, address them to: Ms. Sandra Battle, Deputy Assistant Secretary for Enforcement, Office for Civil Rights, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate accommodation or auxiliary aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Battle, Deputy Assistant Secretary for Enforcement, Office for Civil Rights, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202. Telephone: (202) 453–5900.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Introduction:

The Department last published the Complaint Files and Log (18–08–01) system of records in the **Federal Register** on March 15, 2004 (69 FR 12248). The system of records notice is being modified to update the current system locations both in Washington DC and satellite offices. This system of records notice is also being modified to reflect the current categories of sources of the records and the retrievability of the records by any data element. The system of records notice is also being modified to include updated information on the record retention and disposal policies for the records contained in this system.

The Department proposes to update, but not to significantly change, routine uses (4) ''Litigation and Alternative Dispute Resolution (ADR) Disclosures,'' (5) ''Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure,'' and (6) ''Research Disclosure.'' The Department proposes to significantly modify routine use (8) ''Contract Disclosure.'' The Department also proposes to add to this system of records notice new routine uses (9) entitled ''Disclosure in the Course of Responding to a Breach of Data'' and (10) entitled ''Disclosure in Assisting another Agency in Responding to a Breach of Data.'' These will allow the Department to disclose records in this system in order to assist the Office for Civil Rights, the Department, or another Federal agency or entity in responding to a suspected or confirmed breach of data.

The Department also proposes to update the section entitled ''Policies and Practices for Retention and Disposal of Records'' to reflect the current Department records schedule, approved by the National Archives and Records Administration (NARA), which governs the retention and disposition of the records.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of the 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 19, 2018.

Candice Jackson,

Acting Assistant Secretary for the Office for Civil Rights.

For the reasons discussed in the preamble, the Acting Assistant Secretary for the Office for Civil Rights, U.S. Department of Education (Department), publishes a notice of a modified system of records to read as follows:

System Name and Number

Complaint Files and Log (18–08–01).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office for Civil Rights, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202–1100.

See the Appendix at the end of this system notice for additional system locations.

SYSTEM MANAGER(S):

Deputy Assistant Secretary for Enforcement, Office for Civil Rights,

U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202–1100.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

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, *et seq.;* Age Discrimination Act of 1975, 42 U.S.C. 6101, *et seq.;* Title II of the Americans With Disabilities Act, 42 U.S.C. 12131, *et seq.;* and the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905.

PURPOSE(S) OF THE SYSTEM:

The Office for Civil Rights (OCR) uses this system for the following purposes:

(1) To determine and to document whether there was discrimination against the complainant or others;

(2) To record the steps taken to resolve a case, which may include investigation and monitoring;

(3) To store materials gathered, developed, or received during the processing, investigation, and monitoring of a case;

(4) To document the steps taken to resolve a case;

(5) To report the status of individual complaints to OCR managers and staff for tracking the progress of individual cases and to provide information used to prepare summaries of case processing activities; and

(6) To report to Congress, other agencies, and the public to explain or document the work that has been accomplished.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information on individuals or groups of individuals who have made civil rights complaints to the Office for Civil Rights.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records relating to complaints to the Office for Civil Rights including:

(1) Names, addresses, and telephone numbers of complainants, complaint allegations, and results of investigations;

(2) Correspondence related to the complaint, which may include copies of correspondence sent by OCR to others, correspondence received by OCR, records of telephone conversations, copies of email, or other written communications;

(3) Investigator and attorney memoranda;

(4) Interview notes or transcriptions and witness statements;

(5) Documents gathered during an investigation, including photographs of persons or things, portions of a recipient institution's records, and complainants' or other individuals' educational, medical, or employment records; and

(6) Charts, prepared exhibits, or other analytical materials prepared by OCR staff or by consultants retained by OCR.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from individuals, K–12 schools, postsecondary institutions, and other entities as applicable. The information is collected from the stated sources via oral interviews, paper forms, web pages, and electronic files. Information may also be obtained from other individuals or entities from which data is obtained under routine uses set forth below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Disclosure to Congress, Other Agencies, or the Public.* The Department may disclose summary information derived from this system of records to Congress, other agencies, and the public to describe the kinds of work that OCR has done or to document the work that OCR has accomplished.

(2) *Disclosure to Recipients of Federal Financial Assistance, Witnesses, or Consultants.* The Department will release information contained in this system of records to recipients of Federal financial assistance, witnesses, or consultants if it determines that the release would assist OCR in resolving a civil rights complaint or in obtaining additional information or expert advice relevant to the investigation.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulations, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive order, rule, regulations, or order issued pursuant thereto.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed in sub-paragraphs (i) through (v) is involved in judicial or administrative litigation or ADR, or has an interest in judicial or administrative litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has been requested to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity if the agency has agreed to represent the employee; or

(v) The United States if the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosures.* If the Department or one of its components determines that disclosure of certain records to an adjudicative body before which the Department or one of its components is authorized to appear or to a person or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) *Parties, Counsels, Representatives, and Witnesses.* If the Department or one of its components determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the litigation or ADR, the Department or its component may disclose those records as a routine use to the party, counsel, representative, or witness.

(5) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or the Office of Management and Budget if the Department determines that disclosure is desirable or necessary in determining whether particular records are required

to be disclosed under the FOIA or the Privacy Act.

(6) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher must agree to maintain safeguards to protect the security and confidentiality with respect to the disclosed records.

(7) *Congressional Member Disclosure.* The Department may disclose information to a Member of Congress from the record of an individual in response to an inquiry from the Member made at the written request of that individual. The Member's right to the information is no greater than the right of the individual who requested it.

(8) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department shall require the contractor to agree to maintain safeguards to protect the security and confidentiality of the records in the system.

(9) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records from this system to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (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 Department's efforts to respond to the suspected or confirmed beach or to prevent, minimize, or remedy such harm.

(10) *Disclosure in Assisting Another Agency in Responding to a Breach of Data.* The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records in this system are contained in digital storage media and in file folders.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records in this system are indexed by and retrievable by any data element in any populated data field, including the name of the complainant, the complaint number, the name of the entity against which the complaint was filed, the basis for the alleged discrimination, and the stage of case processing.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with Department Records Schedule 026: Education Discrimination Case Files (N1–441–08–6).

Administratively closed education discrimination case files shall be destroyed/deleted 6 years after cutoff. Cut off for these files occurs at the end of the fiscal year in which the case is closed or, if a Request for Reconsideration (RFR) is received, when the review of the RFR is completed.

All other education discrimination case files shall be destroyed/deleted 20 years after cutoff. Cut off for these files occurs at the end of the fiscal year in which the case is closed and monitoring is complete or, if a RFR is received, when the review of the RFR is completed.

Education discrimination appeals case files shall be destroyed/deleted 20 years after cutoff. Cut off for these files occurs at the end of the fiscal year in which the appeal is closed.

Case Management System (CMS) Master Data Files are destroyed/deleted 20 years after cutoff. Cut off for these files occurs at the end of the fiscal year in which the case is closed and monitoring is complete or, if a RFR is received, when the review of the RFR is completed.

Significant education discrimination case files shall not be destroyed/deleted by the Department. With respect to these files, the Department shall transfer non-electronic records to the National Archives and Records Administration (NARA) 10 years after cutoff and electronic records to NARA every 5 years, with any related documentation and external finding aids, as specified in 36 CFR 1228.70 or standards applicable at the time. Cut off for these files occurs at the end of the fiscal year in which the case is closed and monitoring is complete.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The system is maintained on secure computer servers located in one or more secure Department of Education network server facilities. OCR staff access information in the system through use of personal computers located in OCR offices. Data are transmitted among offices on secure servers through the Department of Education's Secure Wide Area Network. The Department of Education maintains the servers on which the records are stored in secure locations with controlled access. Access to OCR offices is controlled and available only to OCR staff and authorized visitors. Authorized OCR staff access the information system using individual user identifiers and passwords. The system also limits data access by type of user and controls users' ability to alter records within the system. File folders containing non-digital information in the system are kept in locked storage rooms. Access to offices in which storage rooms are located is restricted to OCR staff and authorized visitors.

RECORD ACCESS PROCEDURES:

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

CONTESTING RECORD PROCEDURES:

This system is exempted from 5 U.S.C. 552a(e)(4)(H) pursuant to 34 CFR 5b.11(c)(2)(iii).

NOTIFICATION PROCEDURES:

This system is exempted from 5 U.S.C. 552a(e)(4)(G) pursuant to 34 CFR 5b.11(c)(2)(iii).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Education has exempted by regulations the Complaint Files and Log record system, which is also exempt from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552(k)(2) (civil enforcement):

(1) 5 U.S.C. 552a(c)(3), regarding access to an accounting of disclosures of records.

(2) 5 U.S.C. 552a(d)(1) through (4) and (f), regarding notification of and access to records and correction or amendment of records.

(3) 5 U.S.C. 552a(e)(4)(G) and (H) regarding inclusion of information in the system notice about procedures for notification, access, and correction of records.

These exemptions are stated in 34 CFR 5b.11. As indicated in 34 CFR 5b.11, individuals will be provided with information from a record in this system if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of that material, except when in accordance with the following provisions of 5 U.S.C. 552a(k)(2):

(1) Disclosure of the information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

(2) If information was obtained prior to September 28, 1975, disclosure of the information would reveal the identity of the source under an implied promise that the identity of the source would be held in confidence.

HISTORY:

The Complaint Files and Log (18–08–02) system of records notice was published in the **Federal Register** on June 4, 1999 (64 FR 30106, 30145–30146). This system of records was merged and consolidated with the system of records entitled ''Case Information System'' (18–08–01) (64 FR 30106, 30143–30145) on March 15, 2004 (69 FR 12248–12251), and the system was renamed ''Complaint Files and Log (18–08–01).''

Appendix to 18–08–01

ADDITIONAL SYSTEM LOCATIONS:

OCR, Boston Office, 5 Post Office Square, Boston, MA 02109.

OCR, New York Office, 32 Old Slip, New York, NY 10005.

OCR, Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107.

OCR, Chicago Office, Citigroup Center, 500 W Madison Street, Chicago, IL 60661.

OCR, Cleveland Office, 1350 Euclid Avenue, Cleveland, OH 44115.

OCR, Atlanta Office, 61 Forsyth St. SW, Atlanta, GA 30303.

OCR, Dallas Office, 1999 Bryan Street, Dallas, TX 75201.

OCR, Kansas City Office, 1010 Walnut Street, Kansas City, MO 64106.

OCR, Denver Office, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Denver, CO 80204.

OCR, San Francisco Office, 50 Beale Street, San Francisco, CA 94105.

OCR, Seattle Office, 915 Second Avenue, Seattle, WA 98174.

[FR Doc. 2018–05886 Filed 3–21–18; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0001]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Evaluation of Departmentalized Instruction in Elementary Schools

Correction

In notice document 2018–05258 beginning on page 11510 in the issue of Thursday, March 15, 2018, make the following correction:

On page 11510, in the first column, in the **DATES** heading, the second line, ''May 14, 2018'' should read ''April 16, 2018''.

[FR Doc. C1–2018–05258 Filed 3–21–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0008; FRL–9974–74]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 23, 2018.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol 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: 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.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in

accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

III. Notice of Receipt—New Uses

1. *EPA Registration Number:* 352–856, 352–859. *Docket ID number:* EPA–HQ–OPP–2017–0694. *Applicant:* The IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Cyantraniliprole. *Product type:* Insecticide. *Proposed Use:* Berry, low growing, except strawberry, subgroup 13–07H, except blueberry, lowbush and lingonberry; Brassica, leafy greens, subgroup 4–16B; Caneberry subgroup 13–07A; Celtuce; Coffee, green bean; Florence fennel; Kohlrabi; Leafy greens subgroup 4–16A, Leaf petiole vegetable subgroup 22B; and Vegetable, brassica, head and stem, group 5–16. *Contact:* RD.

2. *EPA Registration Number:* 352–856, 352–857, 352–858, 352–859, 100–1418, 100–1420. *Docket ID number:* EPA–HQ–OPP–2017–0694. A*pplicant:* DuPont Crop Protection, Stine-Haskell Research Center, P.O. Box 30, Newark, DE 19714–0030. *Active ingredient:* Cyantraniliprole. *Product type:* Insecticide. *Proposed Use:* Rice, soybean. *Contac*t: RD.

3. *EPA Registration Number:* 66330–39. *Docket ID number:* EPA–HQ–OPP–2017–0376. *Applicant:* IR–4, 500 College Road East, Suite 201 W, Princeton, NJ 08540. *Active ingredient:* Acequinocyl. *Product type:* Insecticide. *Proposed Use:* Guava and Tropical and subtropical, Small fruit, Inedible Peel, Subgroup 24A. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 26, 2018.

Hamaad Syed,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–05880 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0007; FRL–9974–75]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 23, 2018.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol 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 Anita Pease, Antimicrobials Division (7510P), main telephone number: (703) 305–7090, email address: *ADFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

III. Notice of Receipt—New Active Ingredients

1. *File Symbol:* 67986–O. *Docket ID number:* EPA–HQ–OPP–2017–0678. *Applicant:* OmniLytics, Inc., 9100 South 500 West, Sandy, UT 84070. *Product name:* AgriPhage-Citrus Canker. *Active ingredient:* Bactericide—Bacteriophage active against *Xanthomonas citri* subsp. *citri* at 0.0001%. *Proposed use:* To be used on citrus trees, including orange, grapefruit, pummelo, mandarin, lemon, lime, tangerine, tangelo, and kumquat, for the control of citrus canker caused by the bacterium *Xanthomonas citri* subsp. *citri. Contact:* BPPD.

2. *File Symbol:* 69553–I. *Docket ID number:* EPA–HQ–OPP–2017–0726. *Applicant:* Andermatt Biocontrol AG, Stahlermatten 6, CH–6146 Grossdietwil, Switzerland (in care of SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192). *Product name:* Loopex. *Active ingredient:* Insecticide—*Autographa californica* multiple nucleopolyhedrovirus strain FV#11 at 0.1%. *Proposed use:* For control of cabbage looper larvae. *Contact:* BPPD.

3. *File Symbol:* 91176–E. *Docket ID number:* EPA–HQ–OPP–2018–0025. *Applicant:* Skirdle, LLC DBA Protein Express Laboratories, 600 Vine St, Suite 2800 Cincinnati, Ohio 45202. *Product name:* PELS 422. *Active Ingredient:* 1,2-Hexanediol at 4.25%. *Product Type:* Antimicrobial. *Proposed Uses:* End-use product as a one-step liquid cleaner, deodorizer, sanitizer, and disinfectant for use on hard, non-porous, non-food contact surfaces. For Commercial, Institutional, and Residential Use. *Contact:* AD.

4. *File Symbol:* 91176–R. *Docket ID number:* EPA–HQ–OPP–2018–0025. *Applicant:* Skirdle, LLC DBA Protein Express Laboratories, 600 Vine St, Suite 2800 Cincinnati, Ohio 45202. *Product name:* PELS 421. *Active Ingredient:* 1,2-Hexanediol at 3.03%. *Product Type:* Antimicrobial. *Proposed Uses:* End-use product as a one-step liquid cleaner, deodorizer, and sanitizer for use on hard, non-porous, non-food contact surfaces. For Commercial, Institutional, and Residential Use. *Contact:* AD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 26, 2018.

Hamaad Syed,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–05882 Filed 3–21–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:14 a.m. on Tuesday, March 20, 2018, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Joseph M. Otting (Comptroller of the Currency), and concurred in by Director Mick Mulvaney (Acting Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: March 20, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–05934 Filed 3–20–18; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street, NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *BOLC Corp., Fayetteville, Tennessee;* to merge with North Alabama Bancshares, Inc., and thereby indirectly acquire North Alabama Bank, both of Hazel Green, Alabama.

2. *Community Bancshares of Mississippi, Inc. Employee Stock Ownership Plan, Brandon, Mississippi;* to acquire additional voting shares for a total of 18.18 percent, of Community Bancshares of Mississippi, Inc., Brandon, Mississippi, and thereby indirectly acquire Community Bank of Mississippi, Forest, Mississippi.

B. *Federal Reserve Bank of Kansas City* (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *HYS Investments, LLC;* to acquire additional voting shares for a total of up to 27.7 percent, of BOTS, Inc., and thereby acquire shares of VisionBank, all of Topeka, Kansas.

2. *Wamego Bancshares, Inc., Wamego, Kansas;* to acquire 100 percent of the voting shares of The St. Marys State Bank, Saint Marys, Kansas.

Board of Governors of the Federal Reserve System, March 19, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05839 Filed 3–21–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Van Financial Corporation, Breda, Iowa;* to continue engaging in extending credit and servicing loans, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, March 19, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–05840 Filed 3–21–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[Docket No. C–4458]

CoreLogic Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter is intended to remedy the impact of CoreLogic's failure to comply fully with the Decision and Order previously issued in In the Matter of CoreLogic, Inc., Docket No. C–4458. The attached Analysis to Aid Public Comment describes the terms of the Order To Show Cause and Order Modifying Order—embodied in the consent agreement—that would remedy CoreLogic's failure to comply fully with the Decision and Order.

DATES: Comments must be received on or before April 16, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of CoreLogic, Inc., Docket No. C–4458'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/corelogicconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of CoreLogic, Inc., Docket No. C–4458'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Susan Huber (202–326–3331), Bureau of Competition, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 15, 2018), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 16, 2018. Write ''In the Matter of CoreLogic, Inc., Docket No. C–4458'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/corelogicconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that website.

If you prefer to file your comment on paper, write ''In the Matter of CoreLogic, Inc., Docket No. C–4458'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is

requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 16, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted for public comment, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from Respondent CoreLogic Inc. (''CoreLogic''). The Consent Agreement is intended to remedy the impact of CoreLogic's failure to comply fully with the Decision and Order previously issued in this matter.

Under the terms of the proposed Consent Agreement, CoreLogic consents to the Commission issuing an Order to Show Cause and Order Modifying Order. In the Order to Show Cause, the Commission describes the changes it proposes to make to the Decision and Order and the reasons these changes are necessary. CoreLogic disputes the allegations in the Order to Show Cause but consents to the Commission issuing the Order Modifying Order amending the Decision and Order.

The Commission has placed the proposed Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the Consent Agreement, modify it, or make it final.

II. The Respondent

Respondent CoreLogic is a publicly-traded company headquartered in Irvine, California. It provides real property information, analytics, and services to a broad array of customers. As part of its business, CoreLogic collects, maintains, and licenses aggregated county tax assessor and recorder data (''bulk data'') from across the United States.

III. The Decision and Order

In 2014, CoreLogic sought to acquire DataQuick Information Systems, Inc. (''DataQuick''), a subsidiary of TPG VI Ontario 1 AIV L.P. Both CoreLogic and DataQuick licensed bulk data to customers, and the Commission alleged that the acquisition would significantly increase concentration in the market for national bulk data in violation of the federal antitrust laws. CoreLogic agreed to settle the matter by divesting assets to Renwood RealtyTrac LLC (''RealtyTrac'') that would enable RealtyTrac to replace DataQuick in the market for national bulk data. The Commission issued the Decision and Order requiring the divestiture on May 20, 2014 and CoreLogic completed the acquisition of DataQuick soon thereafter.

The central requirement of the Decision and Order is that CoreLogic provide RealtyTrac with DataQuick's bulk data, and certain ancillary data that DataQuick sold with its bulk data so that RealtyTrac could compete on the same basis as DataQuick in the market affected by CoreLogic's acquisition. In addition, CoreLogic is required to license and provide updated bulk data to RealtyTrac for at least five years. CoreLogic is also required to provide information and assistance to RealtyTrac so that RealtyTrac can replicate DataQuick's ability to gather, license and maintain national bulk data after RealtyTrac's license with CoreLogic expires.

The Decision and Order requires CoreLogic to enter an agreement with RealtyTrac to license the required data within 10 days of purchasing DataQuick. Sixty days after entering the license with RealtyTrac, CoreLogic was to provide DataQuick's bulk data and begin delivering updated bulk data. CoreLogic and RealtyTrac entered their license agreement on March 26, 2014.

The Order also contains a number of provisions to support RealtyTrac's efforts to maintain competition in the bulk data market. CoreLogic must allow certain legacy DataQuick customers to terminate their DataQuick contracts in order to do business with RealtyTrac, and, during a period lasting until nine months after the Divestiture Date, include a six month termination clause in all new agreements with former DataQuick bulk data customers. In addition, the Decision and Order requires CoreLogic to facilitate RealtyTrac's ability to hire experienced DataQuick employees. Finally, the Order appoints Mr. Mitchell S. Pettit as monitor to oversee CoreLogic's compliance with the Order.

IV. The Order To Show Cause

When CoreLogic signed the Consent Agreement, it represented that it could fulfill the terms of the Decision and Order. Instead, soon after CoreLogic began delivering bulk data to RealtyTrac, RealtyTrac discovered that it was missing data that DataQuick has provided to bulk data customers. RealtyTrac continued to uncover additional missing data for at least the next 2 years. When RealtyTrac contacted CoreLogic about the missing data, CoreLogic provided the data, but at a time well after the deadline for providing data in the Order. Contrary to the requirements of the Order, CoreLogic did not proactively identify the full scope of bulk data that DataQuick had used and ensure CoreLogic was delivering this data to RealtyTrac. In addition, CoreLogic did not provide RealtyTrac, Commission staff, or the monitor with complete and accurate information regarding the manner in which DataQuick provided bulk data to customers.

CoreLogic also did not provide RealtyTrac certain data that DataQuick licensed from third parties. The Decision and Order requires CoreLogic to provide all of the bulk data that DataQuick used, including data licensed from third parties. CoreLogic agreed to this provision when it signed the Decision and Order. However, after the Commission entered the Decision and Order, CoreLogic informed Commission staff that it could not provide RealtyTrac with some of the required data because of limitations on DataQuick's rights to sublicense the data. CoreLogic offered to provide information and introductions to enable RealtyTrac to attempt to license the data from its owners. Although useful, this offer did not

comply with Decision and Order and required RealtyTrac to expend additional resources not contemplated when the Commission issued the Decision and Order.

It also appears that CoreLogic did not provide all of the support to RealtyTrac that was required by the Order. For example, CoreLogic stopped standard third party testing of an ancillary product, in violation of the Decision and Order, and did not tell RealtyTrac or Commission staff that it had stopped this testing. RealtyTrac subsequently discovered a quality issue with the product that CoreLogic did not discover through its internal quality control processes. The issue was ultimately resolved and third party testing resumed.

To help resolve the issue of missing data, the Monitor hired a Technical Assistant, Dr. Thomas Teague. Dr. Teague helped the Monitor develop and recommend a technical plan to (i) identify the data that CoreLogic was required to provide under the Order, (ii) provide all missing data and information to RealtyTrac, and (iii) verify that the required data and information had been provided. With the help of the Monitor, CoreLogic is in the final stages of completing this plan with RealtyTrac. After that, CoreLogic will transfer of all required information regarding DataQuick's bulk data business to RealtyTrac.

CoreLogic's actions violated the Decision and Order and interfered with its remedial goal of maintaining competition in the market affected by CoreLogic's acquisition of DataQuick. CoreLogic slowed the delivery of DataQuick's bulk data and information to RealtyTrac. Further, RealtyTrac relied on CoreLogic's inaccurate assertions that it was providing RealtyTrac with all of DataQuick's bulk data. These actions, which violated its obligations under the Order, harmed RealtyTrac's reputation and required RealtyTrac to expend technical and financial resources to uncover missing data.

V. The Order Modifying Order

The most significant modification to the Decision and Order is a three-year extension of the period during which CoreLogic must provide updated bulk data to RealtyTrac. The initial five-year term in the Decision and Order will expire in March 2019. This extension will remediate the effect of CoreLogic's delays in providing all of the required data to RealtyTrac and extend CoreLogic's obligations through March 2022.

The Order Modifying Order also adds two detailed addenda to the Decision and Order: A Technical Transfer Plan and a Service Level Addendum. The Technical Transfer Plan identifies the steps CoreLogic will take to transfer required data and information. The Service Level Addendum requires CoreLogic to meet certain data quality metrics and identifies the steps that CoreLogic must take to resolve any quality issues that arise. The Order Modifying Order also requires CoreLogic to provide prior notice before modifying the DataQuick Fulfillment Platform, which will allow the Commission to verify that CoreLogic has not altered the platform in a manner that violates the Order.

Finally, the Order Modifying Order resets two deadlines and decreases the frequency of required compliance reports. CoreLogic must provide customers early termination rights until nine months after completion of the first portion of the Technical Transfer Plan and provide technical assistance to RealtyTrac until one year after completion of the Technical Transfer Plan. The frequency of interim compliance reports is extended from every 60 days to every 90 days. This reduces the burden on CoreLogic without diminishing the ability of the staff and the Monitor to effectively monitor CoreLogic's compliance with the Decision and Order and Order Modifying Order.

The Commission does not intend this analysis to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission. Commissioner McSweeny not participating by reason of recusal.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05799 Filed 3–21–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 161 0230]

Oregon Lithoprint, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; correction.

SUMMARY: The Federal Trade Commission published a document in the **Federal Register** of March 15, 2018, concerning the proposed consent agreement in Oregon Lithoprint, Inc. The document contained the incorrect date by which comments must be received. This document corrects the date by which comments must be received; they must be received on or before April 10, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Turner (202–326–3619), Bureau of Competition, 600 Pennsylvania Avenue NW, Washington, DC 20580.

Correction

In the **Federal Register** of March 15, 2018, in FR Doc. 83–51, on page 11529, in the third column, correct the **DATES** caption to read:

DATES: Comments must be received on or before April 10, 2018.

Dated: March 16, 2018.

Donald S. Clark,

Secretary.

[FR Doc. 2018–05800 Filed 3–21–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2018–0025, NIOSH–308]

Draft—National Occupational Research Agenda for Musculoskeletal Health

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Musculoskeletal Health* for public comment. To view the notice and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0025 in the search field and click ''Search.''

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- Supplementary Information
- Background

DATES: Electronic or written comments must be received by May 21, 2018.

ADDRESSES: You may submit comments, identified by CDC–2018–0025 and docket number NIOSH–308, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2018–0025; NIOSH–308]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Emily Novicki (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The National Occupational Research Agenda for Musculoskeletal Health is intended to identify the research, information, and actions most urgently needed to prevent occupational injuries. The National Occupational Research Agenda for Musculoskeletal Health provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector.

This is the first Musculoskeletal Health Agenda, developed for the third decade of NORA (2016–2026). It was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Musculoskeletal Health.* Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at *https://www.regulations.gov* (see Docket Number CDC–2018–0025).

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–05818 Filed 3–21–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Interstate Administrative Subpoena and Notice of Interstate Lien.

OMB No.: 0970–0152.

Description: Section 452(a)(11) of the Social Security Act requires the Secretary of the Department of Health and Human Services to promulgate a form for administrative subpoenas and imposition of liens used by State child support enforcement (Title IV–D) agencies. The Interstate Administrative Subpoena is used to collect information for the establishment, modification and enforcement of child support orders in interstate cases. Section 454(9)(E) of the Social Security Act requires each State to cooperate with any other State in using the federal form for issuance of administrative subpoenas and imposition of liens in interstate child support cases. The Notice of Interstate Lien impose liens in cases with overdue support and allows a State IV–D agency to file liens across State lines, when it is more efficient than involving the other State's IV–D agency. Tribal IV–D agencies are not required to use this form but may choose to do so. OMB approval of these forms is expiring on June 30, 2018 and the Administration for Children and Families is requesting an extension of this form.

Respondents: State, local or Tribal agencies administering a child support enforcement program under title IV–D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Administrative Subpoena	30,076	1	0.50	15,038
Notice of Lien	1,892,073	1	0.50	946,037

Estimated Total Annual Burden Hours: 961,075.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–05817 Filed 3–21–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1094]

2018 Center for Biologics Evaluation and Research Science Symposium

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public symposium.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public symposium entitled ''2018 Center for Biologics Evaluation and Research Science Symposium.'' The purpose of the public symposium is to discuss scientific topics related to the regulation of biologics and highlight science conducted at the Center for Biologics Evaluation and Research (CBER) by showcasing how scientific research informs regulatory decision making and to provide a forum for developing collaborations within FDA and with external organizations. The symposium will include presentations by experts from academic institutions, government agencies, and research institutions.

DATES: The public symposium will be held on June 25 and 26, 2018, from 9 a.m. to 3 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public symposium will be held at FDA's White Oak campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public symposium participants (non-FDA employees) is through Bldg. 1, where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Sherri Revell or Loni Warren Henderson, Food and Drug Administration, Center for Biologics Evaluation and Research, 10903 New Hampshire Ave., Bldg. 71, Rm. 1118, Silver Spring, MD 20993, 240–402–8010, email: *CBERPublicEvents@fda.hhs.gov* (subject line: CBER Science Symposium).

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the public symposium is to discuss scientific topics related to the regulation of biologics and highlight science conducted at CBER by showcasing how scientific research informs regulatory decision making and to provide a forum for developing collaborations within FDA and with external organizations.

II. Topics for Discussion at the Public Symposium

The public symposium will include presentations on the following topics: (1) Emerging and re-emerging diseases; (2) diverse types of data in regulatory decision making; (3) immune response to vaccination; (4) immunotherapy; (5) new technologies for research and treatments; (6) the role of the microbiome in human disease; and (7) regenerative medicine.

III. Participating in the Public Symposium

Registration: To register for the public symposium, please visit the following website: *https://www.eventbrite.com/e/2018-center-for-biologics-evaluation-and-research-cber-science-symposium-tickets-39525851887.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public symposium (either in person or by webcast) (see *Streaming Webcast of the Public Symposium)* must register online by June 18, 2018, midnight Eastern Time. Early registration is recommended because seating is limited. There will be no onsite registration; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations, due to a disability, please contact Sherri Revell or Loni Warren Henderson no later than June 11, 2018.

Streaming Webcast of the Public Symposium: This public symposium will also be webcast. A link to the live webcast of this symposium will be provided upon registration at *https://www.eventbrite.com/e/2018-center-for-biologics-evaluation-and-research-cber-science-symposium-tickets-39525851887.* Persons interested in viewing the live webcast must register online by June 18, 2018. Early registration is recommended because webcast connections are limited. A video record of the public symposium will be available at *https://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/default.htm* for 1 year.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Dated: March 1, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05805 Filed 3–21–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2014–N–1027; FDA–2017–N–1064; FDA–2014–D–0329; FDA–2013–N–1429; FDA–2009–N–0505; and FDA–2014–N–0192]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain.* 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB Control No.	Date approval expires
Infant Formula Recall Regulations	0910–0188	12/31/2020
State Petitions for Exemptions from Preemption	0910–0277	12/31/2020
Guidance for Industry: Fees for Human Drug Compounding Outsourcing Facilities Under Sections 503B and 744K of the Federal Food, Drug, and Cosmetic Act	0910–0776	12/31/2020
Guidance for Industry: Registration of Human Drug Compounding Outsourcing Facilities Under Section 503B of the Federal Food, Drug, and Cosmetic Act	0910–0777	12/31/2020
Reporting and Recordkeeping Requirements for Human Food and Cosmetics Manufactured from, Processed With, or Otherwise Containing, Material from Cattle	0910–0623	1/31/2021
Establishing and Maintaining a List of U.S. Milk and Milk Product, Seafood, Infant Formula, and Formula for Young Children Manufactured/Processors with Interest in Exporting to China	0910–0839	1/31/2021

Dated: March 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–05797 Filed 3–21–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation for Applications From Individuals Interested in Being Appointed to the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Committee is governed by the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Office of the Assistant Secretary for Health (OASH), within the Department of Health and Human Services (HHS), is seeking nominations of six qualified candidates to be considered for appointment as members of the Chronic Fatigue Syndrome Advisory Committee (CFSAC). CFSAC provides advice and recommendations to the Secretary of HHS, through the Assistant Secretary for Health (ASH), on a broad range of issues and topics related to myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS).

DATES: Applications for individuals to be considered for appointment to the Committee must be received no later than 5 p.m. EDT on April 23, 2018 at the address listed below.

ADDRESSES: All nominations should be mailed or delivered to Commander (CDR) Gustavo Ceinos, MPH, Designated Federal Officer, Chronic Fatigue Syndrome Advisory Committee, Office on Women's Health, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue SW, Room 728F6, Washington, DC 20201. Nomination materials, including attachments, may be submitted electronically to *cfsac@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: CDR Gustavo Ceinos, Designated Federal Officer, Chronic Fatigue Syndrome Advisory Committee, Office on Women's Health, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Ave. SW, Room 728F6, Washington, DC 20201. Inquiries may also be made to *cfsac@hhs.gov.*

SUPPLEMENTARY INFORMATION: CFSAC was established on September 5, 2002. The purpose of the CFSAC is to provide advice and recommendations to the Secretary of HHS, through the ASH, on issues related to ME/CFS. The CFSAC advises and makes recommendations on a broad range of topics including: (1) Opportunities to improve knowledge and research about the epidemiology, etiologies, biomarkers and risk factors for ME/CFS; (2) research on the diagnosis, treatment, and management of ME/CFS and potential impact of treatment options; (3) strategies to inform the public, health care professionals, and the biomedical academic and research communities about ME/CFS advances; (4) partnerships to improve the quality of life of ME/CFS patients; and (5) strategies to insure that input from ME/CFS patients and caregivers is incorporated into HHS policy and research. The CFSAC charter is available at: *http://www.hhs.gov/advcomcfs/charter/index.html.*

Management and support services for Committee activities are provided within the OASH. The ASH provides direction and guidance for services performed to support CFSAC activities and operation.

Nominations: OASH is requesting nominations to fill six CFSAC positions. The Committee composition consists of thirteen members:

- Seven biomedical research scientists with demonstrated expertise in biomedical research applicable to ME/CFS;
- at least three patients or caregivers affected by ME/CFS; and
- three individuals with expertise in health care delivery, private health care services or insurers, or voluntary organizations concerned with the problems of individuals with ME/CFS.

The breakdown of the six vacant positions OASH is seeking is as follows:

- Four positions for biomedical research scientists with demonstrated expertise in biomedical research applicable to ME/CFS;
- one position for patients or caregivers affected by ME/CFS; and
- one position for an individual with expertise in health care delivery, private health care services or insurers, or voluntary organizations concerned with the problems of individuals with ME/CFS.

Individuals selected for appointment to the Committee will serve as voting members and may be invited to serve for a period of four years. CFSAC members are authorized to receive a stipend for conducting committee related business including attending Committee meetings. Committee members also are authorized to receive per diem and reimbursement for travel expenses incurred for conducting Committee related business. To qualify for consideration of appointment to the Committee, an individual must possess demonstrated experience and knowledge in the designated fields or disciplines, as well as expert knowledge of the broad issues and topics pertinent to ME/CFS.

Nomination materials should be typewritten. If mailed, please submit original documents. The nomination materials should be submitted (postmarked or received) no later than 5:00 p.m. EDT on the specified date. The following information must be part

of the nomination package submitted for each individual being nominated:

(1) A nomination letter clearly stating:

a. Name and affiliation of the nominee;

b. qualifications of the nominee related to the focus area(s) described above (*i.e.,* specific attributes which qualify the nominee for service in this capacity);

c. area (out of the three listed above) the nominee is interested in representing based on his/her experience and background;

d. statement that the nominee is willing to serve as a member of the Committee;

(2) The nominator's name, address, and daytime telephone number;

(3) The home and/or work address, telephone number, and email address of the individual being nominated;

(4) A current copy of the nominee's curriculum vitae or resume. The vitae or resume may be condensed to highlight the experience of the nominee related to the focus areas described above.

An individual may self-nominate to be on the Committee. Federal employees should not be nominated for consideration of appointment to this Committee. Nominations that do not contain all of the above information will not be considered.

Electronic submissions: Nomination materials, including attachments, may be submitted electronically to *cfsac@hhs.gov.* An email from the CFSAC Support Team will be sent to the nominating individual or nominee to confirm receipt of the nomination. If the email confirmation is not received within two working days, please call 202–690–7650.

Regular, Express, or Overnight Mail: Written documents may be submitted to the following addressee only: CDR Gustavo Ceinos, MPH, Designated Federal Officer, CFSAC, Office on Women's Health, Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Ave. SW, Room 728F6, Washington, DC 20201.

Telephone and facsimile submissions cannot be accepted.

The Department makes every effort to ensure that the membership of federal advisory committees is fairly balanced in terms of points of view represented. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. Nominations must state that the nominee is willing to serve as a member of CFSAC and appears to have no conflict of interest that would preclude membership. Candidates who are selected for appointment to the committee are required to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts for an ethics analysis to be conducted to identify potential conflicts of interest.

Dated: March 14, 2018.

Gustavo Ceinos,

CDR, USPHS, Designated Federal Officer, Chronic Fatigue Syndrome Advisory Committee.

[FR Doc. 2018–05833 Filed 3–21–18; 8:45 am]

BILLING CODE 4150–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Findings of research misconduct have been made on the part of Bhagavathi Narayanan, Ph.D., former Research Associate Professor, Department of Environmental Medicine, New York University (NYU). Dr. Narayanan engaged in research misconduct in research supported by National Cancer Institute (NCI), National Institutes of Health (NIH), grants R03 CA107813, R01 CA106296, R01 CA106296–05S1, R03 CA133929, and P30 CA017613. The administrative actions, including debarment for a period of three (3) years, were implemented beginning on February 26, 2018, and are detailed below.

FOR FURTHER INFORMATION CONTACT: Wanda K. Jones, Dr. P.H., Interim Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Bhagavathi Narayanan, Ph.D., New York University: Based on the report of an investigation conducted by NYU and analysis conducted by ORI in its oversight review, ORI found that Dr. Bhagavathi Narayanan, former Research Associate Professor, Department of Environmental Medicine, NYU, engaged in research misconduct in research supported by NCI, NIH, grants R03 CA107813, R01 CA106296, R01 CA106296–05S1, R03 CA133929, and P30 CA017613.

ORI found that Respondent engaged in research misconduct by knowingly and intentionally falsifying and/or fabricating data reported in the following three (3) published papers and seven (7) grant applications submitted to NIH:

- *Clin. Cancer Res.* 9:3503–3513, 2003 (hereafter referred to as ''*Clin. Cancer Res.* 2003'')
- *Anticancer Res.* 31(12):4347–4358, 2011 (hereafter referred to as ''*Anticancer Res.* 2011'')
- *Int. J. Oncol.* 40:13–20, 2012 (hereafter referred to as ''*Int. J. Oncol.* 2012'')
- R01 CA163381–01
- R01 CA138741–01A1
- R01 CA106296–06A1
- R01 CA106296–06A2
- R03 CA158253–01A1
- R21 CA170314–01
- R01 ES024139–01

ORI found that Respondent fabricated and/or falsified Western blot data for protein expression levels in cancer tissues and/or cells in fifty-eight (58) blot panels included in twenty-two (22) figures reported in three (3) papers and seven (7) grant applications submitted to NIH. In the absence of valid Western blot images, the quantitative data presented in associated bar graphs and statistical analyses also are false.

Specifically, Respondent trimmed and/or copied Western blot images from unrelated sources, manipulated them to obscure their origin, and reused and relabeled them to represent different experimental results in:

- Figures 5C, 6C, and 7C in *Clin. Cancer Res.* 2003
- Figures 2c, 4b, 6a, and 6b in *Int. J. Oncol.* 2012
- Figure 2B in *Anticancer Res.* 2011, also as Figure 1C in R01 CA163381–01
- Figure 2A in *Anticancer Res.* 2011, also as Figure 1B in R01 CA163381–01
- Figure 5D in *Anticancer Res.* 2011, also as Figure 8 in R01 CA163381–01
- Figure 1A in R01 CA163381–01
- Figure 6 in R01 CA138741–01A1
- Figure 4 in R01 CA106296–06A1
- Figure 4 in R01 CA106296–06A2
- Figures 3 and 6 in R03 CA158253–01A1
- Figures 3 and 4 in R21 CA170314–01
- Figures 8A and 8B in R01 ES024139–01

Dr. Narayanan entered into a Voluntary Exclusion Agreement and voluntarily agreed, beginning on February 26, 2018:

(1) To exclude herself for a period of three (3) years from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' pursuant to

HHS' Implementation (2 CFR part 376) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the ''Debarment Regulations'');

(2) to exclude herself voluntarily from serving in any advisory capacity to the U.S. Public Health Service (PHS) including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years; and

(3) as a condition of the Agreement, to the retraction of *Anticancer Res.* 31(12):4347–4358, 2011 (PMID: 22199300), and will request that this paper be retracted.

Wanda K. Jones,

Interim Director, Office of Research Integrity.

[FR Doc. 2018–05774 Filed 3–21–18; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; NIH Support of R13 Grant Applications.

Date: April 5, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, (919) 541–7556.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Maintain and Enrich Resource Infrastructure for Existing Environmental Epidemiology Cohorts.

Date: April 11, 2018.

Time: 10:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Room 1002, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD K3–03, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05849 Filed 3–21–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice To Close Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Loan Repayment Review.

Date: March 26, 2018.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701Democracy Boulevard, Suite 703, Bethesda MD 20892.

Contact Person: Mary A. Kelly, Scientific Review Specialist, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892, (301) 594–9695, *mary.kelly@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: March 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–05850 Filed 3–21–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0014; OMB No. 1660–0016]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Revision to National Flood Insurance Program Maps: Application Forms and Instructions for LOMRs and CLOMRs

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, with change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 23, 2018.

ADDRESSES: Submit written comments on the proposed information collection

to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Senior Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Brian Koper, Emergency Management Specialist, Federal Insurance and Mitigation Administration, DHS/FEMA, 202–646–3085.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) is authorized by the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 *et seq.* The Federal Emergency Management Agency (FEMA) administers the NFIP and maintains the maps that depict flood hazard information. In 44 CFR 65.3, communities are required to submit technical information concerning flood hazards and plans to avoid potential flood hazards when physical changes occur. In 44 CFR 65.4, communities are provided the right to submit technical information when inconsistencies on maps are identified. In order to revise the Base (l-percent annual chance) Flood Elevations (BFEs), Special Flood Hazard Areas (SFHAs), and floodways presented on the NFIP maps, a community must submit scientific or technical data demonstrating the need for a revision. The NFIP regulations cited in 44 CFR part 65 outline the data that must be submitted for these requests. This collection serves to provide a standard format for the general information requirements outlined in the NFIP regulations, and helps establish an organized package of the data needed to revise NFIP maps. This information collection expired on May 31, 2017. FEMA is requesting a reinstatement, with change, of a previously approved information collection for which approval has expired.

This proposed information collection previously published in the **Federal Register** on December 29, 2017 at 82 FR 61787 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Revision to National Flood Insurance Program Maps: Application Forms and Instructions for LOMRs and CLOMRs.

Type of Information Collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Number: 1660–0016.

Form Titles and Numbers: FEMA Form 086–0–27, Overview and Concurrence Form; FEMA Form 086–0–27A, Riverine Hydrology and Hydraulics Form; FEMA Form 086–0–27B, Riverine Structures Form; FEMA Form 086–0–27C, Coastal Analysis Form; FEMA Form 086–0–27D, Coastal Structures Form; FEMA Form 086–0–27E, Alluvial Fan Flooding Form.

Abstract: The forms in this information collection are used to determine if the collected data will result in the modification of a BFE, a SFHA, or a floodway. Once the information is collected, it is submitted to FEMA for review and is subsequently included on the NFIP maps. Using these maps, lenders will determine the application of the mandatory flood insurance purchase requirements, and insurance agents will determine actuarial flood insurance rates. The maps are also used by communities participating in the NFIP to establish floodplain management requirements.

Affected Public: State, Local and Tribal Government and Business or Other for-Profit Institutes.

Estimated Number of Respondents: 5,291.

Estimated Number of Responses: 5,291.

Estimated Total Annual Burden Hours: 16,107.

Estimated Total Annual Respondent Cost: $1,084,308.

Estimated Respondents' Operation and Maintenance Costs: $22,010,000.

Estimated Respondents' Capital and Start-Up Costs: None.

Estimated Total Annual Cost to the Federal Government: $24,559.06.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: March 15, 2018.

William H. Holzerland,

Senior Director of Information Management, Office of the Chief Administrative Officer Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–05769 Filed 3–21–18; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2017–N173; FXES11130300000–189–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

DATES: We must receive any written comments on or before April 23, 2018.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov.*

Requesting Copies of Applications or Public Comments: Copies of applications or public comments concerning any of the applications in this notice may be obtained by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5.U.S.C. 552): Regional Director, Attn: Carlita

Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

Submitting Comments: You may submit comments by one of the following methods. Please specify applicant name(s) and application number(s) to which your comments pertain (*e.g.,* TE*XXXXXXX*).

- *Email: permitsR3ES@fws.gov.* Please indicate the respective permit number (*e.g.,* Application No. TE*XXXXXXX*) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343; *permitsR3ES@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Applications

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE38087B	Jessica Hickey-Miller, Independence, Ohio.	Add gray bat (*Myotis grisescens*) to existing permitted species: Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	Add new locations—AL, AR, CT, DE, FL, GA, IA, KS, LA, MA, MD, ME, MS, MN, MT, NE, NH, NJ, ND, RI, SC, SD, VT, WI, WY—to existing authorized locations: IL, IN, KY, MI, MO, NY, NC, OH, OK, PA, TN, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activity—band—to existing authorized activities: Capture, handle, mist-net, radio-tag, release.	Amend, renew.
TE234121	Western EcoSystems Technology, Inc., Cheyenne, Wyoming.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MS, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, release, salvage.	Renew.
TE64984C	Brian Cooper, Philadelphia, PA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Virginia big-eared bat (*Corynorhinus towsendii virginianus*).	IL, MD, MI, NJ, NY, OH, PA, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, enter hibernacula, release.	New.
TE15664C	April McKay, Springville, IN.	Add gray bat (*Myotis grisescens*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*) to existing permitted species: Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MS, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activities—wing biopsy, collect tissue and hair samples, salvage—to existing authorized activities: Capture, handle, mist-net, radio-tag, band, release.	Amend.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE64986C	Jeffrey Gordon, Westerville, OH.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma torulosa rangiana*), purple cat's paw pearlymussel (*E. obliquata obliquata*), snuffbox mussel (*E. triquetra*), white catspaw (pearlymussel) (*E. obliquata perobliqua*), pink mucket (pearlymussel) (*Lampsilis abrupta*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), sheepnose mussel (*Plethobasus cyphyus*).	OH	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, release, relocate, salvage.	New.
TE64987C	Brooke Daly, San Diego, CA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	MO	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, wing biopsy, collect tissue and swab samples, release.	New.

Public Availability of Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

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.

Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 9, 2018.

Lori H. Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2018–05829 Filed 3–21–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2018–N014; FXES11130300000–189–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

DATES: We must receive any written comments on or before April 23, 2018.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov*.

Requesting Copies of Applications or Public Comments: Copies of applications or public comments concerning any of the applications in this notice may be obtained by any party who submits a written request for a copy of such documents to the above-mentioned office within 30 days of the date of publication of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5.U.S.C. 552).

Submitting Comments: You may submit comments by one of the following methods. Please specify applicant name(s) and application number(s) to which your comments pertain (*e.g.,* TE*XXXXXX*).

- *Email: permitsR3ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Application No. TE*XXXXXX*) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne (address above).

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343; *permitsR3ES@fws.gov*.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following

applications for a permit to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Applications

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE82666A	Justin Boyles, Southern Illinois University, Carbondale, IL.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, data-log, band, wing biopsy, collect hair, blood, fungal lift tape and swab samples, enter hibernacula, release, salvage.	Renew.
TE21831B	Katherine Caldwell, Asheville, NC.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, GA, IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, VT, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, wing biopsy, collect hair, fungal lift tape and swab samples, release, salvage.	Renew.
TE64238B	Jocelyn Karst, Champaign, IL.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, D.C., FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, wing biopsy, collect hair, fungal lift tape and swab samples, release, salvage.	Renew.
TE74742C	Benjamin Smith, Springfield, MO.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, D.C., FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, wing biopsy, collect hair, fecal, fungal lift tape and swab samples, release.	New.

Public Availability of Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

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.

Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 12, 2018.

Lori H. Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2018–05828 Filed 3–21–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[189D0102DM DLSN00000.000000 DS61200000 DX61201; OMB Control Number 1090–0011]

Agency Information Collection Activities; DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary are proposing to renew an 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 Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *jeffrey_parrillo@ios.doi.gov*. Please reference OMB Control Number 1090–0011 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo by email at *jeffrey_parrillo@ios.doi.gov,* or by telephone at 202–208–7072.

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 Office of the Secretary; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Office of the Secretary enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Office of the Secretary minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Title of Collection: DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1090–0011.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households; businesses; and, State, local, and Tribal governments.

Total Estimated Number of Annual Respondents: 11,000 for surveys, 6,000 for comment cards, 500 for focus groups.

Total Estimated Number of Annual Responses: 11,000 for surveys, 6,000 for comment cards, 500 for focus groups.

Estimated Completion Time per Response: 15 minutes for surveys, 2 minutes for comment cards, 2 hours for focus groups.

Total Estimated Number of Annual Burden Hours: 3,950.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per request.

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.*).

Benjamin Simon,

Chief DOI Economist.

[FR Doc. 2018–05838 Filed 3–21–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

[189D0102DM DLSN00000.000000 DS61200000 DX61201; OMB Control Number 1040–0001]

Agency Information Collection Activities; DOI Programmatic Clearance for Customer Satisfaction Surveys

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of the Secretary are proposing to renew an 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 Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *jeffrey_parrillo@ios.doi.gov*. Please reference OMB Control Number 1090–0011 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo by email at *jeffrey_parrillo@ios.doi.gov,* or by telephone at 202–208–7072.

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 Office of the Secretary; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Office of the Secretary enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Office of the Secretary minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Government Performance and Results Act of 1993 (GPRA) (Pub. L. 103–62) requires agencies to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.'' To fulfill this responsibility, DOI bureaus and offices must collect data from their respective user groups to better understand the needs and desires of the public and to respond accordingly. Executive Order 12862 ''Setting Customer Service Standards'' also requires all executive departments to ''survey customers to determine . . . their level of satisfaction with existing services.'' We use customer satisfaction surveys to help us fulfill our responsibilities to provide excellence in government by proactively consulting with those we serve. This programmatic clearance provides an expedited approval process for DOI bureaus and offices to conduct customer research through external surveys such as questionnaires and comment cards.

The proposed renewal covers all of the organizational units and bureaus in DOI. Information obtained from customers by bureaus and offices will be provided voluntarily. No one survey will cover all the topic areas; rather, these topic areas serve as a guide within which the bureaus and offices will develop questions. Questions may be asked in languages other than English (*e.g.,* Spanish) where appropriate. Topic areas include:

(1) Delivery, quality and value of products, information, and services. Respondents may be asked for feedback regarding the following attributes of the information, service, and products provided:

(a) Timeliness.
(b) Consistency.
(c) Accuracy.
(d) Ease of Use and Usefulness.
(e) Ease of Information Access.
(f) Helpfulness.
(g) Quality.
(h) Value for fee paid for information/product/service.

(2) Management practices. This area covers questions relating to how well customers are satisfied with DOI management practices and processes, what improvements they might make to specific processes, and whether or not they feel specific issues were addressed and reconciled in a timely, courteous, and responsive manner.

(3) Mission management. We will ask customers to provide satisfaction data related to DOI's ability to protect, conserve, provide access to, provide scientific data about, and preserve natural, cultural, and recreational resources that we manage, and how well we are carrying out our trust responsibilities to American Indians.

(4) Rules, regulations, policies. This area focuses on obtaining feedback from customers regarding fairness, adequacy, and consistency in enforcing rules, regulations, and policies for which DOI is responsible. It will also help us understand public awareness of rules and regulations and whether or not they are explained in a clear and understandable manner.

(5) Interactions with DOI Personnel and Contractors. Questions will range from timeliness and quality of interactions to skill level of staff providing the assistance, as well as their courtesy and responsiveness during the interaction.

(6) General demographics. Some general demographics may be gathered to augment satisfaction questions so that we can better understand the customer and improve how we serve that customer. We may ask customers how many times they have used a service, visited a facility within a specific timeframe, their ethnic group, or their race.

All requests to collect information under the auspices of this proposed renewal will be carefully evaluated to ensure consistency with the intent, requirements, and boundaries of this programmatic clearance. Interior's Office of Policy Analysis will conduct an administrative and technical review of each specific request in order to ensure statistical validity and soundness. All information collections are required to be designed and deployed based upon acceptable statistical practices and sampling methodologies, and procedures that account for and minimize non-response bias, in order to obtain consistent, valid data and statistics that are representative of the target populations.

Title of Collection: DOI Programmatic Clearance for Customer Satisfaction Surveys.

OMB Control Number: 1040–0001.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: DOI customers. We define customers as anyone who uses DOI resources, products, or services. This includes internal customers (anyone within DOI) as well as external customers (*e.g.,* the American public, representatives of the private sector, academia, other government agencies). Depending upon their role in specific situations and interactions, citizens and DOI stakeholders and partners may also be considered customers. We define

stakeholders to mean groups or individuals who have an expressed interest in and who seek to influence the present and future state of DOI's resources, products, and services. Partners are those groups, individuals, and agencies who are formally engaged in helping DOI accomplish its mission.

Total Estimated Number of Annual Respondents: 120,000. We estimate approximately 60,000 respondents will submit DOI customer satisfaction surveys and 60,000 will submit comment cards.

Total Estimated Number of Annual Responses: 120,000.

Estimated Completion Time per Response: 15 minutes for a customer survey; 3 minutes for a comment card.

Total Estimated Number of Annual Burden Hours: 18,000.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

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.*).

Benjamin Simon,

Chief DOI Economist.

[FR Doc. 2018–05842 Filed 3–21–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025151; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Tennessee Valley Authority (TVA) has corrected a Notice of Inventory Completion published in the **Federal Register** on February 23, 2018. This notice adds a paragraph that was inadvertently left out.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a Notice of Inventory Completion published in the **Federal Register** (83 FR 8101–8102, February 23, 2018). The paragraph summarizing the determinations made by TVA was inadvertently left out of the original notice.

Correction

In the **Federal Register** (83 FR 8101, February 23, 2018), column 3, under the heading ''Determinations Made by the Tennessee Valley Authority,'' the following paragraph is inserted after paragraph 7:

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

The Tennessee Valley Authority is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–05854 Filed 3–21–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1002]

Certain Carbon and Alloy Steel Products; Commission Determination To Terminate the Investigation With Respect to the Antitrust Claim; Request for Written Submissions on Remedy, the Public Interest, and Bonding With Respect to Defaulting Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to terminate the investigation with respect to a claim by complainant United States Steel Corporation of Pittsburgh, Pennsylvania (''U.S. Steel'') for violation of section 337 based on a conspiracy to fix prices and control output and export volumes in violation of the antitrust laws of the United States. The Commission requests written submissions, under the schedule set forth below, on remedy, public interest, and bonding concerning the previously defaulted respondents subject to the false designation of origin claim.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2301. 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 Inv. No. 337–TA–1002 on June 2, 2016, based on a complaint filed by complainant U.S. Steel, alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''). See 81 FR 35381 (June 2, 2016). The complaint alleges violations of section 337 based upon the importation into the United States, or in the sale after importation of certain carbon and alloy steel products by reason of: (1) A conspiracy to fix prices and control output and export volumes, the threat or effect of which is to restrain or monopolize trade and commerce in the United States; (2) misappropriation and use of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States; and (3) false designation of origin or manufacturer, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation identified forty (40) respondents that are Chinese steel manufacturers or distributors, as well as some of their Hong Kong and United States affiliates. *Id.* In addition, the Office of Unfair Import Investigations is also a party in this investigation. *Id.* Eighteen (18) respondents participated in the investigation and all other respondents were found in default, including fifteen (15) respondents that are subject to the

false designation of origin claim: (1) Shandong Iron and Steel Group Co. Ltd. of Jinan City, China; Shandong Iron and Steel Co., Ltd. of Jinan City, China; Jigang Hong Kong Holdings Co., Ltd. of Hong Kong, China; and Jinan Steel International Trade Co., Ltd. of Jinan City, China; (2) Benxi Iron and Steel (Group) International Economic and Trading Co. Ltd. and Benxi Steel (Group) Co. Ltd., both of Benxi City, China; and (3) Tianjin Tiangang Guanye Co., Ltd. of Tianjin, China; Wuxi Sunny Xin Rui Science and Technology Co., Ltd. of Wuxi Province, China; Taian JNC Industrial Co., Ltd. of Tai'an City, China; EQ Metal (Shanghai) Co., Ltd. of Shanghai, China; Kunshan Xinbei International Trade Co., Ltd. of Jiangsu, China; Tianjin Xinhai Trade Co., Ltd. of Tianjin, China; Tianjin Xinlianxin Steel Pipe Co., Ltd. of Tianjin, China; Tianjin Xinyue Industrial and Trade Co., Ltd. of Tianjin, China; and Xian Linkun Materials (Steel Pipe Supplies) Co., Ltd. of Xi'an City, China (collectively, the ''Defaulting Respondents''). See Comm'n Notice (Oct. 14, 2016), Comm'n Notice (Oct. 18, 2016), Comm'n Notice (Nov. 18, 2016).

On August 26, 2016, the participating respondents filed a motion to terminate U.S. Steel's antitrust claim under 19 CFR 210.21. On November 14, 2016, the presiding administrative law judge (''ALJ'') issued an initial determination (''ID''), granting Respondents' motion to terminate Complainant's antitrust claim under 19 CFR 210.21 and, in the alternative, under 19 CFR 210.18. Order No. 38 (Nov. 14, 2016). On December 19, 2016, the Commission issued a Notice determining to review Order No. 38. See 81 FR 94416–7 (Dec. 23, 2016). On April 20, 2017, the Commission held an oral argument on the issue of whether a complainant alleging a violation of section 337 based on antitrust law must show antitrust injury.

On February 15, 2017, U.S. Steel filed a motion to partially terminate the investigation on the basis of withdrawal of its trade secret allegations, which were alleged against only certain of the participating respondents. On February 22, 2017, the ALJ issued an ID, granting U.S. Steel's motion to terminate the investigation with respect to its trade secret allegations. Order No. 56 (Feb. 22, 2017). On March 24, 2017, the Commission determined not to review Order No. 56. Comm'n Notice (Mar. 24, 2017).

On October 2, 2017, the ALJ issued an ID, granting the remaining participating respondents' motions for summary determination of no section 337 violation based on false designation of origin. Order No. 103 (Oct. 2, 2017). On November 1, 2017, the Commission determined not to review Order No. 103. Comm'n Notice (Nov. 1, 2017).

Having examined the record of this investigation, including Order No. 38, the petitions for review, the responses thereto, the parties' submissions on review, and the parties' statements at the oral argument, the Commission has determined that a complainant alleging a violation of section 337 based on antitrust law must show antitrust injury, which is a standing requirement. The Commission finds that U.S. Steel has failed to plead antitrust injury and U.S. Steel has taken the position that, if given the opportunity to amend the complaint, it will not be able to plead or demonstrate antitrust injury. Accordingly the Commission has determined to terminate the investigation with respect to U.S. Steel's antitrust claim. Commissioner Broadbent dissents and has filed a dissenting opinion.

Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against any defaulting respondent against which U.S. Steel alleged false designation of origin, unless, after considering the public interest, the Commission finds that such relief should not issue. Given the disposition of the underlying false designation of origin claims for the participating respondents in Order No. 103, any relief issued in this investigation would not apply to the participating respondents.

In connection with the final disposition of this investigation, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the Defaulting Respondents; and/or (2) issue cease and desist orders that could result in the Defaulting Respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, including the Office of Unfair Import Investigations, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Office of Unfair Import Investigations are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the HTSUS numbers under which the accused products are imported and any known importers of the accused products. The written submissions and proposed remedial orders must be filed no later than close of business on March 30, 2018. Initial submissions are limited to 50 pages, not including any attachments or exhibits related to discussion of the public interest. Reply submissions must be filed no later than the close of business on April 6, 2018. Reply submissions are limited to 25 pages, not including any attachments or exhibits related to discussion of remedy, the public interest, and bonding. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper

copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1002'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[1] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 19, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05815 Filed 3–21–18; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–598–600 and 731–TA–1408–1410 (Preliminary)]

Rubber Bands From China, Sri Lanka, and Thailand; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of rubber bands from China and Thailand provided for in subheadings 4016.99.35 and 4016.99.60 (statistical reporting numbers 4016.99.3510 and 4016.99.6050) of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of China and Thailand. The Commission further determines that imports of rubber bands from Sri Lanka that are alleged to be sold in the United States at LTFV and to be subsidized by the government of Sri Lanka are negligible pursuant to section 771(24) of the Act, and its antidumping and countervailing duty investigations with regard to rubber bands from this country are thereby terminated pursuant to section 703(a)(1) of the Act.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations regarding imports of rubber bands from China and Thailand. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On January 30, 2018, Alliance Rubber Co., Hot Springs, Arkansas filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of rubber bands from China, Sri Lanka, and Thailand. Accordingly, effective January 30, 2018, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701–TA–598–600 and antidumping duty investigation Nos. 731–TA–1408–1410 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 5, 2018 (83 FR 5143). The conference was held in Washington, DC, on February 20, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on March 19, 2018.[2] The views of the Commission are contained in USITC Publication 4770 (March 2018), entitled *Rubber Bands from China, Sri Lanka, and Thailand: Investigation Nos. 701–TA–598–600 and 731–TA–1408–1410 (Preliminary).*

By order of the Commission.

Issued: March 19, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05834 Filed 3–21–18; 8:45 am]

BILLING CODE 7020–02–P

[2] Due to the Federal government weather-related closure on March 2, 2018, these investigations have been tolled by one day pursuant to 19 U.S.C. 1671b(a)(2), 1673b(a)(2).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–921; (Enforcement Proceeding)]

Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof; Commission Determination To Grant a Joint Unopposed Motion To Terminate the Enforcement Proceeding Based on a Settlement Agreement and an Unopposed Motion To Rescind the Remedial Orders; 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 to grant a joint unopposed motion to terminate the enforcement proceeding based on a settlement agreement and an unopposed motion to rescind the remedial orders.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–3438. 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 (*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 the original investigation on July 14, 2014, based on a complaint filed by Navico, Inc. of Tulsa, Oklahoma, and Navico Holding AS, of Egersund, Norway (collectively, ''Navico''). 79 FR 40778 (July 14, 2014). 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, and the sale within the United States after importation of certain marine sonar imaging devices, including downscan and sidescan devices, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,305,840 (''the '840 patent''), 8,300,499, and 8,605,550 (''the '550 patent''). *Id.* The named respondents included Garmin International, Inc. and Garmin USA, Inc., each of Olathe, Kansas (collectively, ''Garmin''), and Garmin (Asia) Corporation of New Taipei City, Taiwan. *Id.* The Office of Unfair Import Investigations was also named as a party. *Id.*

On December 1, 2015, the Commission found a violation of section 337 based on infringement of certain claims of the '840 and '550 patents. 80 FR 76040, 76040–41 (Dec. 7, 2015). The Commission issued a limited exclusion order prohibiting Garmin and Garmin (Asia) Corporation from importing certain marine sonar imaging devices, including downscan and sidescan devices, products containing the same, and components thereof that infringe claims 1, 5, 7, 9, 11, 16–19, 23, 32, 39–41, and 70–72 of the '840 patent and claims 32 and 44 of the '550 patent. *Id.* The Commission also issued cease and desist orders against Garmin and Garmin (Asia) Corporation, prohibiting the sale and distribution within the United States of articles that infringe certain claims of the '840 and '550 patents. *Id.* at 76041.

On August 18, 2016, the Commission issued a modified limited exclusion order. Notice (Aug. 18, 2016).

On October 17, 2016, the Commission instituted the subject enforcement proceeding based on a complaint filed by Navico, alleging that Garmin violated the cease and desist orders issued in the original investigation. 81 FR 71531, 71531–32 (Oct. 17, 2016). On May 25, 2017, the presiding administrative law judge (''ALJ'') issued an enforcement initial determination finding that Garmin violated the cease and desist orders. The ALJ also recommended imposition of a civil penalty of approximately $37 million if the Commission found a violation of the cease and desist orders.

On June 13, 2017, the U.S. Court of Appeals for the Federal Circuit issued a decision in *Garmin International, Inc.* v. *International Trade Commission* (No. 16–1572), finding invalid as obvious all claims covered by the remedial orders and reversing the Commission's final determination of a section 337 violation. On October 31, 2017, the Federal Circuit issued a mandate in accordance with its June 13, 2017 judgment.

On November 1, 2017, Garmin filed a motion to terminate the enforcement proceeding in light of the reversal of the final determination of violation in the original investigation. On November 2, 2017, Garmin filed a motion to rescind the remedial orders. On November 13, 2017, Navico and OUII filed responses to Garmin's motion to terminate and motion to rescind the remedial orders. On November 17, 2017, Garmin filed a motion to file a reply. On November 28, 2017, Navico filed an opposition to Garmin's motion to file a reply.

On February 14, 2018, Navico and Garmin filed a joint motion to terminate the enforcement proceeding based on a settlement agreement. Public and confidential versions of the parties' settlement agreement are attached to the motion. The joint motion states that the settlement agreement resolves the dispute between Navico and Garmin in the enforcement proceeding and that ''[t]here are no other agreements, written or oral, express or implied, between Navico and Garmin regarding the subject matter of this proceeding.'' The motion also states that ''there no longer exists a basis upon which to continue this enforcement proceeding,'' that ''termination of this proceeding pursuant to the [a]greement poses no threat to the public interest,'' and that ''it is in the interest of the public and administrative economy to grant this motion.'' The joint motion also requested that the Commission act on Garmin's unopposed motion to rescind the remedial orders. On February 26, 2018, OUII filed a response, supporting the joint motion to terminate the enforcement proceeding and request to rescind the remedial orders.

The Commission has determined to grant the joint unopposed motion to terminate the enforcement proceeding based on a settlement agreement. The Commission finds that the joint motion complies with the requirements of section 210.21(b)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.21(b)(1)) and that there are no extraordinary circumstances to prevent the requested termination. The Commission also finds that termination of the enforcement proceeding would not be contrary to the public interest. The enforcement proceeding is terminated.

The Commission has also determined to rescind the modified limited exclusion order and cease and desist orders.

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 19, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–05816 Filed 3–21–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Global Climate and Energy Project

Notice is hereby given that, on November 22, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Global Climate and Energy Project (''GCEP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its nature and objectives. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the members of GCEP have amended the agreement between them to change the nature and objectives of GCEP by extending the termination of GCEP from August 31, 2018, to August 31, 2019, modifying the work descriptions of GCEP, and revising the payment obligations of the members.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and GCEP intends to file additional written notifications disclosing all changes in membership.

On March 12, 2003, GCEP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2003 (68 FR 16552).

The last notification was filed with the Department on August 17, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2015 (80 FR 58504).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–05764 Filed 3–21–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Exemption From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains notice of pendency before the Department of Labor (the Department) of a proposed individual exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). If this proposed one-year temporary exemption is granted, certain entities with specified relationships to BNP Paribas will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14.

DATES: *Applicable Date:* If granted, this proposed one-year temporary exemption will be applicable for the period beginning on May 30, 2018 until the earlier of: (1) May 29, 2019; or (2) the date of final agency action made by the Department in connection with an application for longer-term exemptive relief for the covered transactions described herein.

Written comments and requests for a public hearing on the proposed exemption should be submitted to the Department within five days from the date of publication of this **Federal Register** Notice.

ADDRESSES: Comments should state the nature of the person's interest in the proposed exemption and the manner in which the person would be adversely affected by the exemption, if granted. A request for a hearing can be requested by any interested person who may be adversely affected by an exemption. A request for a hearing must state: (1) The name, address, telephone number, and email address of the person making the request; (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption; and (3) a statement of the issues to be addressed and a general description of the evidence to be presented at the hearing. The Department will grant a request for a hearing made in accordance with the requirements above where a hearing is necessary to fully explore material factual issues identified by the person requesting the hearing. A notice of such hearing shall be published by the Department in the **Federal Register**. The Department may decline to hold a hearing where: (1) The request for the hearing does not meet the requirements above; (2) the only issues identified for exploration at the hearing are matters of law; or (3) the factual issues identified can be fully explored through the submission of evidence in written (including electronic) form.

All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 200 Constitution Avenue, NW, Suite 400, Washington, DC 20210. Attention: Application No. D–11949. Interested persons are also invited to submit comments and/or hearing requests to EBSA via email or FAX. Any such comments or requests should be sent either by email to: *e-oed@dol.gov,* or by FAX to (202) 693–8474 by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210.

Warning: All comments received will be included in the public record without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment. Additionally, the *http://www.regulations.gov* website is an ''anonymous access'' system, which means EBSA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EBSA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment

that is placed in the public record and made available on the internet.

FOR FURTHER INFORMATION CONTACT: Ms. Blessed Chuksorji-Keefe of the Department at (202) 693–8567. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

The anticipated court date for conviction will arise before the Department is able to perform a complete analysis of the application. Accordingly, the Department proposes to grant this temporary exemption to protect Covered Plans from certain costs and/or investment losses that may arise to the extent entities with a corporate relationship to BNP Paribas or BNP Paribas USA lose their ability to rely on PTE 84–14 as of the Conviction Date, as described above. Comments received in response to this proposed one-year temporary exemption will also be considered in connection with the Department's determination whether or not to grant any subsequent exemption.

The proposed exemption would provide relief from certain of the restrictions set forth in sections 406 and 407 of ERISA. No relief from a violation of any other law would be provided by this exemption including any criminal conviction described herein.

Furthermore, the Department cautions that the relief in this proposed exemption would terminate immediately if, among other things, an entity within the BNP Paribas corporate structure is convicted of a crime described in Section I(g) of PTE 84–14 (other than the 2015 Convictions and the 2018 Conviction) during the Exemption Period. While such an entity could apply for a new exemption in that circumstance, the Department would not be obligated to grant the exemption. The terms of this proposed exemption have been specifically designed to permit Covered Plans to terminate their relationships in an orderly and cost-effective fashion in the event of an additional conviction or a determination that it is otherwise prudent for a Covered Plan to terminate its relationship with an entity covered by the proposed exemption.

Summary of Facts and Representations [1]

1. The Applicant is BNP Paribas S.A. (BNP Paribas) and its current and future affiliates, and certain related entities (collectively, the Applicant). BNP Paribas is a publicly-held French bank, with principal offices in Paris, France. BNP Paribas is the parent company of BNP Paribas USA, Inc. (hereinafter, BNP Paribas USA), which is the U.S. holding company for the U.S. Corporate and Investment Banking operations of BNP Paribas.[2] It is expected that BNP Paribas USA will be criminally convicted on May 30, 2018 for misconduct relating to its FX operations, as described below.

2. BNP Paribas has several affiliates that provide investment management services. These affiliates manage or seek to manage the assets of ERISA-covered plans and IRAs on a discretionary basis, including retirement plans sponsored by BNP Paribas or an affiliate, whether through collective investment trusts or otherwise. As of March 31, 2017, BNP Paribas' asset management division, BNP Paribas Asset Management (BNPP AM), managed approximately €580 billion (US $619 billion) in total client assets, including assets under advisory agreements, for clients located in 81 countries. BNPP AM had approximately 700 investment professionals in 34 countries, including 65 in the United States.

3. The primary registered adviser affiliates or banks in which BNP Paribas owns all or substantial interests, directly or indirectly, and which may use the QPAM exemption in managing plan assets (the BNP Affiliated QPAMs), include the following: BNP Paribas Asset Management USA, Inc.; BNP Paribas Asset Management UK Limited; BNP Paribas Asset Management Singapore Limited; Bank of the West; First Hawaiian Bank; BancWest Investment Services, Inc.; and Bishop Street Capital Management Corp. In total, the affiliated asset managers in the United States manage approximately $66 billion in client assets, and approximately $50 billion on a discretionary basis, over $3.5 billion of which is comprised of ERISA-covered plan and IRA assets. According to the Applicant, certain of these affiliates routinely use the QPAM exemption to provide relief for party-in-interest investment transactions.

4. On May 1, 2015, the District Court for the Southern District of New York convicted BNP Paribas (hereinafter, BNP Paribas or BNP) in Case Number 14-cr-00460 (LGS) for conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, by conspiring to violate the International Emergency Economic Powers Act, codified at Title 50, United States Code, Section 1701 *et seq.,* and regulations issued thereunder, and the Trading with the Enemy Act, codified at Title 50, United States Code Appendix, Section 1 *et seq.,* and regulations issued thereunder (the U.S. Conviction). The Supreme Court of the State of New York, County of New York in Case Number 2014 NY 051231, also convicted BNP on April 15, 2015 for falsifying business records in the first degree, in violation of Penal Law § 175.10, and conspiracy in the fifth degree, in violation of Penal Law § 105.05(1) (the New York Conviction, and with the U.S. Conviction, the 2015 Convictions). The 2015 Convictions involved a conspiracy that extended from as early as 2004 through 2012 between BNP and banks and other entities located in or controlled by countries subject to U.S. sanctions, including Sudan, Iran, and Cuba (Sanctioned Entities), other financial institutions located in countries not subject to U.S. sanctions, and others known and unknown, to knowingly, intentionally and willfully move at least $8,833,600,000 through the U.S. financial system on behalf of Sanctioned Entities in violation of U.S. sanctions laws, including transactions totaling at least $4.3 billion that involved Specially Designated Nationals (SDNs).[3]

5. In anticipation of the 2015 Convictions, BNP submitted to the Department of Labor (the Department) an application for an individual exemption, Exemption Application D–11827, on July 1, 2014, for certain BNP-affiliated and related QPAMs to continue to rely upon the relief provided by Prohibited Transaction Class Exemption (PTE) 84–14, notwithstanding the 2015 Convictions. On November 26, 2014, the Department published a notice of proposed exemption in the **Federal Register**, at 79 FR 70661. On April 15, 2015, the Department published a notice of final exemption, PTE 2015–06, at 80 FR 20261. That exemption contains numerous conditions, and precludes relief to the extent BNP, or certain parties related to BNP, are again convicted of a crime described in Section I(g) of PTE 84–14 (*i.e.,* other than the 2015 Convictions).

6. On January 25, 2018, the U.S. Department of Justice (the Department of Justice) filed a criminal information in the District Court for the Southern District of New York (the ''District

[1] The Summary of Facts and Representations is based on BNP's representations, unless indicated otherwise.

[2] BNP Paribas USA went by the name Paribas North America, Inc. during the misconduct described below.

[3] An SDN appears on a list of individuals, groups, and entities subject to economic sanctions by OFAC. SDNs are specifically designated individuals and companies whose assets are blocked from the U.S. financial system. SDNs are included on the list because they are owned or controlled by, or acting for or on behalf of, targeted countries, as well as individuals, groups, and entities, such as terrorists and narcotics traffickers, designated under sanctions programs that are not country-specific.

Court'') charging BNP Paribas USA with a one-count violation of the Sherman Antitrust Act, 15 U.S.C. 1 (the Information). The Information charges that, from September 2011 until at least July 2013, BNP Paribas USA through a single Central and Eastern European, Middle Eastern and African Emerging Markets currencies (''CEEMEA'' currencies) trader employed by an affiliate of BNP Paribas USA, BNP Paribas Securities Corp. (BNP Sec Corp), participated in a conspiracy with employees of other financial institutions to suppress and eliminate competition in CEEMEA currencies by various means and methods, including by: (i) Agreeing to enter into non-bona fide trades among themselves on an electronic FX trading platform, for the sole purpose of manipulating prices; (ii) agreeing to subsequently cancel these non-bona fide trades, or to offset them by entering into equivalent trades in the opposite direction, in a manner designed to hide such actions from other FX market participants; (iii) coordinating on the price, size and timing of their bids and offers on an electronic FX trading platform in order to manipulate prices on that and other electronic FX trading platforms; (iv) agreeing to refrain from trading where one or more of the co-conspirators had a stronger need to buy or sell than the others, in order to prevent the co-conspirators from bidding up the price or offering down the price against each other; (v) coordinating their trading prior to and during fixes in a manner intended to manipulate final fix prices; (vi) coordinating their trading in order to move pricing through their customers' limit order levels; (vii) agreeing on pricing to quote to specific customers; and (viii) employing measures to hide their coordinated conduct from customers as well as other FX market participants (the Conduct).

A plea agreement was presented to the District Court on January 25, 2018 (the Plea Agreement). Under the Plea Agreement, BNP Paribas USA agreed to enter a plea of guilty (the Plea) to the charge set out in the Information (*i.e.,* a one-count violation of the Sherman Antitrust Act). In addition, BNP Paribas USA will make an admission of guilt to the District Court. The Applicant expects that the District Court will enter a judgment against BNP Paribas USA that will require remedies that are materially the same as those set forth in the Plea Agreement.

Under the Plea Agreement, among other things: BNP Paribas USA shall pay to the United States a criminal fine of $90 million; BNP Paribas USA and its related entities shall strengthen their compliance and internal controls as required by the Board of Governors of the Federal Reserve System (FRB), New York State Department of Financial Services (DFS), and any other regulatory or enforcement agencies that have addressed the Conduct; and for a period of three years from the date of execution of the Plea Agreement, BNP Paribas shall report to the Department of Justice Antitrust Division all credible information regarding criminal violations of U.S. antitrust laws by BNP Paribas USA and certain of its related entities, as well as any of their employees as to which supervisors within the bank (or legal and compliance personnel) are aware.

7. The FRB entered a cease and desist order (the FRB Order) on July 17, 2017, against BNP Paribas, BNP Paribas USA and BNP Sec Corp concerning unsafe and unsound banking- practices relating to BNP Paribas's FX business, including with respect to inappropriate communications between BNP Paribas FX traders and FX traders at other financial institutions and by BNP Paribas's FX sales personnel and customers. Such communications include disclosures of trading positions and coordination, disclosures of confidential customer information, discussions of bid/offer spreads offered to customers, and discussions on trading to trigger or defend FX barrier positions. The FRB Order required BNP Paribas to cease and desist, assessed a civil money penalty of $246,375,000, and required the parties thereto to agree to take certain affirmative actions. Under the FRB Order, BNP Paribas must create, with respect to FX and other benchmark related activities, an enhanced written internal controls and compliance program, an enhanced internal audit program, and a written plan to improve BNP Paribas' compliance and risk management program, each acceptable to the FRB. Under the FRB Order, BNP Paribas must also conduct an exemption review of compliance policies and a risk-focused sampling of key controls regarding FX and other benchmark-related activities.

8. The DFS entered into a consent order (the DFS Order) on May 24, 2017 with BNP Paribas and its New York branch (the DFS Order Parties) to settle DFS's investigations into alleged violations of the New York Banking Law (Banking Law) with respect to FX business during the period between 2007 and 2013. The conduct described in the DFS Order includes collusive conduct carried out through on-line chat rooms, improper exchanges of information, manipulating prices, and misleading customers by hiding markups on executed trades. The DFS Order finds that the DFS Order Parties violated the Banking Law by conducting business in an unsafe and unsound manner and by failing to maintain and make available true and accurate books, accounts, and records reflecting all transactions and actions and also violated a provision of the New York Codes, Rules and Regulations by failing to submit a report to the Superintendent immediately upon discovering fraud, dishonesty, making of false entries or omission of true entries, or other misconduct. Pursuant to the DFS Order, the DFS Order Parties were required to pay a civil monetary penalty of $350 million, which was paid on June 1, 2017. The DFS Order also requires the DFS Order Parties to submit written proposals for approval by the DPS covering its senior management oversight, internal controls and compliance program, compliance risk management program, and internal audit program regarding the DPS Order Parties' FX trading business and related sales activities.

9. As noted above, the BNP Affiliated QPAMs and BNP Related QPAMs will no longer be able to rely on the relief described in PTE 2015–06 as of the sentencing date of the 2018 Conviction, which is tentatively scheduled for May 30, 2018. BNP, in its application for this exemption, represents that ''great harm would be caused to plans if there were any gap in the relief between PTE 2015–06 and the relief contained herein.'' In this regard, the Applicant states that, as of March 31, 2017, BNPP AM USA managed approximately $1.6 billion in assets for eight plans that are subject to ERISA or the Code by operation of law.[4] BNPP AM USA manages fixed income, currency, and equity strategies, utilizing the following derivative instruments, among others: foreign exchange forwards, credit linked notes, structured notes, and swaps. The Applicant states that many of the firm's pension plan accounts, especially those that are subject to ERISA, are dependent on the QPAM Exemption for such instruments. According to the Applicant, without such instruments, BNPP AM USA would be unable to fulfill its mandate to these plans. In addition to direct costs, there are indirect costs to departing

[4] The Applicant states that BNPP AM USA managed more than $1.6 billion in public plan assets that are subject to ERISA by contract. The Applicant states that it is appropriate for the Department to take cognizance of the effect that the denial of relief in this case would have on participants in public plans, which often hold their managers to ''ERISA-like'' standards, and who may well decide to change managers if the Applicant were denied relief, causing transition costs for those plans as well.

clients, such as the cost to the plans of issuing RFPs, finding other managers, and other costs that may be associated with reinvesting the assets.

The Applicant states further that First Hawaiian Bank, the asset manager associated with BancWest Corporation's Hawaiian affiliates, manages 80 ERISA plans with approximately $1.46 billion in assets, and 479 IRAs with approximately $173.2 million in assets. ERISA plan and IRA portfolios are comprised of investment-grade taxable fixed income securities, equity strategies, and equity linked notes, as well as ETFs and mutual funds that are used in balanced portfolios, which may rely on the QPAM Exemption. The Applicant ''conservatively'' estimates that, in the event exemptive relief is not granted, the transaction and related costs to liquidate various security holdings in these plans and IRAs would be approximately $818,995 (*i.e.,* five basis points on the market value of the affected plans), not including reinvestment costs.

The Applicant states that, as of March 31, 2017, Bank of the West managed 25 ERISA plans with approximately $78 million in discretionary assets, and 351 IRAs with over $204.5 million in discretionary assets, including accounts with assets that are not held at Bank of the West. These accounts are invested across various asset classes, including but not limited to fixed income securities, ETFs, and mutual funds where Bank of the West may rely on several potential exemptions, including but not limited to the QPAM Exemption. The Applicant states that using five basis points on the market value of the affected accounts, and assuming that the assets would need to be liquidated because clients would not be prepared to have a manager that had been affirmatively denied relief under the QPAM Exemption, the liquidation cost would be over $141,066, not including additional costs that may be associated with reinvesting the liquidated assets.

The Applicant states that if the exemption request is denied, plans that decide to continue to employ the Affiliated QPAMs could be prohibited from engaging in certain transactions that would be beneficial to such plans, such as hedging transactions using over-the-counter options or derivatives. The Applicant states that, even if other exemptions were acceptable to such counterparties, the cost of the transaction could still increase.

The Applicant requests an exemption that contains the conditions set forth in PTE 2015–06. According to the Applicant, such an exemption would be protective of plans in that: (i) The entity pleading guilty will not be involved in the provision of discretionary investment management services to ERISA-covered plans and IRAs; and (ii) there have been, and will be, policies and procedures and training in place for the Affiliated QPAMs. BNP represents further that BNP Paribas employees outside of the Affiliated QPAMs are not consulted with respect to trading decisions and investment strategies of the Affiliated QPAMs for their ERISA-covered plan and IRA clients, nor do the Affiliated QPAMs consult with other parts of the BNP Paribas organization in connection with investment decisions made on behalf of their ERISA-covered plan and IRA clients. BNP states that BNP Paribas will maintain internal control procedures designed to prevent improper activities and has complied (and will continue to comply) with all applicable requirements specified in the orders and Plea Agreement and any other agreements entered into by BNP Paribas and BNP Paribas USA with other domestic and foreign regulatory agencies in connection with the Conduct. Policies and procedures will be reasonably designed to protect the ERISA-covered plan and IRA clients of the asset management businesses of the Affiliated QPAMs from improper influence on the part of affiliated entities. Finally, the Applicant notes that all of the conditions that make the QPAM Exemption protective of the rights of participants and beneficiaries of ERISA plans and IRAs will be incorporated into this exemption, if granted.

10. The Department is not persuaded that the conditions of PTE 2015–06 are sufficient to protect plans subject to Part 4 of Title I of ERISA (an ERISA-covered plan) or plans subject to section 4975 of the Code (an IRA), in each case, with respect to which a BNP Affiliated QPAM relies on PTE 84–14, or with respect to which a BNP Affiliated QPAM (or any BNP Paribas affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14) (Covered Plans).[5] The conditions in PTE 2015–06 do not take into account the second Conviction in 2018. Further, after reviewing the application for this exemption, the Department believes additional conditions are necessary to protect Covered Plans during the Exemption Period. These additional conditions reflect the Department's concern regarding the level of misconduct engaged in by BNP personnel. As noted in the New York State Department of Financial Services Consent Order, ''The misconduct engaged in by more than a dozen BNPP traders and salespersons was broad; sometimes very deep; involved employees located in both New York and other BNPP locations across the globe; and occurred over an extended period of time.''[6]

This exemption's conditions are discussed below. This exemption, if granted, is effective from May 30, 2018 until the earlier of May 29, 2019 or the date a final agency action is made by the Department in connection with an application for longer-term exemptive relief for the covered transactions described herein. If the Applicant submits an exemption request for longer term relief, and the Department subsequently determines that longer term relief is warranted, the effective period of this exemption will end on the earlier of May 29, 2019, or the effective date of such new exemption.

11. Several of this exemption's conditions are aimed at ensuring that the BNP Affiliated QPAMs and Related QPAMs were not involved in the conduct that gave rise to any of the BNP Convictions (*i.e.,* the 2015 BNP Convictions and the 2018 BNP Conviction). Accordingly, the exemption generally precludes relief to the extent the BNP Affiliated QPAMs and the BNP Related QPAMs were aware of, participated in, approved of, furthered, benefitted, or profited from, the misconduct that is the subject of the BNP Convictions.[7] Further, the BNP Affiliated QPAMs may not employ or knowingly engage any of the individuals that participated in the BNP conduct attributable to any of the BNP Convictions.

12. The exemption further provides that no BNP Affiliated QPAM will use

[5] For purposes of this exemption, a Covered Plan does not include an ERISA-covered plan or IRA to the extent the BNP Affiliated QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.

[6] In its application to the Department, the Applicant represented that, among other things: BNP Paribas has continued to enhance its enterprise-wide compliance program in an effort driven by senior management. BNP Paribas has increased the budget of the compliance function by €327 million since 2014 to bolster its compliance function, bringing the 2017 compliance function budget to €682 million. BNP Paribas has added over 2,000 compliance personnel, more than doubling the number of the global compliance staff to over 3,800 compliance officers worldwide between 2014 and 2017. Further, BNP Paribas has invested in compliance projects, information technology, management information systems, legal, and other enhancement and remediation efforts.

[7] For clarity, references to the BNP Affiliated QPAMs and the BNP Related QPAMs include any individual employed by or engaged to work on behalf of these QPAMs during or after the period of misconduct.

its authority or influence to direct an ''investment fund'' that is subject to ERISA or the Code and managed by such BNP Affiliated QPAM with respect to one of more Covered Plans, to enter into any transaction with BNP Paribas or BNP Paribas USA, or engage BNP Paribas or BNP Paribas USA to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction or service may otherwise be within the scope of relief provided by an administrative or statutory exemption.

13. This exemption will terminate if BNP Paribas or any of its affiliates are convicted of any additional crimes described in Section I(g) of PTE 84–14, or if any of the other conditions of PTE 84–14 have not been met. Also, with very limited exceptions, BNP Paribas and BNP Paribas USA may not act as a fiduciary within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets. BNP Paribas is defined to include BNP Sec Corp, which was subject to FRB's cease and desist order (along with BNP Paribas and BNP Paribas USA) based on unsafe and unsound banking-practices relating to BNP Paribas's FX business. BNP is defined to include its New York branch, which employed individuals who engaged in the FX misconduct, as noted in the NYDFS Consent Order.

14. The exemption requires each BNP Affiliated QPAM to update, implement and follow certain written policies and procedures (the Policies) by the Conviction Date. These Policies are similar to the policies and procedures mandated by PTE 2015–06. In general terms, the Policies must require, and must be reasonably designed to ensure that, among other things: the asset management decisions of the BNP Affiliated QPAM are conducted independently of the corporate management and business activities of BNP Paribas and BNP Paribas USA; the BNP Affiliated QPAM fully complies with ERISA's fiduciary duties, and with ERISA and the Code's prohibited transaction provisions; the BNP Affiliated QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans; any filings or statements made by the BNP Affiliated QPAM to regulators, on behalf of or in relation to Covered Plans, are materially accurate and complete; the BNP Affiliated QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to Covered Plans; the BNP Affiliated QPAM complies with the terms of this exemption; and any violation of, or failure to comply with any of these items, is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier). Any such violation or compliance failure not so corrected must be reported, upon the discovery of such failure to so correct, in writing, to appropriate corporate officers, the head of compliance and the General Counsel (or their functional equivalent), and the independent auditor responsible for reviewing compliance with the Policies.

15. This exemption mandates training (Training), which is similar to the training required under PTE 2015–06. In this regard, all relevant UBS QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel must be trained during the Exemption Period. Among other things, the Training must, at a minimum, cover the Policies, ERISA and Code compliance, ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and the requirement for prompt reporting of wrongdoing. The Training must be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code.

16. As in PTE 2015–06, under this exemption, each BNP Affiliated QPAM must submit to an audit conducted by an independent auditor.[8] Among other things, the auditor must test a sample of each BNP Affiliated QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training. The auditor's conclusions cannot be based solely on the Exemption Report created by the Compliance Officer, described below, in lieu of independent determinations and testing performed by the auditor.

The Audit Report must be certified by the General Counsel or one of the three most senior executive officers of the BNP Affiliated QPAM to which the Audit Report applies. A copy of the Audit Report must be provided to the Risk Committee of BNP's Board of Directors. Among other things, BNP must submit to the Office of Exemption Determinations (OED), no later than two months after the Conviction Date, any engagement agreement with an auditor to perform the audit required under the terms of this exemption.

17. This exemption requires that, as of May 30, 2018, and throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a BNP Affiliated QPAM and a Covered Plan, the BNP Affiliated QPAM must agree and warrant: (i) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; and (ii) to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any inadvertent prohibited transactions). This provision is enhanced relative to PTE 2015–06, in that each BNP Affiliated QPAM must now further agree and warrant to comply with the standards of prudence and loyalty set forth in section 404 of ERISA with respect to each such ERISA-covered plan. Each BNP Affiliated QPAM must also agree and warrant to indemnify and hold harmless such Covered Plan for any actual losses resulting directly from any of the following: (a) A BNP Affiliated QPAM's violation of ERISA's fiduciary duties, as applicable, and/or the prohibited transaction provisions of ERISA and the Code, as applicable; (b) a breach of contract by the QPAM; or (c) any claim arising out of the failure of such BNP Affiliated QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the Conviction. This condition applies only to actual losses caused by the BNP Affiliated QPAM. As noted above, the Applicant has identified a wide range of potential harm and costs that may be incurred by plans and IRAs if the BNP Affiliated QPAMs were no longer able to rely on PTE 84–14. The Department views actual losses arising from unwinding transactions with third parties, and from transitioning Covered Plan assets to third parties, to be ''direct'' results of violating the terms of this provision.

18. This exemption contains specific notice requirements. In this regard, by July 29, 2018, each BNP Affiliated QPAM will provide a notice of the exemption, along with a separate summary describing the facts that led to the Conviction (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) (collectively, Initial Notice) that the Conviction results in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan, or the sponsor

[8] Audits covering time periods prior to the Conviction Date must be completed in accordance with the requirements of PTE 2015–06, as applicable.

of an investment fund in any case where a BNP Affiliated QPAM acts as a sub-advisor to the investment fund in which such ERISA-covered plan and IRA invests. All prospective Covered Plans that enter into a written asset or investment management agreement with a BNP Affiliated QPAM on or after the date of the Initial Notice must receive a copy of the exemption, the Summary, and the Statement prior to, or contemporaneously with, the Covered Plan's receipt of a written asset management agreement from the BNP Affiliated QPAM. The notice requirements shall operate in tandem to ensure that all Covered Plan clients receive either the Initial Notice or a subsequent notice. Disclosures may be delivered electronically.

19. The exemption requires that each BNP Affiliated QPAM maintain records necessary to demonstrate that the conditions of this exemption have been met, for six (6) years following the date of any transaction for which such BNP Affiliated QPAM relies upon the relief in the exemption.

20. This exemption contains several conditions not found in PTE 2015–06. First, this exemption mandates a compliance officer, a review, and an exemption report. By November 29, 2018, BNP Paribas must designate a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct an exemption review (the Exemption Review) for the period beginning on May 30, 2018,[9] to determine the adequacy and effectiveness of the implementation of the Policies and Training. The Compliance Officer must be a professional with extensive relevant experience with a direct reporting line to the highest-ranking corporate officer in charge of legal compliance for asset management.

At a minimum, the Exemption Review must include review of the following items: (i) Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer during the previous year; (ii) any material change in the relevant business activities of the BNP Affiliated QPAMs; and (iii) any change to ERISA, the Code, or regulations that may be applicable to the activities of the BNP Affiliated QPAMs.

The Compliance Officer must prepare a written report (an Exemption Report) that summarizes his or her material activities during the Exemption Period and sets forth any instance of noncompliance discovered during the Exemption Period, and any related corrective action. In each Exemption Report, the Compliance Officer must certify in writing that to his or her knowledge the report is accurate and the BNP Affiliated QPAMs have complied with the Policies and Training, and/or corrected (or are correcting) any instances of noncompliance.

The Exemption Report must be provided to the appropriate corporate officers of BNP Paribas and each BNP Affiliated QPAM to which such report relates and to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM. The Exemption Report must be made unconditionally available to the independent auditor. The Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates.

21. BNP Paribas must also immediately disclose to the Department any Deferred Prosecution Agreement (a DPA) or Non-Prosecution Agreement (an NPA) with the U.S. Department of Justice, entered into by BNP Paribas or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA. BNP Paribas must also immediately provide the Department with any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement.

22. The exemption mandates that, among other things, each BNP Affiliated QPAM clearly and prominently informs Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the BNP Affiliated QPAM's written Policies developed in connection with this exemption. If the Policies are thereafter changed, each Covered Plan client must receive a new disclosure within six (6) months following the end of the calendar year during which the Policies were changed.[10] With respect to this requirement, the description may be continuously maintained on a website, provided that such website link to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan.

23. The exemption contains several defined terms. Notably, the term ''BNP Paribas'' is defined to include its subsidiary, BNP Paribas Securities Corp., which was identified in the FRB's cease and desist order concerning unsafe and unsound banking practices relating to BNP Paribas's FX business. The term ''BNP Paribas USA'' means BNP Paribas USA, Inc., and includes its New York branch, which was a party to the DFS Order.

Statutory Findings

24. Section 408(a) of ERISA provides, in part, that the Department may not grant an exemption unless the Department finds that such exemption is administratively feasible, in the interest of affected plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries.

The Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements set forth in Section 408(a) of ERISA. In this regard, the Department has tentatively determined that the exemption is administratively feasible since, among other things, a qualified independent auditor will be required to perform an in-depth audit covering, among other things, each QPAM's compliance with the exemption, and a corresponding written audit report will be provided to the Department and available to the public. The Department tentatively views the proposed temporary exemption as protective of Covered Plans given that that the exemption requires, among other things, that a senior compliance officer conduct an Exemption Review and prepare a written report that sets forth any instance of noncompliance discovered during the Exemption Period, and any related corrective action. Finally, the Department tentatively views the proposed temporary exemption as in the interest of Covered Plans since, among other things, the limited effective duration of the temporary exemption provides the Department with the opportunity to determine whether long-term exemptive relief is warranted, without causing sudden and potentially costly harm to Covered Plans, as described above in paragraph 9. Such potential costly harm includes the possible default of certain Covered Plan investments; the cost to identifying a new asset manager; and the liquidation and reinvestment costs associated with transitioning Covered Plan assets to such new asset manager.

[9] Such Exemption Review must be completed with respect to the Exemption Period.

[10] In the event Applicant meets this disclosure requirement through Summary Policies, changes to the Policies shall not result in the requirement for a new disclosure unless the Summary Policies are no longer accurate because of the changes.

Notice to Interested Persons

Notice to interested persons is by publication of this notice of proposed temporary one-year exemption in the **Federal Register**. All written comments and/or requests for a hearing must be received by the Department within five days of the date of publication of this proposed exemption in the **Federal Register**.

All comments will be made available to the public.

Warning: If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as a Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Proposed Exemption

The Department is considering granting a one-year temporary exemption under the authority of section 408(a) of the Act (or ERISA) and section 4975(c)(2) of the Internal Revenue Code (or Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[11] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of proposed exemption is issued solely by the Department.

Section I. Covered Transactions

If the proposed one-year temporary exemption is granted, certain entities with specified relationships to BNP Paribas (hereinafter, the BNP Affiliated QPAMs and the BNP Related QPAMs, as defined in Sections III(b) and III(c), respectively) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14 (PTE 84–14 or the QPAM Exemption),[12] notwithstanding the 2015 Convictions of BNP Paribas (as defined in Section III(d)(1)) and the 2018 Conviction of BNP Paribas USA, Inc. (as defined in Section III(d)(2)).[13]

Section II. Conditions

(a) The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, Inc. (BNP Paribas USA)), and employees of such QPAMs and any other party engaged on behalf of such QPAMs who had responsibility for, or exercised authority in connection with the management of plan assets) did not know of, did not have reason to know of, or participate in: (1) The criminal conduct of BNP Paribas that is the subject of the 2015 Convictions; or (2) the criminal conduct of BNP Paribas USA that is the subject of the 2018 Conviction (hereinafter, collectively, the BNP Convictions). ''Participate in'' means the knowing approval of the misconduct underlying the BNP Convictions;

(b) The BNP Affiliated QPAMs and the BNP Related QPAMs (including their officers, directors, agents other than BNP Paribas and BNP Paribas USA, and employees of such QPAMs and any other parties engaged on behalf of such QPAMs) did not receive direct compensation, or knowingly receive indirect compensation, in connection with the criminal conduct that is the subject of the BNP Convictions (the BNP Misconduct);

(c) The BNP Affiliated QPAMs will not employ or knowingly engage any of the individuals that participated in the BNP Misconduct. ''Participated in'' means the knowing approval of the misconduct underlying the BNP convictions;

(d) At all times during the Exemption Period, no BNP Affiliated QPAM will use its authority or influence to direct an ''investment fund'' (as defined in Section VI(b) of PTE 84–14) that is subject to ERISA or the Code and managed by such BNP Affiliated QPAM with respect to one of more Covered Plans (as defined in Section III(f)) to enter into any transaction with BNP Paribas or BNP Paribas USA or to engage BNP Paribas or BNP Paribas USA to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction or service may otherwise be within the scope of relief provided by an administrative or statutory exemption;

(e) Any failure of the BNP Affiliated QPAMs or the BNP Related QPAMs to satisfy Section I(g) of PTE 84–14 arose solely from the BNP Convictions;

(f) A BNP Affiliated QPAM or a BNP Related QPAM did not exercise authority over the assets of any plan subject to Part 4 of Title I of ERISA (an ERISA-covered plan) or section 4975 of the Code (an IRA) in a manner that it knew or should have known would: Further the criminal conduct that is the subject of the BNP Convictions; or cause

[11] For purposes of this proposed one-year temporary exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[12] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430, (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010), hereinafter referred to as ''PTE 84–14'' or the ''QPAM Exemption.''

[13] Section I(g) of PTE 84–14 generally provides that ''[n]either the QPAM nor any affiliate thereof . . . nor any owner . . . of a 5 percent or more interest in the QPAM is a person who within the 10 years immediately preceding the transaction has been either convicted or released from imprisonment, whichever is later, as a result of'' certain criminal activity therein described.

the BNP Affiliated QPAM, the BNP Related QPAM, or their affiliates to directly or indirectly profit from the criminal conduct that is the subject of the BNP Convictions;

(g) Other than with respect to employee benefit plans maintained or sponsored for its own employees or the employees of an affiliate, BNP Paribas and BNP Paribas USA will not act as fiduciaries within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets; provided, however, that BNP Paribas or BNP Paribas USA will not be treated as violating the conditions of this exemption solely because it acted as an investment advice fiduciary within the meaning of section 3(21)(A)(ii) of ERISA or section 4975(e)(3)(B) of the Code;

(h)(1) Each BNP Affiliated QPAM must continue to maintain, adjust (to the extent necessary), implement, and follow written policies and procedures (the Policies). The Policies must require, and must be reasonably designed to ensure that:

(i) The asset management decisions of the BNP Affiliated QPAM are conducted independently of the corporate management and business activities of BNP Paribas and BNP Paribas USA. This condition does not preclude a BNP Affiliated QPAM from receiving publicly available research and other widely available information from a BNP Paribas affiliate;

(ii) The BNP Affiliated QPAM fully complies with ERISA's fiduciary duties, and with ERISA and the Code's prohibited transaction provisions, in each case as applicable with respect to each Covered Plan, and does not knowingly participate in any violation of these duties and provisions with respect to Covered Plans;

(iii) The BNP Affiliated QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans;

(iv) Any filings or statements made by the BNP Affiliated QPAM to regulators, including, but not limited to, the Department, the Department of the Treasury, the Department of Justice, and the Pension Benefit Guaranty Corporation, on behalf of or in relation to Covered Plans, are materially accurate and complete, to the best of such QPAM's knowledge at that time;

(v) To the best of the BNP Affiliated QPAM's knowledge at the time, the BNP Affiliated QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to Covered Plans, or make material misrepresentations or omit material information in its communications with Covered Plans;

(vi) The BNP Affiliated QPAM complies with the terms of this exemption; and

(vii) Any violation of, or failure to comply with an item in subparagraphs (ii) through (vi), is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and any such violation or compliance failure not so corrected is reported, upon the discovery of such failure to so correct, in writing. Such report shall be made to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM that engaged in the violation or failure, and, the independent auditor responsible for reviewing compliance with the Policies, and a fiduciary of any affected Covered Plan where such fiduciary is independent of BNP. Notwithstanding the foregoing, with respect to any Covered Plan sponsored by an ''affiliate'' (as defined in Section VI(d) of PTE 84–14) of BNP or beneficially owned by an employee of BNP or its affiliates, such fiduciary does not need to be independent of BNP. A BNP Affiliated QPAM will not be treated as having failed to develop, implement, maintain, or follow the Policies, provided that it corrects any instance of noncompliance as soon as reasonably possible upon discovery, or as soon as reasonably possible after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and provided that it adheres to the reporting requirements set forth in this subparagraph (vii);

(2) Each BNP Affiliated QPAM will maintain, adjust (to the extent necessary) and implement a program of training during the Exemption Period, to be conducted during the Exemption Period, for all relevant BNP Affiliated QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel. The Training must:

(i) At a minimum, cover the Policies, ERISA and Code compliance (including applicable fiduciary duties and the prohibited transaction provisions), ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and prompt reporting of wrongdoing; and

(ii) Be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code;

(i)(1) Each BNP Affiliated QPAM submits to an audit conducted by an independent auditor, who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code, to evaluate the adequacy of, and each BNP Affiliated QPAM's compliance with, the Policies and Training described herein. The audit requirement must be incorporated in the Policies. The audit must cover the Exemption Period and must be completed no later than six (6) months after the end of the Exemption Period. For time periods ending prior to the Conviction Date and covered by the audit required pursuant to PTE 2015–06,[14] the audit requirements in Section I(h) of PTE 2015–06 will remain in effect. The final audit under PTE 2015–06 covering the time period from October 15, 2017 until the Conviction Date must be completed within six (6) months of Conviction Date, and the corresponding certified Audit Report must be submitted to the Department no later than 30 days following the completion of such audit;[15]

(2) Within the scope of the audit and to the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions for relief described herein, and only to the extent such disclosure is not prevented by state or federal statute, or involves communications subject to attorney client privilege, each BNP Affiliated QPAM and, if applicable, BNP, will grant the auditor unconditional access to its business, including, but not limited to: Its computer systems; business records; transactional data; workplace locations; training materials; and personnel. Such access is limited to information relevant to the auditor's objectives as specified by the terms of this exemption;

(3) The auditor's engagement must specifically require the auditor to determine whether each BNP Affiliated QPAM has developed, implemented, maintained, and followed the Policies in accordance with the conditions of this exemption, and has developed and implemented the Training, as required herein;

[14] 80 FR 20261 (April 15, 2015). PTE 2015–06 is an exemption in respect of Exemption Application D–11863 that permits BNP Affiliated QPAMs to rely on the exemptive relief provided by PTE 84–14, notwithstanding the 2014 Convictions.

[15] Pursuant to PTE 2015–06, the annual audit periods are from October 15th through October 14th of the following year. The audits are to be completed 6 (six) months after the end of the audit period and the Audit Report submitted to the Department within 30 days after completion. Accordingly, the last full twelve-month audit for the period October 15, 2016 through October 14, 2017 must be submitted to the Department by May 14, 2018.

(4) The auditor's engagement must specifically require the auditor to test each BNP Affiliated QPAM's operational compliance with the Policies and Training. In this regard, the auditor must test, for each BNP Affiliated QPAM, a sample of such QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training;

(5) For the audit, on or before the end of the relevant period described in Section I(i)(1) for completing the audit, the auditor must issue a written report (the Audit Report) to BNP and the BNP Affiliated QPAM to which the audit applies that describes the procedures performed by the auditor in connection with its examination. The auditor, at its discretion, may issue a single consolidated Audit Report that covers all the BNP Affiliated QPAMs. The Audit Report must include the auditor's specific determinations regarding:

(i) The adequacy of each BNP Affiliated QPAM's Policies and Training; each BNP Affiliated QPAM's compliance with the Policies and Training; the need, if any, to strengthen such Policies and Training; and any instance of the respective BNP Affiliated QPAM's noncompliance with the written Policies and Training described in Section I(h) above. The BNP Affiliated QPAM must promptly address any noncompliance. The BNP Affiliated QPAM must promptly address or prepare a written plan of action to address any determination of inadequacy by the auditor regarding the adequacy of the Policies and Training and the auditor's recommendations (if any) with respect to strengthening the Policies and Training of the respective BNP Affiliated QPAM. Any action taken or the plan of action to be taken by the respective BNP Affiliated QPAM must be included in an addendum to the Audit Report (such addendum must be completed prior to the certification described in Section I(i)(7) below). In the event such a plan of action to address the auditor's recommendation regarding the adequacy of the Policies and Training is not completed by the time of submission of the Audit Report, the following period's Audit Report must state whether the plan was satisfactorily completed. Any determination by the auditor that a BNP Affiliated QPAM has implemented, maintained, and followed sufficient Policies and Training must not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that a BNP Affiliated QPAM has complied with the requirements under this subparagraph must be based on evidence that the particular BNP Affiliated QPAM has actually implemented, maintained, and followed the Policies and Training required by this exemption. Furthermore, the auditor must not solely rely on the Exemption Report created by the compliance officer (the Compliance Officer), as described in Section I(m) below, as the basis for the auditor's conclusions in lieu of independent determinations and testing performed by the auditor as required by Section I(i)(3) and (4) above; and

(ii) The adequacy of the Exemption Review described in Section I(m);

(6) The auditor must notify the BNP Affiliated QPAM of any instance of noncompliance identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

(7) With respect to the Audit Report, the General Counsel, or one of the three most senior executive officers of the BNP Affiliated QPAM to which the Audit Report applies, must certify in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; that, such BNP Affiliated QPAM has addressed, corrected, remedied any noncompliance and inadequacy or has an appropriate written plan to address any inadequacy regarding the Policies and Training identified in the Audit Report. Such certification must also include the signatory's determination, that the Policies and Training in effect at the time of signing are adequate to ensure compliance with the conditions of this exemption and with the applicable provisions of ERISA and the Code;

(8) The Risk Committee of BNP's Board of Directors is provided a copy of the Audit Report; and a senior executive officer of BNP must review the Audit Report for each BNP Affiliated QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed the Audit Report;

(9) Each BNP Affiliated QPAM provides its certified Audit Report, by regular mail to: Office of Exemption Determinations (OED), 200 Constitution Avenue NW, Suite 400, Washington, DC 20210; or by private carrier to: 122 C Street NW, Suite 400, Washington, DC 20001–2109. This delivery must take place no later than 30 days following completion of the Audit Report. The Audit Report will be made part of the public record regarding this exemption. Furthermore, each BNP Affiliated QPAM must make its Audit Report unconditionally available, electronically or otherwise, for examination upon request by any duly authorized employee or representative of the Department, other relevant regulators, and any fiduciary of a Covered Plan;

(10) Any engagement agreement with an auditor to perform the audit required under the terms of this exemption must be submitted to OED no later than two (2) months after the Conviction Date;

(11) The auditor must provide the Department, upon request, for inspection and review, access to all the workpapers created and utilized in connection with the audit, provided such access and inspection is otherwise permitted by law; and

(12) BNP must notify the Department of a change in the independent auditor no later than two (2) months after the engagement of a substitute or subsequent auditor and must provide an explanation for the substitution or change including a description of any material disputes between the terminated auditor and BNP;

(j) As of May 30, 2018 and throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a BNP Affiliated QPAM and a Covered Plan, the BNP Affiliated QPAM agrees and warrants to Covered Plans:

(1) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any inadvertent prohibited transactions); and to comply with the standards of prudence and loyalty set forth in section 404 of ERISA with respect to each such ERISA-covered plan;

(2) To indemnify and hold harmless the Covered Plan for any actual losses resulting directly from: A BNP Affiliated QPAM's violation of ERISA's fiduciary duties, as applicable, and of the prohibited transaction provisions of ERISA and the Code, as applicable; a breach of contract by the QPAM; or any claim arising out of the failure of such BNP Affiliated QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the BNP Convictions. This condition applies only to actual losses caused by the BNP Affiliated QPAM's violations.

(3) Not to require (or otherwise cause) the Covered Plan to waive, limit, or qualify the liability of the BNP Affiliated QPAM for violating ERISA or the Code or engaging in prohibited transactions;

(4) Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement with the BNP

Affiliated QPAM with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors. In connection with any such arrangements involving investments in pooled funds subject to ERISA entered into after the effective date of this exemption, the adverse consequences must relate to a lack of liquidity of the underlying assets, valuation issues, or regulatory reasons that prevent the fund from promptly redeeming an ERISA-covered plan's or IRA's investment, and such restrictions must be applicable to all such investors and be effective no longer than reasonably necessary to avoid the adverse consequences;

(5) Not to impose any fees, penalties, or charges for such termination or withdrawal with the exception of reasonable fees, appropriately disclosed in advance, that are specifically designed to prevent generally recognized abusive investment practices or specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such fees are applied consistently and in like manner to all such investors; and

(6) Not to include exculpatory provisions disclaiming or otherwise limiting liability of the BNP Affiliated QPAM for a violation of such agreement's terms. To the extent consistent with Section 410 of ERISA, however, this provision does not prohibit disclaimers for liability caused by an error, misrepresentation, or misconduct of a plan fiduciary or other party hired by the plan fiduciary who is independent of BNP and its affiliates, or damages arising from acts outside the control of the BNP Affiliated QPAM;

(7) By November 29, 2018, each BNP Affiliated QPAM must provide a notice of its obligations under this Section I(j) to each Covered Plan. For prospective Covered Plans that enter into a written asset or investment management agreement with a BNP Affiliated QPAM on or after November 29, 2018, the BNP Affiliated QPAM will agree to its obligations under this Section I(j) in an updated investment management agreement between the BNP Affiliated QPAM and such clients or other written contractual agreement.

(k) By July 29, 2018, each BNP Affiliated QPAM will provide a notice of the exemption, along with a separate summary describing the facts that led to the Convictions (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) (collectively, Initial Notice) that the BNP Convictions result in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan, or the sponsor of an investment fund in any case where a BNP Affiliated QPAM acts as a sub-advisor to the investment fund in which such ERISA-covered plan and IRA invests, and to each entity that may be a BNP Related QPAM. Effective as of the date of the Initial Notice, all prospective Covered Plan clients that enter into a written asset or investment management agreement with a BNP Affiliated QPAM must receive a copy of the exemption, the Summary, and the Statement prior to, or contemporaneously with, the Covered Plan's receipt of a written asset management agreement from the BNP Affiliated QPAM. Disclosures may be delivered electronically;

(l) The BNP Affiliated QPAMs must comply with each condition of PTE 84–14, as amended, with the sole exception of the violations of Section I(g) of PTE 84–14 that are attributable to the BNP Convictions;

(m)(1) By November 29, 2018, BNP Paribas designates a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct a review for the Exemption Period (the Exemption Review), to determine the adequacy and effectiveness of the implementation of the Policies and Training. With respect to the Compliance Officer, the following conditions must be met:

(i) The Compliance Officer must be a professional who has extensive experience with, and knowledge of, the regulation of financial services and products, including under ERISA and the Code; and

(ii) The Compliance Officer must have a direct reporting line to the highest-ranking corporate officer in charge of legal compliance for asset management;

(2) With respect to the Exemption Review, the following conditions must be met:

(i) The Exemption Review includes a review of the BNP QPAMs compliance with and effectiveness of the Policies and Training and of the following: any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer or others within the compliance and risk control function (or its equivalent) during the previous year; the most recent Audit Report issued pursuant to this exemption or PTE 2015–06; any material change in the relevant business activities of the BNP Affiliated QPAMs; and any change to ERISA, the Code, or regulations related to fiduciary duties and the prohibited transaction provisions that may be applicable to the activities of the BNP Affiliated QPAMs;

(ii) The Compliance Officer prepares a written report for the Exemption Review (an Exemption Report) that (A) summarizes his or her material activities during the Exemption Period; (B) sets forth any instance of noncompliance discovered during the Exemption Period, and any related corrective action; (C) details any change to the Policies or Training to guard against any similar instance of noncompliance occurring again; and (D) makes recommendations, as necessary, for additional training, procedures, monitoring, or additional and/or changed processes or systems, and management's actions on such recommendations;

(iii) In the Exemption Report, the Compliance Officer must certify in writing that to his or her knowledge: (A) The report is accurate; (B) the Policies and Training are working in a manner which is reasonably designed to ensure that the Policies and Training requirements described herein are met; (C) any known instance of noncompliance during the Exemption Period and any related correction taken to date have been identified in the Exemption Report; and (D) the BNP Affiliated QPAMs have complied with the Policies and Training, and/or corrected (or is correcting) any instances of noncompliance in accordance with Section I(h) above;

(iv) The Exemption Report must be provided to appropriate corporate officers of BNP Paribas and each BNP Affiliated QPAM to which such report relates, and to the head of compliance and the General Counsel (or their functional equivalent) of the relevant BNP Affiliated QPAM; and the report must be made unconditionally available to the independent auditor described in Section I(i) above;

(v) Each Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates;

(n) Each BNP Affiliated QPAM will maintain records necessary to demonstrate that the conditions of this exemption have been met, for six (6) years following the date of any transaction for which such BNP Affiliated QPAM relies upon the relief in the exemption;

(o) During the Exemption Period, BNP Paribas: (1) Immediately discloses to the Department any Deferred Prosecution Agreement (a DPA) or Non-Prosecution Agreement (an NPA) with the U.S. Department of Justice, entered into by BNP Paribas or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA; and (2) immediately provides the Department any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement;

(p) By November 29, 2018, each BNP Affiliated QPAM, in its agreements with, or in other written disclosures provided to Covered Plans, will clearly and prominently inform Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the BNP Affiliated QPAM's written Policies developed in connection with this exemption. With respect to this requirement, the description may be continuously maintained on a website, provided that such website link to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan; and

(q) A BNP Affiliated QPAM will not fail to meet the terms of this exemption, solely because a different BNP QPAM fails to satisfy a condition for relief described in Sections I(c), (d), (h), (i), (j), (k), (l), (n), or (p); or if the independent auditor described in Section I(i) fails a provision of the exemption other than the requirement described in Section I(i)(11), provided that such failure did not result from any actions or inactions of BNP Paribas or its affiliates.

Section III. Definitions

(a)(1) The term ''BNP Paribas'' means BNP Paribas, S.A., the parent entity, and its subsidiary, BNP Paribas Securities Corp., but does not include any other subsidiaries or other affiliates.

(2) The term ''BNP Paribas USA'' means BNP Paribas USA, Inc., and includes its New York branch;

(b) The term ''BNP Affiliated QPAM'' means BNP Paribas Asset Management USA, Inc.; BNP Paribas Asset Management UK Limited; BNP Paribas Asset Management Singapore Limited; Bank of the West; First Hawaiian Bank; BancWest Investment Services, Inc.; and Bishop Street Capital Management Corp., to the extent these entities qualify as a ''qualified professional asset manager'' (as defined in Section VI(a) [16] of PTE 84–14) and rely on the relief provided by PTE 84–14, and with respect to which BNP Paribas is an ''affiliate'' (as defined in Part VI(d) of PTE 84–14). The term ''BNP Affiliated QPAM'' excludes BNP Paribas USA, the entity implicated in the criminal conduct that is the subject of the 2018 Conviction, and BNP Paribas, the entity implicated in the 2015 Convictions.

(c) The term ''BNP Related QPAM'' means any future ''qualified professional asset manager'' (as defined in section VI(a) of PTE 84–14) that relies on the relief provided by PTE 84–14, and with respect to which BNP Paribas owns a direct or indirect five percent or more interest, but with respect to which BNP Paribas is not an ''affiliate'' (as defined in Section VI(d)(1) of PTE 84–14).

(d) The term ''BNP Convictions'' mean the 2015 Convictions against BNP Paribas and the 2018 Conviction against BNP Paribas USA. More specifically:

(1) The ''2015 Convictions'' refers to the judgments of conviction against BNP Paribas in: (A) case number 14–cr–00460 (LGS) in the United States District Court for the Southern District of New York for conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, by conspiring to violate the International Emergency Economic Powers Act, codified at Title 50, United States Code, Section 1701 *et seq.,* and regulations issued thereunder, and the Trading with the Enemy Act, codified at Title 50, United States Code Appendix, Section 1 *et seq.,* and regulations issued thereunder; and (B) case number 2014 NY 051231 in the Supreme Court of the State of New York, County of New York for falsifying business records in the first degree, in violation of Penal Law § 175.10, and conspiracy in the fifth degree, in violation of Penal Law § 105.05(1).

(2) The term ''2018 Conviction'' refers to the judgment of conviction against BNP Paribas USA for violation of the Sherman Antitrust Act, 15 U.S.C. 1, which is scheduled to be entered in the United States District Court for the Southern District of New York (the District Court) (case number 1:18–cr–61–JSR, in connection with BNP Paribas USA for certain foreign exchange misconduct (the FX Misconduct).

(e) The term ''Conviction Date'' means May 30, 2018, the date that a judgment of Conviction against BNP Paribas USA is entered by the District Court in connection with the 2018 Conviction;

(f) The term ''Covered Plan'' means a plan subject to Part IV of Title I of ERISA (an ''ERISA-covered plan'') or a plan subject to section 4975 of the Code (an ''IRA''), in each case, with respect to which a BNP Affiliated QPAM relies on PTE 84–14, or with respect to which a BNP Affiliated QPAM (or any BNP Paribas affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14). A Covered Plan does not include an ERISA-covered plan or IRA to the extent the BNP Affiliated QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.

(g) The term ''Exemption Period'' means the period from May 30, 2018 until the earlier of: (1) May 29, 2019 or (2) the date of final agency action made by the Department in connection with a new exemption application submitted by BNP Paribas for the covered transactions described herein.

(h) The term ''Plea Agreement'' means the agreement that was entered into on January 19, 2018, as between BNP Paribas USA and the United States Department of Justice, and filed in the District Court, involving the FX Misconduct.

Signed at Washington, DC, on March 19, 2018.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2018–05867 Filed 3–21–18; 8:45 am]

BILLING CODE 4510–29–P

[16] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; General Working Conditions in Shipyard Employment Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''General Working Conditions in Shipyard Employment Standard,'' to the Office of

Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 23, 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=201711-1218-003* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *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–OSHA, 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 by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the General Working Conditions in Shipyard Employment Standard information collection requirements codified in regulations 29 CFR part 1915, subpart F. The Standard covers provisions that address conditions and operations in shipyard employment that may produce hazards for workers. Subpart F consists of 14 sections that include housekeeping; lighting; utilities; working alone; vessel radar and communication systems; lifeboats; medical services and first aid; sanitation; control of hazardous energy; safety color code for marking physical hazards; accident prevention signs and tags; retention of Department of Transportation markings, placards, and labels; motor vehicle safety equipment, operation and maintenance; and servicing multi-piece and single-piece rim wheels. Occupational Safety and Health of 1970 sections 2(b)(9) and 8(c) authorizes this information collection. *See* 29 U.S.C. 651(b)(9) and 657(c).

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 1218–0259. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 2, 2017 (82 FR 45900).

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 1218–0259. 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–OSHA.

Title of Collection: General Working Conditions in Shipyard Employment Standard.

OMB Control Number: 1218–0259.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 4,871.

Total Estimated Number of Responses: 285,653.

Total Estimated Annual Time Burden: 98,905 hours.

Total Estimated Annual Other Costs Burden: $2,726.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–05836 Filed 3–21–18; 8:45 am]

BILLING CODE 4510–26–P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Mississippi River Commission

TIME AND DATE: 9:00 a.m., April 16, 2018.

PLACE: On board MISSISSIPPI V at City Front, New Madrid, Missouri.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the St. Louis and Memphis Districts; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 17, 2018.

PLACE: On board MISSISSIPPI V at Beale Street Landing, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any

issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 18, 2018.

PLACE: On board MISSISSIPPI V at City Front, Greenville, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 20, 2018.

PLACE: On board MISSISSIPPI V at New Orleans District Dock, New Orleans, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: ((1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the New Orleans District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles A. Camillo, telephone 601–634–7023.

Charles A. Camillo,

Director, Mississippi River Commission.

[FR Doc. 2018–05943 Filed 3–20–18; 4:15 pm]

BILLING CODE 3720–58–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–026)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: Interested persons are invited to submit written comments regarding the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 7th Street NW, Washington, DC 20543. Attention: Desk Officer for NASA.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lori Parker, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546 or email *Lori.Parker-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The information submitted by the public is a license application for those companies and individuals who wish to obtain a patent license for a NASA patented technology. Information needed for the license application in ATLAS may include supporting documentation such as a certificate of incorporation, a financial statement, a business and/or commercialization plan, a projected revenue/royalty spreadsheet and a company balance sheet. At a minimum, all license applicants must submit a satisfactory plan for the development and/or marketing of an invention. The collected information is used by NASA to ensure that companies that seek to commercialize NASA technologies have a solid business plan for bringing the technology to market.

II. Method of Collection

NASA is participating in Federal efforts to extend the use of information technology to more Government processes via internet. NASA encourages recipients to use the latest computer technology in preparing documentation. Companies and individuals submit license applications by completing the automated form by way of the Automated Technology Licensing Application System (ATLAS). NASA requests all license applications to be submitted via electronic means.

III. Data

Title: Automated Technology Licensing Application System (ATLAS).

OMB Number: 2700—XXXX.

Type of review: New.

Affected Public: Public and companies.

Estimated Number of Respondents: 360.

Estimated Time per Response: 8.0 hours.

Estimated Total Annual Burden Hours: 1983 hours.

Estimated Total Annual Cost: $169,920.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2018–05832 Filed 3–21–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–028]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for

current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by April 23, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Defense, Defense Security Service (DAA–0446–2018–0001, 1 item, 1 temporary item). Records addressing information reported to agency hotline.

2. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0021, 4 items, 3 temporary items). Records of abandonment of lawful permanent resident status when request is not accepted, and when rejected for incorrect fees or non-sufficient funds. Proposed for permanent retention are records of abandonment of lawful permanent resident status when the request is accepted.

3. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0028, 1 item, 1 temporary item). Master files of an electronic information system used to verify family relationships between anchor relatives in the United States and persons seeking access to U.S. refugee programs.

4. Department of Housing and Urban Development, Public Housing Administration (DAA–0196–2017–0001, 5 items, 2 temporary items). Records of the Housing and Home Finance Agency created during the acquisition and sale of properties under the War Housing Program to include financial forms related to property sales, purchase, and payments. Proposed for permanent retention are files of land and building appraisals, and land acquisition files.

5. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (DAA–0436–2018–0001, 3 items, 3 temporary items). Records regarding forensic audits including internal financial audits, and financial audits associated with criminal investigations.

6. Department of Justice, Executive Office for United States Attorneys (DAA–0118–2015–0001, 1 item, 1 temporary item). Office of Victims' Rights Ombudsman case files and supplemental materials relating to violations of the Crime Victims' Rights Act of 2004.

7. Department of the Treasury, Internal Revenue Service (DAA–0058–2017–0012, 1 item, 1 temporary item). Case files to determine taxpayer eligibility for benefits outlined in United States tax treaties with foreign countries.

8. Department of the Treasury, Internal Revenue Service (DAA–0058–2018–0003, 1 item, 1 temporary item). Tax return examination case files of high net worth individuals with business connections to corporate and legal entities.

9. Advisory Council on Historic Preservation, Agency-wide (DAA–0536–2018–0002, 5 items, 2 temporary items). Working files and public outreach records. Proposed for permanent retention are final reports, newsletters, training products, minutes, agendas, presentations, and agreements documenting agency programs and activities.

10. National Archives and Records Administration, Research Services (N2–131–15–1, 23 items, 23 temporary items). Department of Justice, Office of Alien Property administrative office records and routine financial records seized from non-governmental entities. These records were accessioned to the National Archives but lack sufficient historical value to warrant continued preservation.

11. Peace Corps, Office of General Counsel (DAA–0490–2017–0003, 3 items, 1 temporary item). Records include working files associated with development of agency policy and procedure. Proposed for permanent retention are case files documenting the development of agency policy and procedure along with agency policy manual.

12. Peace Corps, Office of General Counsel (DAA–0490–2017–0011, 5 items, 4 temporary items). Records related to claims and disputes that do not result in legal action and complaints or claims filed against the agency; eligibility for employment files; and routine legal advice. Proposed for permanent retention are formal legal opinion files.

13. Peace Corps, Office of Strategic Information, Research, and Planning (DAA–0490–2017–0004, 3 items, 2 temporary items). Records include routine program files, and raw data files associated with research and administrative activities of the office. Proposed for permanent retention are documents used to create and modify agency policies, actions, or activities.

14. Securities and Exchange Commission, Division of Corporation Finance (DAA–0266–2018–0004, 1 item, 1 temporary item). Records relating to reviewing, supporting, and maintaining registration statements and periodic reports to include background, support, and supplemental materials used to track and maintain filings.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–05813 Filed 3–21–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the "Evaluation of the Poetry Out Loud Program" Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts, National Foundation of the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection for the Evaluation of the Poetry Out Loud Program (POL). Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov*.

DATES: Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 202/395–7316, within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

- 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 submissions of responses.

Agency: National Endowment for the Arts.

Title: Evaluation of the Poetry Out Loud Program.

OMB Number: New.

Frequency: One Time.

Affected Public: Individuals.

Estimated Number of Respondents: 32,690.

Total burden hours: 8,627 hours.

Total annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $180,000.

Description: This study is a new data collection request, and the data to be collected are not available elsewhere unless collected through this information collection. The data collection activities are planned for July 2018 through June 2019. The study will provide the National Endowment for the Arts (NEA) a better understanding of student-level outcomes associated with the Poetry Out Loud program. Poetry Out Loud is a national arts education program supported by the NEA, the Poetry Foundation, and state and jurisdictional arts agencies, which encourages high school students to learn about poetry through memorization and recitation, helping students master public speaking skills, build self-confidence, and learn about literary history. Now in its twelfth year, POL serves more than 3 million students and 50,000 teachers from 10,000 schools in every state plus Washington, DC, the U.S. Virgin Islands, and Puerto Rico. The current evaluation study will be the first since 2008. The study supports the Agency's FY 2018–2022 Strategic Plan, which seeks in part to ''expand and promote evidence of the value and impact of the arts for the benefit of the American people'' (Strategic Objective 3.2).

Dated: March 16, 2018.

Jillian Miller,

Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2018–05779 Filed 3–21–18; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, Princeton University (#1203).

Date and Time: April 25, 2018; 7:00 p.m.–9:00 p.m.; April 26, 2018; 7:20 a.m.–8:30 p.m.; April 27, 2018: 8:00 a.m.–4:30 p.m.

Place: Princeton University, Princeton, NJ 08544.

Type of Meeting: Part-open.

Contact Person: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Start	End	Agenda
		Day 1, Wednesday, April 25, 2018
7:00 p.m	9:00 p.m	Briefing of Site Visit Team by NSF (CLOSED).
		Day 2, Thursday, April 26, 2018
7:20 a.m	8:15 a.m	Continental Breakfast with MRSEC Participants.
8:15 a.m	8:20 a.m	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m	9:10 a.m	Director's Overview.
9:10 a.m	9:20 a.m	Discussion.
9:20 a.m	10:00 a.m	IRG–1.
10:00 a.m	10:10 a.m	Discussion.
10:10 a.m	10:20 a.m	Break.
10:20 a.m	11:00 a.m	IRG–2.
11:00 a.m	11:10 a.m	Discussion.
11:10 a.m	11:50 a.m	IRG–3.
11:50 a.m	12:00 p.m	Discussion.
12:00 p.m	12:20 p.m	Executive Session for Site Visit Team and NSF only (CLOSED).
12:20 p.m	1:15 p.m	Lunch—Site Visit Team, NSF and Students/Post Docs.
		Break.
1:20 p.m	1:45 p.m	Seeds.
1:45 p.m	1:50 p.m	Discussion.
1:50 p.m	2:40 p.m	Education and Outreach, Diversity Plan.
2:40 p.m	2:50 p.m	Discussion.
2:50 p.m	3:15 p.m	Industrial Outreach and Other Collaborations.
3:15 p.m	3:20 p.m	Discussion.
3:20 p.m	3:30 p.m	Break.
3:30 p.m	5:00 p.m	Poster Session.
5:00 p.m	6:30 p.m	Executive Session of Site Visit Team and NSF only: Prepare Questions (CLOSED).
6:30 p.m	6:45 p.m	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m	8:30 p.m	Dinner Meeting for Site Visit Team and NSF only (CLOSED).
		Day 3, Friday, April 27, 2018
8:00 a.m	9:00 a.m	Executive Session—*Director's Response*/Continental Breakfast.
9:00 a.m	10:00 a.m	Facilities Overview and Lab Tour.
10:00 a.m	10:10 a.m	Break.
10:10 a.m	11:00 a.m	Executive Session of Site Visit Team (CLOSED).
11:00 a.m	11:20 a.m	Executive Session—*Meeting with University Administrators*.
11:20 a.m	11:40 a.m	Executive Session of Site Visit Team (CLOSED).
11:40 a.m	12:00 p.m	Discussion with MRSEC Director and Executive Committee (if needed).
12:00 p.m	4:15 p.m	Executive Session of Site Visit Team—Report Writing (working lunch) (CLOSED).
4:15 p.m	4:30 p.m	Debriefing with MRSEC Director and Executive Committee.
4:30 p.m		End of the Site Visit.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the program. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05825 Filed 3–21–18; 8:45 a.m.]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—

Materials Research Science and Engineering Center Site Visit, Penn State University (#1203).

Date and Time: April 22, 2018; 7:00 p.m.–9:00 p.m.; April 23, 2018; 7:15 a.m.–8:30 p.m.; April 24, 2018: 8:00 a.m.–4:30 p.m.

Place: Penn State University, 201 Old Main, University Park, PA 16802–1294.

Type of Meeting: Part-open.

Contact Person: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Start	End	Agenda
Day 1, Sunday, April 22, 2018		
7:00 p.m	9:00 p.m	Briefing of Site Visit Team by NSF (CLOSED).
Day 2, Monday, April 23, 2018		
7:15 a.m	7:55 a.m	Continental Breakfast with MRSEC Participants.
7:55 a.m	8:00 a.m	Break and, If Needed, Equipment Setup/Team Introduction.
8:00 a.m	8:45 a.m	Director's Overview.
8:45 a.m	8:55 a.m	Discussion.
8:55 a.m	9:35 a.m	IRG–1.
9:35 a.m	9:45 a.m	Discussion.
9:45 a.m	10:00 a.m	Break.
10:00 a.m	10:40 a.m	IRG–2.
10:40 a.m	10:50 a.m	Discussion.
10:50 a.m	11:30 a.m	IRG–3.
11:30 a.m	11:40 a.m	Discussion.
11:40 a.m	12:20 p.m	IRG–4.
12:20 p.m	12:30 p.m	Discussion.
12:30 p.m	1:25 p.m	Lunch—Site Visit Team, NSF and Students/Post Docs.
1:25 p.m	1:50 p.m	Executive Session for Site Visit Team and NSF only (CLOSED).
1:50 p.m	2:05 p.m	Seeds.
2:05 p.m	2:10 p.m	Discussion.
2:10 p.m	2:55 p.m	Education and Outreach, Diversity Plan.
2:55 p.m	3:05 p.m	Discussion.
3:05 p.m	3:25 p.m	Industrial Outreach and Other Collaborations.
3:25 p.m	3:30 p.m	Discussion.
3:30 p.m	3:45 p.m	Break.
3:45 p.m	5:00 p.m	Poster Session.
5:00 p.m	6:30 p.m	Executive Session of Site Visit Team and NSF only: Prepare Questions (CLOSED).
6:30 p.m	6:45 p.m	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m	8:30 p.m	Dinner Meeting for Site Visit Team and NSF only (CLOSED).
Day 3, Tuesday, April 24, 2018		
8:00 a.m	9:00 a.m	Executive Session—*Director's Response*/Continental Breakfast.
9:00 a.m	10:00 a.m	Facilities Overview and Lab Tour.
10:00 a.m	10:10 a.m	Break.
10:10 a.m	11:00 a.m	Executive Session of Site Visit Team (CLOSED).
11:00 a.m	11:20 a.m	Executive Session—*Meeting with University Administrators*.
11:20 a.m	11:40 a.m	Executive Session of Site Visit Team (CLOSED).
11:40 a.m	12:00 p.m	Discussion with MRSEC Director and Executive Committee (if needed).
12:00 p.m	4:15 p.m	Executive Session of Site Visit Team—Report Writing (working lunch) (CLOSED).
4:15 p.m	4:30 p.m	Debriefing with MRSEC Director and Executive Committee.
4:30 p.m		End of the Site Visit.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the program. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05824 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: April 18, 2018; 1:30 p.m.–6:00 p.m.; April 19, 2018; 8:30 a.m.–2:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314, Room E 2030.

Type of Meeting: Open.

Contact Person: Andrew Backe, National Science Foundation, Room W 7134, 2415 Eisenhower Avenue,

Alexandria, Virginia 22314; Phone 703–292–2454.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

April 18, 2018; 1:30 p.m.–6:00 p.m.

- Opening Remarks and Introductions
- Harassment Policy
- Antarctic Infrastructure Modernization for Science (AIMS) Communications Planning
- Polar Science Updates
- Navigating the New Arctic Big Idea
- OPP Strategic Planning—Part I

April 19, 2018; 8:30 a.m.–2:00 p.m.

- OPP Strategic Planning—Part II
- Meeting with the NSF Director and COO
- Polar Research Vessels and Icebreakers
- Wrap-up and Action Items

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05819 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research (DMR) (#1203)—Site Visit for the Center for High Energy X-ray Science (CHEXS) at the Cornell High Energy Synchrotron Source (CHESS) at Cornell University, Ithaca, NY.

Date and Time:
April 17, 2018; 6:00 p.m.–9:00 p.m.;
April 18, 2018; 7:30 a.m.–9:00 p.m.;
April 19, 2018; 7:30 a.m.–5:00 p.m.

Place: Cornell University, B07 Day Hall, Ithaca, NY 14853.

Type of Meeting: Part open.

Contact Person: Dr. Guebre X. Tessema, Division of Materials Research, Room 1065, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, Telephone (703) 292–4935.

Purpose of Meeting: Site visit to provide advice and recommendations concerning future support of the CHEXS.

Agenda

Tuesday, April 17, 2018

6:00 p.m.–9:00 p.m. Closed—Briefing of panel

Wednesday, April 18, 2018

7:30 a.m.–4:00 p.m. Open—Review of the CHESS
4:00 p.m.–5:00 p.m. Closed—Executive Session
5:00 p.m.–6:00 p.m. Open—Review of CHESS
7:00 p.m.–8:00 p.m. Open—Dinner
8:00 p.m.–9:00 p.m. Closed—Executive Session

Thursday, April 19, 2018

7:30 a.m.–9:00 a.m. Open—Review of the CHESS
9:00 a.m.–5:00 p.m. Closed—Executive Session, Write Review Report

Reason for Closing: The work being reviewed during closed portions of the site review includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with CHESS. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05821 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, Harvard University (#1203).

Date and Time: May 6, 2018; 7:00 p.m.–9:00 p.m.; May 7, 2018; 7:20 a.m.–8:30 p.m.; May 8, 2018: 8:00 a.m.–4:30 p.m.

Place: Harvard University, Massachusetts Hall, Cambridge, MA 02138.

Type of Meeting: Part-open.

Contact Person: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Start	End	Agenda
Day 1, Sunday, May 6, 2018		
7:00 p.m	9:00 p.m	Briefing of Site Visit Team by NSF (CLOSED)
Day 2, Monday, May 7, 2018		
7:20 a.m	8:15 a.m	Continental Breakfast with MRSEC Participants.
8:15 a.m	8:20 a.m	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m	9:10 a.m	Director's Overview.
9:10 a.m	9:20 a.m	Discussion.
9:20 a.m	10:00 a.m	IRG–1.
10:00 a.m	10:10 a.m	Discussion.
10:10 a.m	10:20 a.m	Break.
10:20 a.m	11:00 a.m	IRG–2.
11:00 a.m	11:10 a.m	Discussion.
11:10 a.m	11:50 a.m	IRG–3.
11:50 a.m	12:00 p.m	Discussion.
12:00 p.m	12:20 p.m	Executive Session for Site Visit Team and NSF only (CLOSED).

Start	End	Agenda
12:20 p.m	1:15 p.m	Lunch—Site Visit Team, NSF and Students/Post Docs.
		Break.
1:20 p.m	1:45 p.m	Seeds.
1:45 p.m	1:50 p.m	Discussion.
1:50 p.m	2:40 p.m	Education and Outreach, Diversity Plan.
2:40 p.m	2:50 p.m	Discussion.
2:50 p.m	3:15 p.m	Industrial Outreach and Other Collaborations.
3:15 p.m	3:20 p.m	Discussion.
3:20 p.m	3:30 p.m	Break.
3:30 p.m	5:00 p.m	Poster Session.
5:00 p.m	6:30 p.m	Executive Session of Site Visit Team and NSF only: Prepare Questions (CLOSED).
6:30 p.m	6:45 p.m	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m	8:30 p.m	Dinner Meeting for Site Visit Team and NSF only (CLOSED).
Day 3, Tuesday, May 8, 2018		
8:00 a.m	9:00 a.m	Executive Session—*Director's Response*/Continental Breakfast.
9:00 a.m	10:00 a.m	Facilities Overview and Lab Tour.
10:00 a.m	10:10 a.m	Break.
10:10 a.m	11:00 a.m	Executive Session of Site Visit Team (CLOSED).
11:00 a.m	11:20 a.m	Executive Session—*Meeting with University Administrators*.
11:20 a.m	11:40 a.m	Executive Session of Site Visit Team (CLOSED).
11:40 a.m	12:00 p.m	Discussion with MRSEC Director and Executive Committee (if needed).
12:00 p.m	4:15 p.m	Executive Session of Site Visit Team—Report Writing (working lunch) (CLOSED).
4:15 p.m	4:30 p.m	Debriefing with MRSEC Director and Executive Committee.
4:30 p.m		End of the Site Visit.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05823 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Advisory Committee for Engineering #1170.

Date and Time: April 17, 2018: 12:15 p.m. to 5:30 p.m.; April 18, 2018: 8:30 a.m. to 12:30 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E2030, Alexandria, Virginia 22314.

Type of Meeting: Open.

Contact Person: Evette Rollins, National Science Foundation, 2415 Eisenhower Avenue, Suite C14000, Alexandria, Virginia 22314; Telephone: 703–292–8300.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Tuesday, April 17, 2018

- Directorate for Engineering Report
- NSF Budget Update
- Reports from Advisory Committee Liaisons
- Visioning for Engineering

Wednesday, April 18, 2018

- Roundtable on Strategic Recommendations for ENG
- Perspective from the Director's Office
- Navigating the New Arctic

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05820 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, University of Minnesota (#1203).

Date and Time: April 30, 2018; 7:00 p.m.–9:00 p.m.; May 1, 2018; 7:20 a.m.–8:30 p.m.; May 2, 2018: 8:00 a.m.–4:30 p.m.

Place: University of Minnesota, 3 Morrill Hall, 100 Church St. SE, Minneapolis, MN 55455.

Type of Meeting: Part-open.

Contact Person: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Start	End	Agenda
Day 1, Monday, April 30, 2018		
7:00 p.m	9:00 p.m	Briefing of Site Visit Team by NSF (CLOSED).
Day 2, Tuesday, May 1, 2018		
7:20 a.m	8:15 a.m	Continental Breakfast with MRSEC Participants.
8:15 a.m	8:20 a.m	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m	9:10 a.m	Director's Overview.
9:10 a.m	9:20 a.m	Discussion.
9:20 a.m	10:00 a.m	IRG–1.
10:00 a.m	10:10 a.m	Discussion.
10:10 a.m	10:20 a.m	Break.
10:20 a.m	11:00 a.m	IRG–2.
11:00 a.m	11:10 a.m	Discussion.
11:10 a.m	11:50 a.m	IRG–3.
11:50 a.m	12:00 p.m	Discussion.
12:00 p.m	12:20 p.m	Executive Session for Site Visit Team and NSF only (CLOSED).
12:20 p.m	1:15 p.m	Lunch—Site Visit Team, NSF and Students/Post Docs.
		Break.
1:20 p.m	1:45 p.m	Seeds.
1:45 p.m	1:50 p.m	Discussion.
1:50 p.m	2:40 p.m	Education and Outreach, Diversity Plan.
2:40 p.m	2:50 p.m	Discussion.
2:50 p.m	3:15 p.m	Industrial Outreach and Other Collaborations.
3:15 p.m	3:20 p.m	Discussion.
3:20 p.m	3:30 p.m	Break.
3:30 p.m	5:00 p.m	Poster Session.
5:00 p.m	6:30 p.m	Executive Session of Site Visit Team and NSF only: Prepare Questions (CLOSED).
6:30 p.m	6:45 p.m	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m	8:30 p.m	Dinner Meeting for Site Visit Team and NSF only (CLOSED).
Day 3, Wednesday, May 2, 2018		
8:00 a.m	9:00 a.m	Executive Session—*Director's Response*/Continental Breakfast.
9:00 a.m	10:00 a.m	Facilities Overview and Lab Tour.
10:00 a.m	10:10 a.m	Break.
10:10 a.m	11:00 a.m	Executive Session of Site Visit Team (CLOSED).
11:00 a.m	11:20 a.m	Executive Session—*Meeting with University Administrators*.
11:20 a.m	11:40 a.m	Executive Session of Site Visit Team (CLOSED).
11:40 a.m	12:00 p.m	Discussion with MRSEC Director and Executive Committee (if needed).
12:00 p.m	4:15 p.m	Executive Session of Site Visit Team—Report Writing (working lunch) (CLOSED).
4:15 p.m	4:30 p.m	Debriefing with MRSEC Director and Executive Committee.
4:30 p.m		End of the Site Visit.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the program. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05826 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research—Materials Research Science and Engineering Center Site Visit, Columbia University (#1203).

Date and Time: April 17, 2018; 7:00 p.m.–9:00 p.m.; April 18, 2018; 7:30 a.m.–8:30 p.m.; April 19, 2018: 8:00 a.m.–3:15 p.m.

Place: Columbia University, 116th and Broadway, New York, NY 10027.

Type of Meeting: Part-open.

Contact Person: Dr. Daniele Finotello, Program Director, Materials Research Science and Engineering Center, MRSEC. Division of Materials Research, Room E 9475, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone (703) 292–4676.

Purpose of Meeting: NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

Agenda:

Start	End	Agenda
Day 1, Tuesday, April 17, 2018		
7:00 p.m	9:00 p.m	Briefing of Site Visit Team by NSF (CLOSED).

Start	End	Agenda
		Day 2, Wednesday, April 18, 2018
7:30 a.m	8:15 a.m	Continental Breakfast with MRSEC Participants.
8:15 a.m	8:20 a.m	Break and, If Needed, Equipment Setup/Team Introduction.
8:20 a.m	9:10 a.m	Director's Overview.
9:10 a.m	9:20 a.m	Discussion.
9:20 a.m	10:00 a.m	IRG–1.
10:00 a.m	10:10 a.m	Discussion.
10:10 a.m	10:20 a.m	Break.
10:20 a.m	11:00 a.m	IRG–2.
11:00 a.m	11:10 a.m	Discussion.
11:10 a.m	11:35 a.m	Seeds.
11:35 a.m	11:40 a.m	Discussion.
11:40 a.m	12:00 p.m	Executive Session for Site Visit Team and NSF only (CLOSED).
12:00 p.m	1:00 p.m	Lunch—Site Visit Team, NSF and Students/Post Docs.
1:00 p.m	1:50 p.m	Education and Outreach, Diversity Plan.
1:50 p.m	2:00 p.m	Discussion.
2:00 p.m	2:25 p.m	Industrial Outreach and Other Collaborations.
2:25 p.m	2:30 p.m	Discussion.
2:30 p.m	3:30 p.m	Facilities Overview and Lab Tour.
3:30 p.m	5:00 p.m	Poster Session.
5:00 p.m	6:30 p.m	Executive Session of Site Visit Team and NSF only: Prepare Questions (CLOSED).
6:30 p.m	6:45 p.m	Site Visit Team Meets with MRSEC Director and Executive Committee.
7:00 p.m	8:30 p.m	Dinner Meeting for Site Visit Team and NSF only (CLOSED).
		Day 3, Thursday, April 19, 2018
8:00 a.m	9:00 a.m	Executive Session—Director's Response/Continental Breakfast.
9:00 a.m	9:30 a.m	Executive Session of Site Visit Team (CLOSED).
9:30 a.m	9:50 a.m	Executive Session—*Meeting with University Administrators*.
9:50 a.m	10:30 a.m	Executive Session of Site Visit Team (CLOSED).
10:30 a.m	10:50 a.m	Discussion with MRSEC Director and Executive Committee (if needed).
10:50 a.m	3:00 p.m	Executive Session of Site Visit Team—Report Writing (working lunch) (CLOSED).
3:00 p.m	3:15 p.m	Debriefing with MRSEC Director and Executive Committee.
3:15 p.m		End of the Site Visit.

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the program. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 19, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–05822 Filed 3–21–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482; License No. NPF–42; NRC–2017–0217]

In the Matter of Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Indirect transfer of license; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order approving indirect license transfer of control of Renewed Facility Operating License No. NPF–42 for the Wolf Creek Generating Station, Unit 1 (WCGS). The indirect transfer of control will result from the proposed merger of two indirect owners of Wolf Creek Nuclear Operating Corporation (WCNOC) and WCGS—Westar Energy, Inc. and Great Plains Energy Incorporated, and subsidiaries created to effectuate the transaction. The new entity, Monarch Energy Holding, Inc., through its subsidiaries, will have a 94 percent interest in WCNOC and WCGS. The remaining 6 percent ownership interest in WCNOC and WCGS held by Kansas Electric Power Cooperative, Inc., will be unaffected. WCNOC will continue to be the operator of WCGS.

DATES: The Order was issued on March 12, 2018, and is effective for 1 year.

ADDRESSES: Please refer to Docket ID NRC–2017–0217 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–2017–0217. 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. The order was issued to the licensee in a letter dated March 12, 2018, and it is available in ADAMS under Accession No. ML18040A666.

• *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: Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3016, email: *Balwant.Singal@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, on March 19, 2018.

For the Nuclear Regulatory Commission.

Balwant K. Singal,

Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Order Approving Indirect Transfer of License

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Docket No. 50–482; License No. NPF–42

In the Matter of Wolf Creek Nuclear Operating Corporation

Wolf Creek Generating Station, Unit 1

ORDER APPROVING INDIRECT TRANSFER OF LICENSE

I.

Wolf Creek Nuclear Operating Corporation (WCNOC) is the holder of the Renewed Facility Operating License (FOL) No. NPF-42 for the Wolf Creek Generating Station, Unit 1 (WCGS) authorized to possess, use, and operate WCGS. WCGS is located in Coffey County, Kansas.

II.

Pursuant to Section 184 of the Atomic Energy Act of 1954, as amended (the Act), and Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80, ''Transfer of licenses,'' WCNOC requested consent from the U.S. Nuclear Regulatory Commission (NRC, the Commission) to the indirect transfer of control of Renewed FOL No. NPF-42 for the WCGS by application dated September 5, 2017.

WCNOC is the licensed operator of WCGS and Kansas City Power & Light Company (KCP&L), Kansas Gas and Electric Company (KG&E), and Kansas Electric Power Cooperative, Inc. (KEPCo) are the three non-operating owner licensees. KCP&L and KG&E each hold a 47 percent undivided interest in WCGS and 47 percent of the stock of WCNOC. KEPCo holds the remaining 6 percent interest. KCP&L is a subsidiary of Great Plains Energy Incorporated (Great Plains) and KG&E is a subsidiary of Westar Energy, Inc. (Westar). The indirect license transfer will result from the proposed merger transaction involving Great Plains and Westar pursuant to the terms of the Amended and Restated Agreement and Plan of Merger, dated July 9, 2017 (Attachment 2 to the letter dated September 5, 2017) (Amended Merger Agreement). Under this agreement, the transaction will occur in the following three simultaneous steps:

In step 1, Great Plains will merge with its wholly-owned subsidiary, which was created to effectuate the transaction, named Monarch Energy Holding, Inc. [1] (Holdco), with Holdco continuing as the surviving corporation.

In step 2, Westar will merge with a wholly-owned subsidiary of Holdco, named King Energy, Inc., which was also created to effectuate the transaction, with Westar continuing as the surviving corporation.

In step 3, each share of common stock of Great Plains and Westar issued and outstanding at that time (subject to certain defined exceptions) will be converted automatically into the right to receive the merger consideration consisting of a number of shares of common stock of Holdco as determined by the applicable exchange ratio specified in the Amended Merger Agreement. Thus the current shareholders of Great Plains and Westar will become the shareholders of Holdco after the transaction.

The current 6 percent owner of WCGS and WCNOC, KEPCo, the third non-operating owner licensee, is not a party to this transaction and will remain a 6 percent owner post-transaction.

At the conclusion of the transaction, Holdco, whose shareholders will be comprised of the shareholders in Great Plains and Westar, will own all the direct and indirect subsidiaries previously held by Great Plains, including KCP&L, and will also own Westar and all of its direct and indirect subsidiaries, including KG&E. As a result, Holdco will indirectly own 94 percent of WCGS and WCNOC.

The current and post-transaction ownership structure of the facility is depicted in the simplified organization charts provided in Figures 1 and 2 of Attachment 1 to the letter dated September 5, 2017.

No physical changes to the WCGS or operational changes are being proposed in the application. WCNOC will continue to be the operator of WCGS with the same management team as in effect prior to the consummation of the proposed merger.

In response to the submission of the indirect license transfer application, the NRC published in the *Federal Register* a notice entitled, ''Wolf Creek Generating Station: Consideration of Approval of Transfer of License,'' on November 15, 2017 (82 FR 52946). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the NRC gives its consent in writing. Upon review of the information in the licensee's application, and other information before the Commission, the NRC staff has determined that WCNOC is qualified to hold the license following the proposed merger of Great Plains with Holdco, with Holdco as the surviving corporation, and Westar with King Energy Inc., with Westar as the surviving corporation. KCP&L and KG&E will each continue to hold their respective 47 percent interests in WCNOC and WCGS post-merger. Following the merger, Holdco will indirectly own a combined interest of WCGS of 94 percent. The current shareholders of Great Plains and Westar will become the shareholders of Holdco after the transaction. The NRC staff has also determined that the proposed indirect license transfer is otherwise consistent with the applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The findings set forth above are supported by an NRC safety evaluation dated March 12, 2018.

III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 USC §§ 2201(b), 2201(i), and 2234; and 10 CFR 50.80, IT IS HEREBY ORDERED that the application regarding the proposed indirect license transfer is approved.

IT IS FURTHER ORDERED that, after receipt of all required regulatory approvals of the proposed indirect transfer action, WCNOC shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt, and of the date of closing of the transfer, no later than 5 business days prior to the date of the closing of the indirect license transfer. Should the proposed indirect license transfer not be completed within 1 year of this Order's date of issuance, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated September 5, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17255A222), and the NRC safety evaluation dated the same date as this Order (ADAMS Accession No. ML18040A666), which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland this 12th day of March 2018.

For the Nuclear Regulatory Commission.

/RA/

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–05873 Filed 3–21–18; 8:45 am]

BILLING CODE 7590–01–P

[1] The name of the holding company Monarch Energy Holding, Inc. may be changed before or following the closing of the proposed transaction.

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; December 2017

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from December 1, 2017 to December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Service and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/*. OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No schedule A Authorities to report during December 2017.

Schedule B

No schedule B Authorities to report during December 2017.

Schedule C

The following Schedule C appointing authorities were approved during December 2017.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE	Office of Rural Housing Service	Chief of Staff	DA180055	12/05/2017
	Office of the Secretary	Director, Tribal Relations	DA180096	12/05/2017
		Director of the Office of Faith Based and Neighborhood Outreach.	DA180101	12/21/2017
	Office of the General Counsel	Senior Counsel	DA180098	12/08/2017
	Office of the Assistant to the Secretary for Rural Development.	Chief of Staff	DA180100	12/15/2017
DEPARTMENT OF COMMERCE	Office of Director General of the United States and Foreign Commercial Service and Assistant Secretary for Global Markets.	Senior Advisor for China	DC180063	12/15/2017
	Office of Under Secretary	Policy Advisor	DC180053	12/20/2017
		Special Advisor	DC180055	12/20/2017
DEPARTMENT OF DEFENSE	Office of the Under Secretary of Defense (Policy).	Special Assistant (Europe and North Atlantic Treaty Organization).	DD180024	12/15/2017
		Special Assistant for Policy	DD180026	12/15/2017
	Office of the Secretary of Defense	Advance Officer	DD180027	12/20/2017
	Office of the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict).	Special Assistant for Special Operations and Combating Terrorism.	DD180032	12/20/2017
	Office of the Secretary of Defense	Speechwriter	DD180034	12/21/2017
DEPARTMENT OF EDUCATION	Office of Communications and Outreach.	Special Assistant	DB180013	12/01/2017
	Office of Career Technical and Adult Education.	Confidential Assistant	DB180017	12/01/2017
	Office of Planning, Evaluation and Policy Development.	Confidential Assistant	DB180020	12/19/2017
	Office of Legislation and Congressional Affairs.	Special Assistant (Supervisory)	DB180025	12/21/2017
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Assistant Administrator for Land and Emergency Management.	Senior Counsel for Land and Emergency Management.	EP180021	12/20/2017
EXPORT-IMPORT BANK	Office of Communications	Senior Vice President for Communications.	EB180003	12/08/2017
GENERAL SERVICES ADMINISTRATION.	Office of Regional Administrators	Special Assistant	GS180006	12/21/2017
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Intergovernmental and External Affairs.	Regional Director, Boston, Massachusetts, Region I.	DH180023	12/15/2017
	Office of the Assistant Secretary for Financial Resources.	Director of Strategic Projects and Policy Initiatives.	DH180026	12/15/2017
	Office of the Secretary	Special Assistant for Advance	DH180034	12/18/2017
	Office of Centers for Medicare and Medicaid Services.	Director of Strategic Communications.	DH180025	12/20/2017
	Office of the Assistant Secretary for Public Affairs.	Deputy Director of Speechwriting and Senior Advisor.	DH180036	12/21/2017
DEPARTMENT OF HOMELAND SECURITY.	Office of Transportation Security Administration.	Senior Counselor	DM180054	12/18/2017
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Field Policy and Management.	Regional Administrator	DU180007	12/08/2017
DEPARTMENT OF THE INTERIOR	Secretary's Immediate Office	Counselor	DI180011	12/20/2017
DEPARTMENT OF JUSTICE	Office of Public Affairs	Media Affairs Specialist	DJ180036	12/12/2017

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF LABOR	Office of Public Affairs	Senior Speechwriter	DL180018	12/20/2017
	Office of the Assistant Secretary for Administration and Management.	Senior Advisor	DL180024	12/20/2017
		Special Assistant	DL180027	12/21/2017
	Office of Public Engagement	Public Liaison	DL180030	12/20/2017
NATIONAL CREDIT UNION ADMINISTRATION.	Office of Public and Congressional Affairs.	Director, Public and Congressional Affairs.	CU180001	12/01/2017
NATIONAL ENDOWMENT FOR THE HUMANITIES.	Office of the Chairman	Special Assistant	NH180001	12/06/2017
OFFICE OF PERSONNEL MANAGEMENT.	Office of the Director	Executive Assistant	PM180013	12/29/2017
SMALL BUSINESS ADMINISTRATION.	Office of Field Operations	Regional Administrator, Region II	SB180003	12/01/2017
		Regional Administrator, Region I	SB170066	12/05/2017
DEPARTMENT OF STATE	Bureau of Overseas Buildings Operations.	Special Assistant	DS180007	12/11/2017
	Office of the Under Secretary for Management.	Special Assistant	DS180014	12/18/2017
	Office of Bureau of Counterterrorism.	Special Assistant	DS180011	12/20/2017
	Office of Bureau of Public Affairs	Deputy Assistant Secretary for Strategic Communication.	DS180012	12/20/2017

The following Schedule C appointing authorities were revoked during December 2017.

Agency name	Organization name	Title	Request No.	Date vacated
DEPARTMENT OF COMMERCE	Office of International Trade Administration.	Confidential Assistant	DC170116	12/23/2017
DEPARTMENT OF DEFENSE	Office of Assistant Secretary of Defense (Public Affairs).	Speechwriter	DD170112	12/23/2017
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Preparedness and Response.	Senior Advisor	DH170285	12/09/2017
	Office of the Assistant Secretary for Public Affairs.	Special Assistant	DH170134	12/19/2017
DEPARTMENT OF HOMELAND SECURITY.	Office of the Chief of Staff	Confidential Assistant (2)	DM170139	12/02/2017
			DM170169	12/02/2017
		Special Assistant	DM170085	12/03/2017
DEPARTMENT OF LABOR	Office of Employment and Training Administration.	Senior Advisor	DL170058	12/09/2017
	Office of the Secretary	Special Assistant	DL170125	12/16/2017
DEPARTMENT OF STATE	Office of Policy Planning	Special Assistant	DS170151	12/19/2017

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Jeff T.H. Pon,

Director.

[FR Doc. 2018–05845 Filed 3–21–18; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council; Meeting Notice

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Federal Salary Council will meet on Tuesday, April 10, 2018, at the time and location shown below. The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations and pay policy. The Council makes recommendations to the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) about the locality pay program for General Schedule employees under § 5304 of title 5, United States Code. The Council's recommendations cover the establishment or modification of locality pay areas, the coverage of salary surveys, the process of comparing Federal and non-Federal rates of pay, and the level of comparability payments that should be paid.

The Council will hear public testimony about the locality pay program, review the results of pay comparisons, and formulate its recommendations to the President's Pay Agent on pay comparison methods, locality pay rates, and locality pay areas and boundaries for 2019.

The meeting is open to the public. Individuals who wish to provide testimony or present material at the meeting should contact the Office of Personnel Management using the telephone number or email address provided below. In addition, please be aware that the Council asks that oral testimony at the meeting be limited to 5 minutes per speaker.

DATES: Tuesday, April 10, 2018, at 11:00 a.m.

ADDRESSES: Office of Personnel Management, 1900 E Street NW, Pendleton Room 5th Floor, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Brenda L. Roberts, Deputy Associate Director, Pay and Leave, Office of Personnel Management, 1900 E Street NW, Room 7H31, Washington, DC

20415–8200. Phone (202) 606–2838; FAX (202) 606–0824; or email at *pay-leave-policy@opm.gov.*

For The President's Pay Agent.

Jeff T.H. Pon,

Director.

[FR Doc. 2018–05844 Filed 3–21–18; 8:45 am]

BILLING CODE 6329–39–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request for Change to Unreduced Annuity, RI 20–120

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension without change, of an approved information collection (ICR), Request for Change to Unreduced Annuity, RI 20–120.

DATES: Comments are encouraged and will be accepted until April 23, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or reached via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0245) was previously published in the **Federal Register** on November 8, 2017, at 82 FR 51884, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 20–120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to give us everything at one time.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Change to Unreduced Annuity.

OMB Number: 3206–0245.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2,500.

U.S. Office of Personnel Management.

Jeff T.H. Pon,

Director.

[FR Doc. 2018–05847 Filed 3–21–18; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; October 2017

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from October 1, 2017 to October 31, 2017.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Service and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No schedule A authorities to report during October 2017.

Schedule B

No schedule B authorities to report during October 2017.

Schedule C

The following Schedule C appointing authorities were approved during October 2017.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE	Office of the Assistant Secretary for Congressional Relations.	Confidential Assistant	DA180019	10/05/2017
	Office of Food and Nutrition Service.	Confidential Assistant	DA170196	10/06/2017
	Farm Service Agency	State Executive Director—Wisconsin.	DA170205	10/20/2017
		State Executive Director—Arkansas	DA180006	10/20/2017

Agency name	Organization name	Position title	Authorization No.	Effective date
		State Executive Director—Kentucky	DA180007	10/20/2017
		State Executive Director—Louisiana.	DA170201	10/30/2017
		State Executive Director—Alaska ...	DA180039	10/23/2017
		State Executive Director—Indiana ..	DA180010	10/20/2017
		State Executive Director—Mississippi.	DA180013	10/20/2017
		State Executive Director—Oklahoma.	DA180022	10/20/2017
		State Executive Director—Virginia ..	DA180023	10/20/2017
		State Executive Director—Illinois	DA180035	10/20/2017
		State Executive Director—Nevada	DA180043	10/20/2017
		State Executive Director—Iowa	DA180046	10/20/2017
		State Executive Director (5)	DA180038	10/23/2017
			DA180026	10/20/2017
			DA180011	10/20/2017
			DA180014	10/20/2017
			DA170200	10/23/2017
		State Executive Director—Georgia	DA180031	10/23/2017
		State Executive Director—Wyoming	DA180036	10/23/2017
		State Executive Director—Michigan	DA180028	10/20/2017
		State Executive Director—Maine	DA180015	10/20/2017
	Rural Housing Service	State Director—Massachusetts	DA180012	10/20/2017
		State Director—Michigan	DA180001	10/20/2017
		State Director—Oregon	DA180008	10/20/2017
		State Director—Pennsylvania	DA180032	10/20/2017
		State Director—Missouri	DA180040	10/20/2017
		State Director—Nevada	DA180042	10/20/2017
		State Director—Iowa	DA170202	10/23/2017
		State Director—Alaska	DA170204	10/23/2017
		State Director—Kentucky	DA180002	10/23/2017
		State Director (3)	DA180017	10/20/2017
			DA180020	10/23/2017
			DA180025	10/23/2017
		State Director—Illinois	DA180034	10/23/2017
		State Director—Washington	DA180037	10/23/2017
		State Director—West Virginia	DA180041	10/23/2017
		State Director—Arizona	DA180052	10/27/2017
		Confidential Assistant	DA180045	10/30/2017
	Office of the Under Secretary for Food, Nutrition and Consumer Services.	Confidential Assistant	DA170195	10/30/2017
DEPARTMENT OF COMMERCE ...	Office of the Director	Special Advisor	DC170169	10/04/2017
	Office of Policy and Strategic Planning.	Policy Assistant	DC170164	10/05/2017
	Office of White House Liaison	Deputy Director, Office of White House Liaison.	DC170168	10/11/2017
	Immediate Office	Special Advisor	DC180001	10/18/2017
	Office of Bureau of Industry and Security.	Special Advisor	DC170158	10/23/2017
	Office of the Under Secretary	Senior Advisor for International Trade Administration.	DC180003	10/24/2017
		Senior Advisor for Advance	DC180004	10/24/2017
	Office of Scheduling and Advance	Deputy Director of Protocol	DC170167	10/31/2017
CONSUMER PRODUCT SAFETY COMMISSION.	Office of Commissioners	Executive Assistant	PS180001	10/11/2017
DEPARTMENT OF DEFENSE	Office of the Assistant Secretary of Defense (Legislative Affairs).	Special Assistant for Legislative Affairs.	DD170161	10/03/2017
		Special Assistant for Installations, Environment, and Energy.	DD170235	10/06/2017
	Office of Assistant Secretary of Defense (Public Affairs).	Special Assistant for Public Affairs	DD170233	10/06/2017
	Office of the Assistant Secretary of Defense (International Security Affairs).	Special Assistant for African Affairs	DD180002	10/18/2017
	Office of the Secretary of Defense	Reader—Special Assistant	DD170099	10/23/2017
	Office of the Under Secretary of Defense (Personnel and Readiness).	Senior Advisor (Personnel and Readiness).	DD180014	10/30/2017
	Office of Washington Headquarters Services.	Defense Fellow	DD180009	10/31/2017

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF THE AIR FORCE.	Office of Assistant Secretary of the Air Force for Manpower and Reserve Affairs.	Special Assistant	DF180003	10/23/2017
	Deputy Under Secretary (International Affairs).	Special Assistant	DF170014	10/30/2017
DEPARTMENT OF THE ARMY	Office Assistant Secretary Army (Installations, Energy and Environment).	Special Assistant (Installations, Energy and Environment).	DW180003	10/26/2017
DEPARTMENT OF THE NAVY	Department of the Navy	Special Assistant	DN180003	10/23/2017
DEPARTMENT OF EDUCATION	Office of the General Counsel	Attorney Advisor	DB170144	10/05/2017
	Office of Planning, Evaluation and Policy Development.	Confidential Assistant	DB170146	10/11/2017
	Office of Legislation and Congressional Affairs.	Confidential Assistant	DB170145	10/13/2017
	Office of Communications and Outreach.	Confidential Assistant	DB180004	10/13/2017
	Office of the Secretary	Special Assistant	DB180005	10/26/2017
	Office of the Under Secretary	Special Assistant (Supervisory)	DB180008	10/30/2017
DEPARTMENT OF ENERGY	Assistant Secretary for International Affairs.	Senior Advisor and Chief of Staff	DE170224	10/05/2017
	Office of the Secretary	Special Assistant	DE170227	10/06/2017
	Associate Under Secretary for Environment, Health, Safety and Security.	Senior Advisor—Veterans Relations	DE170218	10/18/2017
		Senior Project Advisor	DE170219	10/23/2017
	Assistant Secretary for Congressional and Intergovernmental Affairs.	Director of External Affairs	DE170225	10/23/2017
	Office of Energy Policy and Systems Analysis.	Senior Analyst for Energy Security	DE180002	10/23/2017
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Administrator	Special Assistant	EP180003	10/17/2017
		Deputy Director for Scheduling and Advance.	EP180002	10/20/2017
		Senior Advisor for Agriculture Policy.	EP180001	10/23/2017
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Health Resources and Services Administration Office of the Administrator.	Policy Advisor	DH170346	10/13/2017
	Office of the Assistant Secretary for Public Affairs.	Policy Advisor	DH180002	10/13/2017
	Office of Refugee Resettlement/Office of the Director.	Policy Advisor	DH170339	10/17/2017
	Office of Intergovernmental and External Affairs.	Regional Director, Kansas City, Missouri, Region VII.	DH170246	10/20/2017
	Office of the General Counsel	Assistant to the General Counsel	DH170327	10/23/2017
	Office for Civil Rights	Senior Advisor (Health Insurance Portability and Accountability Act).	DH170343	10/24/2017
	Office of Center for Consumer Information and Insurance Oversight.	Senior Advisor	DH170342	10/30/2017
	Office of the Assistant Secretary for Legislation.	Policy Advisor	DH180009	10/31/2017
DEPARTMENT OF HOMELAND SECURITY.	Office of United States Citizenship and Immigration Services.	Special Assistant	DM170287	10/05/2017
	Office of the Chief of Staff	Confidential Assistant	DM170297	10/24/2017
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Field Policy and Management.	Regional Administrator	DU180004	10/06/2017
	Office of Housing	Special Assistant	DU180002	10/20/2017
	Office of Public and Indian Housing	Senior Advisor	DU180003	10/20/2017
DEPARTMENT OF THE INTERIOR	Secretary's Immediate Office	Special Assistant	DI170119	10/23/2017
	Office of Assistant Secretary—Land and Minerals Management.	Advisor	DI180001	10/23/2017
	Office of Assistant Secretary—Indian Affairs.	Senior Advisor	DI180005	10/23/2017
	Office of Bureau of Reclamation	Special Assistant	DI180007	10/30/2017
DEPARTMENT OF JUSTICE	Office of Civil Rights Division	Chief of Staff and Counsel	DJ170180	10/17/2017
	Office of Justice Programs	Senior Advisor	DJ170177	10/18/2017
	Office of Legal Policy	Counsel (2)	DJ170179	10/20/2017
		Chief of Staff and Counsel	DJ180004	10/24/2017
			DJ170171	10/23/2017
DEPARTMENT OF LABOR	Office of Congressional and Intergovernmental Affairs.	Legislative Officer	DL170118	10/03/2017
	Office of Employee Benefits Security Administration.	Senior Advisor	DL170119	10/03/2017

Agency name	Organization name	Position title	Authorization No.	Effective date
	Office of Mine Safety and Health Administration.	Senior Advisor	DL170117	10/12/2017
	Office of Bureau of International Labor Affairs.	Special Assistant	DL170122	10/12/2017
	Office of the Assistant Secretary for Policy.	Senior Policy Advisor	DL170123	10/12/2017
	Office of the Secretary	Special Assistant	DL170125	10/12/2017
	Office of Employment and Training Administration.	Senior Policy Advisor	DL180015	10/24/2017
OFFICE OF MANAGEMENT AND BUDGET.	Office of the Director	Special Assistant	BO170092	10/17/2017
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of Legislative Affairs	Associate Director (Legislative Affairs).	QQ170016	10/11/2017
	Office of Public Affairs	Public Affairs Specialist	QQ170017	10/11/2017
SECURITIES AND EXCHANGE COMMISSION.	Office of Division of Trading and Markets.	Director, Division of Trading and Markets.	SE180001	10/27/2017
DEPARTMENT OF STATE	Office of the Chief of Protocol	Staff Assistant (Gifts)	DS170199	10/03/2017
	Office of Bureau of Legislative Affairs.	Special Assistant	DS170207	10/11/2017
	Office of Bureau of International Information Programs.	Special Assistant	DS170203	10/13/2017
	Office of the United States Global Aids Coordinator.	Special Assistant for Congressional Relations.	DS170206	10/18/2017
		Senior Data Analyst	DS180001	10/26/2017
DEPARTMENT OF TRANSPORTATION.	Office of the Secretary	Special Assistant	DT170154	10/11/2017
DEPARTMENT OF VETERANS AFFAIRS.	Office of the Secretary and Deputy	Senior Advisor Office of Accountability and Whistleblower Protection.	DV170089	10/03/2017

The following Schedule C appointing authorities were revoked during October 2017.

Agency	Organization	Title	Request No.	Date vacated
COMMODITY FUTURES TRADING COMMISSION.	Office of the Chairperson	Director of Advance and Protocol (2).	CT170007	10/31/2017
DEPARTMENT OF COMMERCE	Office of White House Liaison	Deputy Director, Office of White House Liaison.	DC170053	10/14/2017
	Office of Minority Business Development Agency.	Special Advisor for Business Development.	DC170093	10/23/2017
	Office of the Chief of Staff	Director of Advance and Protocol (2).	DC170115	10/28/2017
			DC180013	10/28/2017
	Office of International Trade Administration.	Senior Advisor	DC170111	10/31/2017
DEPARTMENT OF DEFENSE	Office of the Secretary of Defense	Deputy White House Liaison	DD170094	10/14/2017
	Office of the Under Secretary of Defense (Comptroller).	Special Assistant to the Under Secretary of Defense (Comptroller).	DD170151	10/28/2017
DEPARTMENT OF ENERGY	Office of Scheduling and Advance	Scheduler to the Deputy Secretary	DE170185	10/14/2017
	Office of the Secretary	Special Assistant to the Secretary	DE170115	10/14/2017
	Office of Assistant Secretary for Energy Efficiency and Renewable Energy.	Senior Advisor	DE170189	10/21/2017
	Office of Public Affairs	Digital Strategy Advisor	DE170108	10/27/2017
	Office of Energy Policy and Systems Analysis.	Special Advisor	DE170111	10/28/2017
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Public Affairs.	Senior Advisor	DH170333	10/06/2017
		Press Assistant (Regional Media)	DH170316	10/28/2017
	Office of Health Resources and Services Administration/Office of the Administrator.	Special Assistant	DH170278	10/14/2017
	Office of the Secretary	Deputy Scheduler	DH170158	10/14/2017
		Special Assistant	DH170128	10/30/2017
DEPARTMENT OF JUSTICE	Office of Civil Rights Division	Counsel	DJ170121	10/28/2017
	Office of the Attorney General	Confidential Assistant	DJ170083	10/31/2017
DEPARTMENT OF LABOR	Office of Employment and Training Administration.	Chief of Staff	DL170090	10/28/2017

Agency	Organization	Title	Request No.	Date vacated
UNITED STATES INTERNATIONAL TRADE COMMISSION.	Office of Commissioner Schmidtlein	Confidential Assistant	TC160004	10/13/2017

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Jeff T.H. Pon,

Director.

[FR Doc. 2018–05846 Filed 3–21–18; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–181; MC2018–131 and CP2018–182; MC2018–132 and CP2018–183]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 26, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–181; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 16, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* March 26, 2018.

2. *Docket No(s).:* MC2018–131 and CP2018–182; *Filing Title:* USPS Request to Add Priority Mail Contract 425 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 16, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Timothy J. Schwuchow; *Comments Due:* March 26, 2018.

3. *Docket No(s).:* MC2018–132 and CP2018–183; *Filing Title:* USPS Request to Add Priority Mail Express & Priority Mail Contract 63 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 16, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Timothy J. Schwuchow; *Comments Due:* March 26, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–05856 Filed 3–21–18; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 22, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 16, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 425 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–131, CP2018–182.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–05777 Filed 3–21–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 22, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 16, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 63 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–132, CP2018–183.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–05778 Filed 3–21–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 12g3–2, SEC File No. 270–104, OMB Control No. 3235–0119

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Rule 12g3–2 (17 CFR 240.12g3–2) under the Securities Exchange Act of 1934 (the ''Exchange Act'') provides an exemption from Section 12(g) of the Exchange Act (15 U.S.C. 78l(g)) for foreign private issuers. Rule 12g3–2 is designed to provide investors in foreign securities with information about such securities and the foreign issuer. As a condition to the exemption, a non-Exchange Act reporting foreign private issuer must publish in English specified non-U.S. disclosure documents required by Rule 12g3–2(b) for its most recently completed fiscal year on its internet website or through an electronic information delivery system in its primary trading market. In addition, the rule requires a foreign private issuer similarly to publish electronically specified non-U.S. disclosure documents in English on an ongoing basis for subsequent fiscal years as a condition to maintaining the Rule 12g3–2(b) exemption. We estimate that, that approximately 1,386 respondents claim the exemption. Each respondent publishes an estimated 12 submissions pursuant to Rule 12g3–2 per year for a total of 16,632 responses. We estimate the number of burden hours incurred by foreign private issuers to produce the Rule 12g3–2(b) publications to total 37,206, or approximately 2.237 burden hours per response (2.237 hours per response × 16,632 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon,100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05810 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82889; File No. SR–BOX–2018–09]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Correct an Error in IM–7600–2

March 16, 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 12, 2018, BOX Options Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to correct an inadvertent error in IM–7600–2. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend IM–7600–2 to correct an inadvertent error that was [sic] subject of a prior rule filing. In August 2017, the Securities and Exchange Commission (''SEC'') approved BOX's filing to establish rules for an open-outcry trading floor.[3] The Exchange notes that it mistakenly referenced ''Public Customers'' rather than ''Customers'' in IM–7600–2(h) when establishing these rules.

Under IM–7600–2(h) a Floor Broker must deliver written notification prior to entering a tied hedge order on behalf

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Release No. 81292 (August 2, 2017), 82 FR 37144 (August 8, 2017) (Order Approving SR–BOX–2016–48 as modified by Amendment Nos. 1 and 2).

of their client. The intent of the rule was to require Floor Brokers to provide notice to all clients when entering in a tied hedge order on their behalf; however, the term ''Customer'' was inadvertently changed to ''Public Customer'' in the drafting process. Under the BOX Rules, the term ''Customer'' means either a Public Customer or a broker-dealer,[4] whereas the term ''Public Customer'' means a person that is not a broker or dealer in securities.[5] As such, the rule as it is currently written does not require the Floor Broker to notify non-Public Customer clients prior to entering a tied hedge order on their behalf; which was not the intent of the rule. The Exchange believes it is reasonable and appropriate for all of a Floor Broker's clients, regardless of Participant type, to receive written notice prior to the Floor Broker entering in a tied hedge order on their behalf as it will provide transparency to the client.

Therefore, the Exchange proposes to replace the term ''Public Customer'' with the term ''Customer'' in Rule IM–7600–2(h). The Exchange believes the term ''Customer'' is more appropriate as broker-dealers should not have been excluded from the requirements of Rule IM–7600–2(h) when it was initially adopted. Additionally, the proposed correction is similar to the language used in the rules of another options exchange.[6]

The Exchange notes that it is not proposing to amend any other part of the tied-hedge rule and the BOX rules already allow for Floor Brokers to submit tied hedge orders on behalf of broker dealers.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[7] in general, and Section 6(b)(5) of the Act,[8] in particular, in that it is designed to protect investors and the public interest, promote just and equitable principles of trade, and foster cooperation and coordination with persons engaged in facilitating transactions in securities by correcting an inadvertent error that was made in the adoption of the rule. Specifically, the Exchange proposes to change the reference from ''Public Customers'' to ''Customers'' in Rule IM–7600–2(h). The Exchange believes the term ''Customer'' is more appropriate as broker-dealers should not have been excluded from the requirements of Rule IM–7600–2(h) when it was initially adopted. Further, the Exchange believes it is reasonable and appropriate for all of a Floor Broker's clients, regardless of Participant type, to receive written notice prior to the Floor Broker entering in a tied hedge order on their behalf.

As noted above, the proposed correction is similar to the language used in the rules of another options exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act as the proposed rule change is simply seeking to eliminate investor confusion with regard to the incorrect reference in Rule IM–7600–2(h). As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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 comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that waiver of the operative delay would allow it to implement the proposal immediately and would require a Floor Broker to provide written notice to its non-Public Customer clients, as well as its Public Customer clients, prior to entering a tied hedge order on their behalf. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change is designed to provide clarity and transparency to non-Public Customers regarding the usage of tied hedge orders by Floor Brokers and the Exchange's tied hedge order procedures. The Commission also notes that the proposed rule change does not change the Exchange's existing tied hedge rule that permits Floor Brokers to submit tied hedge orders on behalf of non-Public Customers. Rather, the proposed rule change would simply require Floor Brokers to provide the same type of notice to non-Public Customers as is currently required to be provided to Public Customers. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[4] *See* Rule 100(a)(17).

[5] *See* Rule 100(a)(52).

[6] *See* NYSE Arca (''Arca'') Rule 6.47–O.01(h). The Exchange's reading of Arca's rule is that the term ''customer'' includes broker-dealers as well as Public Customers.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–BOX–2018–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2018–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2018–09 and should be submitted on or before April 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05792 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82891; File No. SR–BOX–2017–36]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rule 7600(i) To Allow Split-Price Transactions on the BOX Trading Floor

March 16, 2018.

I. Introduction

On November 30, 2017, BOX Options Exchange LLC (the ''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt proposed Rule 7600(i) to allow split-price transactions on the BOX Trading Floor. The proposed rule change was published for comment in the **Federal Register** on December 19, 2017.[3] On January 31, 2018, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change to March 19, 2018.[4] The Exchange filed Amendment No. 1 to the proposal on March 7, 2018.[5] The Commission is publishing this notice to solicit comment on Amendment No. 1 to the proposed rule change from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82315 (December 13, 2017), 82 FR 60256 (''Notice'').

[4] *See* Securities Exchange Act Release No. 82607 (January 31, 2018), 83 FR 5286 (February 6, 2018).

[5] In Amendment No. 1 the Exchange: (1) Further described how split-price priority transactions would execute if there is Public Customer interest on the BOX Book; (2) provided additional justification for the proposal being consistent with the Act; (3) provided additional examples of how split-price priority transactions will be handled and reported by the Exchange; and (4) proposed additional rule text to describe how the system will determine the allocation of a split-price QOO Order in situations where the allocation between two increments results in a fractional amount of contracts and provided justification for this change. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-box-2017-36/box201736-3206059-161998.pdf.*

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1 [6]

BOX proposes to adopt Rule 7600(i), which would establish priority principles for split-price transactions occurring in open-outcry on the Trading Floor.[7] Under the proposed rule, if an order or offer (bid) for *any* number of contracts of a series is represented to the trading crowd, a Floor Participant [8] that buys (sells) one or more contracts of that order or offer (bid) at one price would have priority over all other orders and quotes, except Public Customer Orders [9] resting in the BOX Book,[10] to buy (sell) up to the same number of contracts of those remaining from the same order or offer (bid) at the next lower (higher) price.[11] For orders or offers (bids) of 100 or more contracts,[12] a Floor Participant that buys (sells) 50 or more of the contracts of that order or offer (bid) at a particular price will have priority over all other orders and quotes to buy (sell) up to the same number of contracts of those remaining from the same order or offer (bid) at the next lower (higher) price.[13] If the bids or offers of two or more Floor Participants are both entitled to split-price priority, priority would be afforded (to the extent practicable) on a pro-rata basis.[14]

According to the Exchange, in order to execute a split-price transaction, a Floor Broker would submit a Qualified Open Outcry (''QOO'') Order to the system in the same manner as done today on the Trading Floor, except that the QOO Order would be entered at a sub-minimum trading increment.[15]

[6] For a more detailed description of the proposed rule change, *see* Notice, *supra* note 3; Amendment No. 1, *supra* note 5.

[7] *See* Rule 100(a)(67) (defining Trading Floor).

[8] The term ''Floor Participant'' includes Floor Brokers as defined in Rule 7540 and Floor Market Makers as defined in Rule 8510(b). *See* Rule 100(a)(26).

[9] The term ''Public Customer Order'' means an order for the account of a Public Customer, which is defined in the BOX Rules as a person that is not a broker or dealer in securities. *See* Rules 100(a)(52) and (53).

[10] The term ''Central Order Book'' or ''BOX Book'' means the electronic book of orders on each single option series maintained by the BOX Trading Host. *See* Rule 100(a)(10).

[11] *See* proposed Rule 7600(i)(1).

[12] Under the proposed rule, the Exchange would be permitted to increase the minimum qualifying size of 100 contracts. Any such changes would be announced to Participants via Regulatory Circular. *See* proposed Rule 7600(i)(2).

[13] *See* proposed Rule 7600(i)(2). *See also* Notice *supra,* note 3, at 60257 (providing an example of a split-price transaction for 100 contracts).

[14] *See* proposed Rule 7600(i)(3).

[15] For example, a Floor Broker would be permitted to enter a QOO Order at a price of $1.03 when the minimum trading increment for the series

Continued

After receiving the QOO Order, the system would split the QOO Order into two transactions. The transactions would be separated by one tick that, when combined, would yield a net price equal to the original price entered by the Floor Broker.[16] If this calculation results in a fractional contract amount, the number of contracts allocated will be rounded to the advantage of the initiating side.[17]

The Exchange represents that the process by which a Floor Broker brings an order to the Trading Floor would be the same for a split-price QOO Order as it is for all other QOO Orders.[18] Specifically, a Floor Broker would be permitted to bring a single-sided order (*i.e.,* the initiating side of a QOO Order) to the Trading Floor in order to seek liquidity (*i.e.,* the contra-side of a QOO Order). In such case, the Floor Broker would announce the single-sided order to the trading crowd in an attempt to find contra-side liquidity. If Floor Participants respond with sufficient liquidity to satisfy the single-sided order, the Floor Broker would be able to submit a two-sided QOO Order to the system as required by Rule 7600.[19] If, however, a Floor Participant responds by providing liquidity at two separate prices, then the Floor Broker would submit the QOO Order at a sub-minimum trading increment which would result in a split-price transaction.[20] For example, according to the Exchange, a Floor Market Maker might be willing to buy half of the contracts at one price provided that the Floor Market Maker could then buy the other half at one tick lower.[21]

Alternatively, the Floor Broker may have both sides of the QOO Order (*i.e.,* the initiating side and the contra-side) when the order is brought to the Trading Floor and the Floor Broker may wish to execute the order at two separate prices in an attempt to have a net execution price with a sub-minimum trading increment. In such a situation, under the proposed rule, the Floor Broker would announce the QOO Order to the trading crowd and state that they are attempting to execute the QOO Order as a split-price transaction. Floor Participants then would have an opportunity to respond.[22]

The use of the proposed split-price priority rule would be subject to certain conditions. First, split-price priority would be available only for open outcry transactions (*i.e.,* QOO Orders) and would not apply to Complex Orders.[23] Second, a Floor Participant would be required to make its bid (offer) at the next lower (higher) price for the second (or later) transaction at the same time as the first bid (offer) or promptly following the announcement of the first (or earlier) transaction.[24] Third, the second (or later) purchase (sale) must represent the opposite side of a transaction with the same order or offer (bid) as the first (or earlier) purchase (sale).[25]

Finally, the Exchange proposes an exception to the availability of split-price priority. Specifically, if the width of the quote for a series is the minimum increment for that series (*e.g.,* $1.00–$1.05 for a series with a minimum increment of $0.05, or $1.00–$1.01 for a series with a minimum increment of $0.01), and both the bid and offer represent Public Customer Orders resting in the BOX Book, split-price priority pursuant to proposed Rule 7600(i) would not available to Floor Participants until the Public Customer Order(s) resting in the BOX Book on either side of the market trades.[26] The Exchange represents that this exception is consistent with the Exchange's allocation and priority rules, which provide for Public Customer Orders to have priority at the best price in open outcry over QOO Orders.[27]

To address potential concerns regarding Section 11(a) of the Act,[28] the Exchange is proposing to adopt Rule IM–7600–6.[29] Proposed Rule IM–7600–6 would make clear that Floor Brokers may avail themselves of the split-price priority rule, but must ensure compliance with Section 11(a). Specifically, proposed Rule IM–7600–6 would require a Floor Broker who bids (offers) on behalf of a non-Market-Maker BOX Participant broker-dealer (''BOX Participant BD'') to ensure that the BOX Participant BD qualifies for an exemption from Section 11(a)(1) of the Exchange Act or the transaction satisfies the requirements of Exchange Act Rule 11a2–2(T).[30] According to the Exchange, pursuant to existing Rule IM–7600–5, a Participant may not utilize the Trading Floor to effect any transaction for its own account, the account of an associated person, or an account with respect to which it or an associated person thereof exercises investment discretion by relying on an exemption under Section 11(a)(1)(G) of the Exchange Act (the ''G Exemption'').[31] Therefore, according to the Exchange, a Floor Broker bidding or offering on behalf of a BOX Participant must rely on exemptions from Section 11(a) other than the G Exemption.[32] Otherwise a Floor Broker would not be permitted to execute a split-price transaction on the Trading Floor. The Exchange notes that the proposed rule change would not limit in any way the obligation of a BOX Participant, while acting as a Floor

is $0.05. *See* Notice, *supra,* note 3, at 60256, n.5. Split price QOO Orders can be submitted with up to three decimal places (*e.g.,* $1.025). *See* Amendment No. 1, *supra* note 5, at 6 n.6.

[16] For example, if a Floor Broker submitted a split price QOO Order with a price of $1.025 for 100 contracts in a series with a minimum trading increment of $0.05, the system would split the QOO Order into two transactions; a transaction for the purchase of 50 contracts at $1.00 and a transaction for the purchase of 50 contracts at $1.05. *See* Notice *supra,* note 3, at 60256.

[17] *See* proposed Rule IM–7600–7; Amendment No. 1, *supra* note 5, at 6. For example, if a Floor Broker submitted a split price QOO Order with a price of $1.025 for 301 contracts in a series with a minimum trading increment of $0.05, 150.5 contracts would need to be executed at $1.00 and 150.5 contracts would need to be executed at $1.05 to achieve a net price of $1.025. If the initiating side of such an order were a sell order, the system would instead split the order into 151 contracts at $1.05 and 150 at $1.00, resulting in a net execution price of $1.0251, which is a better price for the initiating sell order. *See* Amendment No. 1, *supra* note 5, at 6.

[18] The Exchange notes that the Floor Broker would be permitted to utilize the book sweep size, as provided in Rule 7600(h), when entering a split-price QOO Order. *See* Notice, *supra* note 3, at 60257 and 60258 (providing an example of a split-price QOO Order and book sweep size). According to the Exchange, this may result in the contra-side of a split price order receiving a net price that is worse than the price at which the QOO Order was originally entered. *See* Amendment No. 1, *supra* note 5, at 5 (providing an example of the execution of a split-price transaction that executes in part against a Public Customer Order on the BOX Book). A split-price QOO Order will be rejected if the initiating side of the transaction would trade through a resting Public Customer Order because the initiating side of a QOO Order must be filled in its entirety pursuant to Rule 7600(a)(1). *See* Amendment No. 1, *supra* note 5, at 5 n.4.

[19] *See* Rule 7600(a).

[20] The Exchange notes that nothing would prevent a Floor Participant from responding for the full amount of the order at a better price for the Floor Broker's customer. For example, if a Floor Broker announced an order for a customer looking to buy at $0.30 and $0.35, a Floor Participant could respond to sell the full quantity at $0.30 instead of selling part at $0.30 and part at $0.35. *See* Notice, *supra* note 3, at 60256 n.7.

[21] *See* Notice, *supra* note 3, at 60256.

[22] *See id.* (providing an example of the execution of a single-sided order as a split-price transaction).

[23] *See* proposed Rule 7600(4)(i).

[24] *See* proposed Rule 7600(4)(ii).

[25] *See* proposed Rule 7600(4)(iii).

[26] *See* proposed Rule 7600(5).

[27] *See* Notice, *supra* note 3, at 60257 (providing examples of the application of the exception). *See also* Rules 7600(c) and (d).

[28] 15 U.S.C. 78k(a)

[29] *See* Notice, *supra* note 3, at 60258. *See also* proposed Rule IM–7600–6.

[30] *See* proposed Rule IM–7600–6.

[31] *See* Notice, *supra* note 3, at 60258. *See also* Securities Exchange Act Release No. 80720 (May 18, 2017), 82 FR 23657 (May 23, 2017) (Notice of Amendment 2 to SR–BOX–2016–48) at 23674 and 23681. *See also* Securities Exchange Act Release No. 81292 (August 2, 2017), 82 FR 37144 (August 8, 2017) (Order Approving SR–BOX–2016–48).

[32] *See* Notice, *supra* note 3, at 60258.

Broker or otherwise, to comply with Section 11(a) or the rules thereunder.[33]

The Exchange has represented that it will provide at least two weeks' notice to Participants via Circular prior to the launch of proposed Rule 7600(i).[34]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[35] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[36] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would encourage Floor Participants to quote more aggressively, which in turn could lead to better-priced executions. In addition, the Exchange states that it believes that the proposal will induce Floor Participants to bid (offer) at better prices for an order or offer that may require execution at multiple prices (such as a large-size order), which would result in a better average price for the originating Floor Participant (or its customer).[37]

The Commission notes that the proposed change is substantively identical to the rules of another options exchange[38] and therefore, the Commission does not believe that the adoption of proposed Rule 7600(i) raises any new regulatory issues. The Commission believes that the proposed rule change may encourage more aggressive quoting by Floor Participants in competition for large-sized orders, which, in turn, could lead to better-priced executions.[39] The Commission notes that the proposed rule change includes language that clarifies that Floor Brokers who avail themselves of the split-price priority rule are obligated to ensure compliance with Section 11(a) of the Act.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act[40] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2017–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2017–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2017–36 and should be submitted on or before [date 21 days from publication in the **Federal Register**].

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of the notice of Amendment No. 1 in the **Federal Register**. As discussed above, Amendment No. 1 clarifies how the proposed split-price priority rules would operate in conjunction with BOX's book sweep size mechanism, and its potential impact to the net execution price of the contra-side of a split-price QOO Order. In addition, Amendment No. 1 proposes additional rule text to describe how the system will determine split-price priority in situations where the allocation between two increments results in a fractional number of contracts.

The Commission believes that Amendment No. 1 provides additional specificity regarding the operation of BOX's new priority principles for split-priced transactions in open-outcry on the Trading Floor. The Commission notes that the proposed new rule text and additional description and analysis set forth in Amendment 1 do not raise any novel regulatory issues and are designed to add clarity to the proposal.

Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,[41] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[42] that the

[33] *See* Notice, *supra* note 3, at 60258.

[34] The Exchange stated that it anticipates launching its split-price priority rule in the first quarter of 2018. *See* Notice, *supra* note 3, at 60258.

[35] In approving this proposed rule change, as modified by Amendment No. 1, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[36] 15 U.S.C. 78f(b)(5).

[37] *See* Notice, *supra* note 3, at 60258.

[38] *See* Cboe Exchange Inc. Rule 6.47. *See also* Nasdaq Phlx LLC Rule 1014(g)(i)(B), NYSE Arca Inc. Rule 6.75–O(h) and NYSE American LLC Rule 963NY(f).

[39] *See* Securities Exchange Act Release No. 77823 (May 12, 2016), 81 FR 31279 (May 18, 2016) (SR–CBOE–2016–034) (approving modifications to Cboe Option's split-price priority rule and adopting an exception when the width of a series quote is at the minimum increment width which is identical to BOX's proposed exception).

[40] 15 U.S.C. 78f(b)(5).

[41] 15 U.S.C. 78s(b)(2).

[42] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–BOX–2017–36), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05794 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82890; File No. SR–ICEEU–2018–002]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Granting Accelerated Approval of Proposed Rule Change Relating to the ICE Clear Europe Limited CDS Procedures, CDS Risk Policy, and CDS Risk Model Description

March 16, 2018.

I. Introduction

On February 6, 2018 ICE Clear Europe Limited (''ICE Clear Europe'') 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–ICEEU–2018–002) to revise: (i) Its CDS Procedures to support the clearing of a new transaction type; and (ii) its CDS Risk Policy, and CDS Risk Model Description document to incorporate certain modifications to its risk management methodology.[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

ICE Clear Europe proposed revisions to its CDS Procedures, CDS Risk Policy, and Risk Model Description document in order to provide for the clearing of a new transaction type, the Standard European Senior Non-Preferred Financial Corporate, and to provide for revised risk management practices.

A. Changes to ICE Clear Europe CDS Procedures

ICE Clear Europe proposed amending Paragraph 4.3(c)(ii) of its CDS Procedures, which sets forth the requirements for Trade Particulars for CDS that are submitted for Clearing, to reference the Standard European Senior Non-Preferred Financial Corporate transaction type.[5]

ICE Clear Europe also proposed amending Paragraph 11.3(i) to revise the definition of ''Non-STEC Single Name Contract'' to include the Standard European Senior Non-Preferred Financial Corporate transaction type in the list of Reference Entities eligible to be cleared by ICE Clear Europe, and also proposed amending Paragraph 11.3(j) to remove a requirement providing that the relevant obligation must be ''Senior Level'' and replace it with a requirement that the relevant obligation be of the ''applicable seniority level.''[6]

B. Changes to ICE Clear Europe's Risk Model Description

As currently constructed, ICE Clear Europe's risk management methodology takes into consideration the potential losses associated with idiosyncratic credit events, which ICE Clear Europe refers to as ''Loss-Given Default'' or ''LGD.'' ICE Clear Europe deems each Single Name (''SN'') reference entity a Risk Factor, and each combination of definition, doc-clause, tier, and currency for a given SN Risk Factor as a SN Risk Sub-Factor. ICE Clear Europe currently measures losses associated with credit events through a stress-based approach incorporating three recovery rate scenarios: a minimum recovery rate, an expected recovery rate, and maximum recovery rate. ICE Clear Europe combines exposures for Outright and index-derived Risk Sub-Factors at each recovery rate scenario.[7]

ICE Clear Europe currently uses the results from the recovery rate scenarios as an input into the Profit/Loss-Given-Default (''P/LGD'') calculations at both the Risk Sub-Factor and Risk Factor levels. For each Risk Sub-Factor, ICE Clear Europe calculates the P/LGD as the worst credit event outcome, and for each Risk Factor, ICE Clear Europe calculates the P/LGD as the sum of the worst credit outcomes per Risk Sub-Factor. These final P/LGD results are used as part of the determination of risk requirements.[8]

ICE Clear Europe proposed changes to its LGD framework at the Risk Factor level with respect to the LGD calculation. Specifically, ICE Clear Europe proposed a change to its approach by incorporating more consistency in the calculation of the P/LGD by using the same recovery rate scenarios applied to the different Risk Sub-Factors which are part of the considered Risk Factor. For each Risk Factor, ICE Clear Europe would continue to calculate an ''extreme outcome'' as the sum of the worst Risk Sub-Factor P/LGDs across all scenarios and also would, for each Risk Factor, calculate an ''expected outcome'' as the worst sum of all the Risk Sub-Factors P/LGDs across all of the same scenarios. Under the proposed changes, ICE Clear Europe would then combine the results of the ''extreme outcome'' calculation and the ''expected outcome'' calculation to compute the total LGD for each Risk Factor.[9] ICE Clear Europe proposed to apply a weight of 25% to the extreme outcome component in order to implement certain requirements of relevant regulatory technical standards arising under the European Market Infrastructure Regulation.[10]

ICE Clear Europe also proposed to expand its LGD analysis to incorporate a new ''Risk Factor Group'' level. Under the proposed changes, a set of related Risk Factors would form a Risk Factor Group based on either (1) having a common majority parental sovereign ownership (*e.g.* quasi-sovereigns and sovereigns), or (2) being a majority owned subsidiary of a common parent entity according to the Bloomberg Related Securities Analysis. ICE Clear Europe noted that a Risk Factor Group could consist of only one Risk Factor.[11]

Under the proposed revisions, ICE Clear Europe would calculate the total quantity LGD on a Risk Factor Group level, and account for the exposure due to credit events associated with the reference entities within a given Risk Factor Group. Where a Risk Factor Group contains only one Risk Factor, ICE Clear Europe would compute the LGD as the risk exposure due to a credit event for a given underlying reference

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[43] 17 CFR 200.30–3(a)(12).

[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 ICE Clear Europe Rules, CDS Procedures, CDS Risk Policy, or CDS Risk Model Description.

[4] Securities Exchange Act Release No. 34–82678 (February 9, 2018), 83 FR 6909 (February 15, 2018) (SR–ICEEU–2018–002) (''Notice'').

[5] Notice, 83 FR at 6909.

[6] *Id.* at 6909–10.

[7] *Id.* at 6910.

[8] *Id.*

[9] *Id.*

[10] *See* Commission Delegated Regulation (EU) No 153/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties. ICE Clear Europe is authorized as a central counterparty under the European Market Infrastructure Regulation and is subject to the requirements thereof.

[11] Notice, 83 FR at 6910.

entity. Moreover, under the proposed approach, ICE Clear Europe would sum the P/LGDs for each Risk Factor in a given Risk Factor Group, with limited offsets in the event the Risk Factors exhibit positive P/LGD. Using the results of the above calculation, ICE Clear Europe would obtain the Risk Factor Group level LGD. The proposed approach would also include a calculation which allows for the Risk Factor Group level LGD to be attributed to each Risk Factor within the considered Risk Factor Group.[12]

In addition to these changes, ICE Clear Europe also proposed changes to the ''Loss Given Default Risk Analysis'' section of its Risk Model Description document to incorporate the Risk Factor and Risk Factor Group LGD calculation changes described above, as well as to incorporate certain conforming changes to other sections of the Risk Model Description document to reflect the proposed Risk Factor Group analysis.[13]

ICE Clear Europe also proposed further changes with respect to the ''Idiosyncratic Jump-to-Default Requirements'' section of the Risk Model Description document. As currently constructed, the portfolio jump-to-default approach collateralizes the worst uncollateralized LGD (''ULGD'') exposure among all Risk Factors. Under the proposed changes, the portfolio jump-to-default (''JTD'') approach would collateralize, through the portfolio JTD initial margin requirement that accounts for the Risk Factor Group-specific LGD collateralization, the worst ULGD exposure among all Risk Factor Groups. The ULGD exposure for a given Risk Factor Group would be calculated as a sum of the associated Risk Factor ULGDs.[14]

ICE Clear Europe also proposed certain minor edits to the Specific Wrong-Way Risk and General Wrong Way Risk sections of the Risk Model Description document to update language and calculation descriptions to accommodate the introduction of the Risk Factor Group to the ''Idiosyncratic Jump-to-Default Requirements'' section.[15]

In addition, ICE Clear Europe proposed changes to the ''Guaranty Fund Methodology'' section of the Risk Model Description document. ICE Clear Europe's current guaranty fund methodology includes, among other things, the assumption that up to three credit events, different from the ones associated with Clearing Members, occur during the considered risk horizon. ICE Clear Europe proposed expanding this approach to the Risk Factor Group level by assuming that credit events associated with up to three Risk Factor Groups, different from the ones associated with the Clearing Members and the Risk Factors that are in the Risk Factor Groups as the Clearing Participants, occur during the considered risk horizon.[16]

Additional amendments to ICE Clear Europe's Risk Model Description document include minor typographical and technical corrections and clarifications.[17]

C. Changes to ICE Clear Europe's CDS Risk Policy

ICE Clear Europe proposed conforming edits to its CDS Risk Policy in order to incorporate the changes described above. Specifically, ICE Clear Europe proposed to amend the definition of Risk Sub-Factor, as set forth in the CDS Risk Policy, so that it is defined as a particular combination of single-name reference, tier, currency, and documentation clause.[18] In addition, ICE Clear Europe proposed to amend the CDS Risk Policy to provide that the worst LGD associated with a Risk Factor Group will be used to determine the JTD requirement, instead of the worst single-name LGD, and also proposed amendments that would clarify that a Risk Factor Group would consist of a set of Risk Factors related by a common parental ownership.[19]

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.[20] For the reasons given below, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Act, and Rules 17Ad–22(b)(2), (b)(3), (e)(4)(ii), and (e)(6)(i).

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.[21] The proposed rule change will provide for the clearance and settlement of the Standard European Senior Non-Preferred Financial Corporate, a new type of transaction that is similar to contracts already cleared by ICE Clear Europe.

Separately, as described above, the proposed rule change would also provide for certain revisions to ICE Clear Europe's risk management methodology with respect to its LGD methodology. These changes entail (i) incorporating a more consistent approach with respect to ICE Clear Europe's recovery rate scenarios through the application of the same recovery rate scenarios to risk factors that form part of the same Risk Factor Group, (ii) combining the results of the ''expected'' and ''extreme'' P/LGD outcomes in order to calculate the total LGD for each Risk Factor, (iii) expanding ICE Clear Europe's LGD analysis to a new Risk Factor Group level, (iv) revising the calculation of the Uncollateralized Loss Given Default to incorporate the Risk Factor Group level LGD approach, and (v) modifying ICE Clear Europe's Guaranty Fund Methodology to expand the credit event analysis to include the Risk Factor Group approach.

Based on a review of the Notice, the Commission believes that the Standard European Senior Non-Preferred Financial Corporate transaction type is substantially similar to other contracts cleared by ICE Clear Europe. As such, the Commission believes that ICE Clear Europe's existing clearing arrangements, and related financial safeguards (including as further modified by the proposed rule change), protections and risk management procedures will apply to this new product on a substantially similar basis to the other contracts currently cleared by ICE Clear Europe.

Moreover, the Commission believes that the proposed changes to ICE Clear Europe's risk management framework described above will enhance the manner by which ICE Clear Europe considers and manages the risks particular to the range of contracts it clears, including the new Standard European Senior Non-Preferred Financial Corporate contract, because such changes will enable ICE Clear

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.* at 6911.

[18] *Id.*

[19] *Id.*

[20] 15 U.S.C. 78s(b)(2)(C).

[21] 15 U.S.C. 78q–1(b)(3)(F).

Europe to more accurately consider the particular risks of each type of product it clears, including security-based swap products. Therefore, the Commission finds that the proposed rule change is intended to promote the prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest, and is therefore consistent with Section 17A(b)(3)(F) of the Act.[22]

B. Consistency With Rules 17Ad–22(b)(2) and (e)(6)(i)

The Commission further finds that the proposed rule change is consistent with Rules 17Ad–22(b)(2) and (e)(6)(i). Rule 17Ad–22(b)(2) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures reasonably designed to use margin requirements to limit the registered clearing agency's credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[23] Rule 17A–d22(e)(6)(i) requires, in relevant part, that a covered clearing agency that provides central counterparty services establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[24]

As described above, the proposed changes would (i) amend the manner in which ICE Clear Europe calculates its Risk Factor-level LGD, (ii) expand the LGD analysis to the Risk Factor Group level, and (iii) amend the approach to calculating the Uncollateralized LGD to incorporate the Risk Factor Group level approach. Specifically, ICE Clear Europe would calculate, for each Risk Factor, an extreme outcome as the sum of the worst Risk Sub-factor P/LGDs across all scenarios, and an expected outcome as the worst sum of all Risk Sub-factor P/LGDs using the same scenarios, and then add the two components to determine the total LGD for each Risk Factor.

The LGD analysis would also be modified to group individual Risk Factors into Risk Factor Groups, and would result in the total LGD being the sum of the P/LGDs for each Risk Factor within the Risk Factor Group. The Commission believes that by making these changes, ICE Clear Europe will augment its ability to more accurately consider the risks associated with the products it clears, including the Standard European Senior Non-Preferred Financial Corporate transaction type.

As a result, the Commission believes that the proposed rule change will facilitate the establishment of a risk-based margin system that considers, and produces margin levels commensurate with, the risks and particular attributes of the relevant product, portfolio, and market, and will also enable ICE Clear Europe to more accurately determine and collect the amount of resources necessary to limit its credit exposures under normal market conditions, including credit exposures resulting from clearing the new transaction type, through the use of risk-based models. Therefore the Commission finds that the proposed rule change is consistent with Rules 17Ad–22(b)(2) and (e)(6).[25]

C. Consistency With Rules 17Ad–22(b)(3) and (e)(4)(ii)

The Commission further finds that the proposed rule change is consistent with Rules 17Ad–22(b)(3) and (e)(4)(ii). Rule 17Ad–22(b)(3) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures that are reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions.[26] Rule 17Ad–22(e)(4)(ii) requires, in relevant part, that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by, for covered clearing agencies that are clearing agencies involved in activities with a more complex risk profile, maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions.[27]

As described above, the proposed rule change would amend certain assumptions in ICE Clear Europe's Guaranty Fund Methodology, and the calculation of the Specific Wrong Way Risk component of its guaranty fund, by incorporating the new Risk Factor Group level analysis. Specifically, ICE Clear Europe would expand its current approach to assume that credit events used in the guaranty fund analysis occur at the Risk Factor Group level, and would also base the specific wrong-way risk component of its Guaranty Fund Methodology on the Risk Factor Group approach.

As with the changes to the LGD approach, the Commission believes that the proposed changes to ICE Clear Europe's Guaranty Fund Methodology will permit ICE Clear Europe to more accurately consider the particular risks associated with the products it clears, including the Standard European Senior Non-Preferred Financial Corporate transaction type, that will be cleared as a result of the proposed changes to ICE Clear Europe's CDS Procedures described above. As a result, the Commission believes that the proposed changes will enable ICE Clear Europe to more accurately measure the risks of associated with the products it clears and thereby improve ICE Clear Europe's ability to collect and maintain the level of financial resources necessary to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure under extreme but plausible market conditions. Therefore, the Commission finds that the proposed rule change is consistent with Rules 17Ad–22(b)(3) and (e)(4)(ii).[28]

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.[29] 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

[22] *Id.*

[23] 17 CFR 240.17Ad–22(b)(2).

[24] 17 CFR 240.17Ad–22(e)(6)(i).

[25] 17 CFR 240.17Ad–22(b)(2) and (e)(6)(i).

[26] 17 CFR 240.17Ad–22(b)(3).

[27] 17 CFR 240.17Ad–22(e)(4)(ii).

[28] 17 CFR 240.17Ad–22(b)(3) and (e)(4)(ii).

[29] 15 U.S.C. 78s(b)(2)(C)(iii).

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 [30] 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,[31] and Rules 17Ad–22(b)(2), (b)((3), (e)(4)(ii), and (e)(6)(i) thereunder.[32]

It Is Therefore Ordered pursuant to Section 19(b)(2) of the Act [33] that the proposed rule change (SR–ICEEU–2018–002) be, and hereby is, approved on an accelerated basis.[34]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05793 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

[30] *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).

[31] 15 U.S.C. 78q–1.

[32] 17 CFR 240.17Ad–22(b)(2), (b)(3), (e)(4)(ii) and (e)(6)(i).

[33] 15 U.S.C. 78s(b)(2).

[34] 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).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 82896]

Order Granting Motion for Extension of Time

March 16, 2018.

In the Matter of the Cboe BZX Exchange, Inc. for an Order Granting the Approval of Proposed Rule Change to Introduce Cboe Market Close, a Closing Match Process for Non-BZX Listed Securities under New Exchange Rule 11.28 (File No. SR–BatsBZX–2017–34); Securities Exchange Act Of 1934.

On March 9, 2018, The Nasdaq Stock Market LLC and NYSE Group, Inc. filed a Motion for an Extension of Time to File Statements in Opposition to the Action Made Pursuant to Delegated Authority (''Motion for an Extension of Time'') pursuant to Rule 161 of the Commission's Rules of Practice [1] to extend to April 12, 2018, the time previously provided for the in the Commission's March 1, 2018, Order Granting Petitions for Review and Scheduling Filing of Statements.[2] On March 15, 2018, Cboe BZX Exchange, Inc. filed a response stating that it does not object to the Motion for an Extension of Time.

Extensions of time are disfavored absent a showing of good cause. It appears appropriate to grant the requested extension. Therefore,

It is Ordered, that the Motion for an Extension of Time is hereby Granted. The time for any party or other person to file a statement in support of or in opposition to the action made pursuant to delegated authority is extended from March 22, 2018 to April 12, 2018.

For the Commission, by its Secretary, pursuant to delegated authority.[3]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05791 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 201.161.

[2] Exchange Act Release No. 82794 (March 1, 2018).

[3] 17 CFR 200.30–7(a)(4).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82892; File No. 4–698]

Joint Industry Plan; Notice of Withdrawal of Amendment No. 4 to the National Market System Plan Governing the Consolidated Audit Trail

March 16, 2018.

I. Introduction

On December 11, 2017, the Operating Committee for CAT NMS, LLC (the ''Company''), on behalf of the parties to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan''): BOX Options Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American, LLC and NYSE Arca, Inc., (the ''Participants'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A of the of the Securities Exchange Act of 1934 [1] (the ''Exchange Act'') and Rule 608 thereunder,[2] Amendment No. 4 to the CAT NMS Plan to add a fee schedule to the CAT NMS Plan that would set forth fees to be paid by the Participants to fund the Consolidated Audit Trail.[3] A Notice of Filing and Immediate Effectiveness of Amendment No. 4 was published for comment in the **Federal Register** on January 11, 2018.[4]

The Commission is publishing this notice to reflect that on January 11, 2018, prior to the end of the 60-day period provided for in Exchange Act Rule 608(b)(iii), the Participants withdrew the Amendment.[5]

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05790 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] *See* Letter from Michael Simon, Chair, CAT NMS Plan Operating Committee, to Brent J. Fields, Secretary, Commission, dated December 11, 2017.

[4] *See* Exchange Act Release No. 82451 (January 5, 2018), 83 FR 1399 (January 11, 2018).

[5] *See* Letter from Michael Simon, Chair, CAT NMS Plan Operating Committee, to Brent J. Fields, Secretary, Commission, dated January 10, 2018.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82895; File No. SR-CboeBZX–2018–020]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Listing Rules Under Rule 14.11(d)(2)(K)(i) Related to Equity Index-Linked Securities

March 16, 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 8, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its listing rules under Rule 14.11(d)(2)(K)(i) related to Equity Index-Linked Securities.

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 is submitting this proposal in order to bring its listing rules related to Equity Index-Linked Securities in line with those of NYSE Arca, Inc (''Arca'').[5] Rule 14.11(d) sets forth certain rules related to the listing and trading of Linked Securities (as defined therein) on the Exchange and Rule 14.11(d)(2)(K)(i) relates specifically to the generic listing standards applicable to Equity Index-Linked Securities.[6] Specifically, Rule 14.11(d)(2)(K)(i)(a) provides that the index underlying a series of Equity Index-Linked Securities must include at least 10 component securities and meet the requirements of either Rule 14.11(d)(2)(K)(i)(a)(1) or (2). Rule 14.11(d)(2)(K)(i)(a)(1) provides that an index must have been reviewed and approved for the trading of options or other derivatives by the Commission under Section 19(b)(2) of the Act and rules thereunder and the conditions set forth in the Commission's approval order, including comprehensive surveillance sharing agreements for non-U.S. stocks, continue to be satisfied. Rule 14.11(d)(2)(K)(i)(a)(2) provides certain quantitative standards related to the market cap, trading volume, rebalancing, concentration, and surveillance sharing. As noted above, where an index has at least 10 component securities and meets the criteria either Rule 14.11(d)(2)(K)(i)(a)(1) or (2), it meets the initial listing criteria for Equity Index-Linked Securities. Rule 14.11(d)(2)(K)(i)(b) includes the continued listing criteria for Equity Index-Linked Securities and provides that the Exchange will consider suspension and will initiate delisting proceedings where the standards set forth in Rule 14.11(d)(2)(K)(i)(a) are not continuously met, with some additional concentration and trading volume criteria.

The Exchange proposes to amend Rule 14.11(d)(2)(K)(i) related to Equity Index-Linked Securities in order to make it substantively identical to the comparable rule on Arca. In particular, the Exchange is proposing to make certain changes to its rules consistent with Arca's rule such that: (i) Derivative Securities Products and Linked Securities will be excluded from several initial and continued listing criteria; (ii) the rule text makes clear that Rule 14.11(d)(2)(K)(i)(a)(1) includes a series of Index Fund Shares approved by the Commission under Section 19(b)(2) of the Act; (iii) the existing trading volume requirement under Rule 14.11(d)(2)(K)(i)(a)(2)(B) is replaced with a more flexible trading volume standard; (iv) rules with standards applicable only to certain index weightings, including equal-dollar, modified equal-dollar, capitalization-weighted, and modified capitalization-weighted, are eliminated; and (v) Rule 14.11(d)(2)(K)(i)(a)(2)(G) provides that securities of a foreign issuer (including when they underlie ADRs) whose primary trading market outside the United States is not a member of the Intermarket Surveillance Group (''ISG'') or a party to a comprehensive surveillance sharing agreement with the Exchange will not in the aggregate represent more than 50% of the dollar weight of the index, and (a) the securities of any one such market may not represent more than 20% of the dollar weight of the index, and (b) the securities of any two such markets may not represent more than 33% of the dollar weight of the index.

As noted above, the Exchange believes that these proposed changes are non-controversial because the changes would make the Exchange's listing rules related to Equity Index-Linked Securities substantively identical to the rules of another listing exchange and do not present any new or novel issues that have not been previously considered by the Commission.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[7] in general and Section 6(b)(5) of the Act[8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The proposed changes to Rule 14.11(d)(2)(K)(i) related to the listing of Equity Index-Linked Securities on the Exchange remain consistent with the Act because the proposed changes generally constitute minor modifications to the existing listing requirements that do not significantly change the scope or applicability of the listing standards. Further and as noted throughout this filing, the changes will make the Exchange's listing rules for Equity Index-Linked Securities substantively identical to those of Arca.

As such, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest because there are no substantive issues raised by this proposal that were not otherwise addressed by the Commission in the approvals of Arca's listing rules related to Equity Index-Linked Securities.

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Arca Rule 5.2–E(j)(6)(B)(I).

[6] *See* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) (Order Approving Proposed Rule Change to Adopt Rules for the Qualification, Listing and Delisting of Companies on the Exchange).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

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 believes that the proposal will allow the Exchange to better compete with Arca by putting the two exchanges on equal footing as it relates to listing standards applicable to Equity Index-Linked Securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative for 30 days after the date of its filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that waiver of the 30-day operative delay will allow the Exchange to immediately compete with respect to listing new series of Equity Index-Linked Securities on the Exchange. Because the proposed rules previously have been approved by the Commission for, and are substantively identical to those of, another listing exchange, the Commission believes that the proposal promotes competition with respect to the listing and trading of Equity Index-Linked Securities, and does not believe that the proposal raises any novel or unique regulatory issues.[13] Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–020, and should be submitted on or before April 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05795 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] *See supra* note 5.

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Form F–6, SEC File No. 270–270, OMB Control No. 3235–0292

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form F–6 (17 CFR 239.36) is a form used by foreign companies to register the offer and sale of American Depositary Receipts (ADRs) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form F–6 requires disclosure of information regarding the terms of the depository bank, fees charged, and a description of the ADRs. No special

information regarding the foreign company is required to be prepared or disclosed, although the foreign company must be one which periodically furnishes information to the Commission. The information is needed to ensure that investors in ADRs have full disclosure of information concerning the deposit agreement and the foreign company. Form F–6 takes approximately 1.35 hour per response to prepare and is filed by 476 respondents annually. We estimate that 25% of the 1.35 hour per response (0.338 hours) is prepared by the filer for a total annual reporting burden of 161 hours (0.338 hours per response × 476 responses). The information provided on Form F–6 is mandatory to best ensure full disclosure of ADRs being issued in the U.S. All information provided to the Commission is available for public review upon request.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 19, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–05809 Filed 3–21–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10362]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, May 10, 2018 at 1777 F Street NW, Washington, DC 20006. Entry and registration will begin at 12:30 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study.

The following agenda topics will be discussed and final reports presented: (1) Address one remaining task not briefed as final by the IT working group at the February 1 plenary meeting. Pass any remaining work by way of recommendations for further study; (2) Provide recommended changes to ITAR § 123.17 exemption that would cover other commonly carried Government Furnished Equipment (GFE); and (3) Further discussion and recommendations with regards to the Defense Services Working Group.

Members of the public may attend this open session and will be permitted to participate in the question and answer discussion period following the formal DTAG presentation on each agenda topic in accordance with the Chair's instructions. Members of the public may also, if they wish, submit a brief statement (less than 3 pages) to the committee in writing for inclusion in the public minutes of the meeting.

As seating is limited to 125 persons, each member of the public or DTAG member that wishes to attend this plenary session should provide: His/her name and contact information such as email address and/or phone number and any request for reasonable accommodation to the DTAG Alternate Designated Federal Officer (DFO), Anthony Dearth, via email at *DTAG@state.gov* by COB Monday, April 30, 2018. If notified after this date, the Department might be unable to accommodate requests due to requirements at the meeting location. One of the following forms of valid photo identification will be required for admission to the meeting: U.S. driver's license, passport, U.S. Government ID or other valid photo ID.

For additional information, contact Ms. Barbara Eisenbeiss, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2835 or email *DTAG@state.gov*.

Anthony Dearth,

Alternate Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2018–05806 Filed 3–21–18; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36166]

Indiana Southern Railroad, LLC—Amendment to Trackage Rights Exemption—The Indiana Rail Road Company

Indiana Southern Railroad, LLC (ISRR), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for overhead trackage rights over a line of railroad owned by The Indiana Rail Road Company (INRD), pursuant to an amendment (Amendment) to an existing trackage rights agreement (Base Agreement) between ISRR and INRD. The trackage rights relate to approximately 5.8 miles of rail line between INRD milepost 224.1 at or near Elnora, Ind., and INRD milepost 218.3 at or near Beehunter, Ind. (the Line).[1]

ISRR states that the Amendment grants ISRR the right to construct one or more additional connections at the Beehunter end of the Line, to reinstall a crossing diamond there, and to extend the term of the Base Agreement by 22 years to August 12, 2065. ISRR, in return, agreed to contribute toward INRD's obligations under a federal Transportation Investment Generating Economic Recovery (TIGER) grant to be used to improve the Line.[2] According to ISRR, the Amendment does not make any material change to the trackage rights (which remain overhead with the same end points).

A redacted public version of the Amendment is attached to ISRR's verified notice of exemption.[3]

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions set forth in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

The transaction may be consummated on or after April 5, 2018, the effective

[1] ISRR currently holds overhead trackage rights over the Line under the Base Agreement. *Ind. S. R.R.—Trackage Rights Exemption—Soo Line R.R.,* FD 32538 (ICC served Oct. 13, 1993). ISRR states that it is the successor to Indiana Southern Railroad, Inc., and INRD is the successor in interest to Soo Line Railroad Company. (Notice 1 n.1.)

[2] According to ISRR, the Amendment, which was executed in May 2013, was contingent on INRD being awarded a TIGER grant and ISRR contributing toward INRD's costs after the project's completion. ISRR states that the grant was awarded in 2014 and that it made the required payment to INRD on August 12, 2015. (Notice 2 n.2.)

[3] With its verified notice, ISRR filed a motion for a protective order to protect the confidential and commercial sensitive information contained in the agreement, which ISRR submitted under seal. That motion will be addressed in a separate decision.

date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than March 29, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36166, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103–7031.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: March 19, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–05857 Filed 3–21–18; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: January 1–31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312, *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and § 806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Cabot Oil & Gas Corporation, LLC, Pad ID: McLeanD P1, ABR–201211009.R1, Lathrop and Lenox Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
2. Cabot Oil & Gas Corporation, LLC, Pad ID: HordisC P1, ABR–201211016.R1, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
3. Cabot Oil & Gas Corporation, LLC, Pad ID: LoffredoJ P1, ABR–201211017.R1, Nicholson Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
4. Cabot Oil & Gas Corporation, LLC, Pad ID: TeddickM P3, ABR–201212006.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
5. Cabot Oil & Gas Corporation, LLC, Pad ID: ZickW P1, ABR–201212008.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
6. Cabot Oil & Gas Corporation, LLC, Pad ID: KropaT P1, ABR–201301017.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
7. Chief Oil & Gas, LLC, Pad ID: Spencer Drilling Pad, ABR–201306010.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 9, 2018.
8. SWN Production Company, LLC, Pad ID: Swisher (Pad R), ABR–201212012.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 9, 2018.
9. Chesapeake Appalachia, LLC, Pad ID: Porter, ABR–201306001.R1, North Branch Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.
10. Chesapeake Appalachia, LLC, Pad ID: Tinna, ABR–201306002.R1, Windham and Mehoopany Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.
11. Chesapeake Appalachia, LLC, Pad ID: Shamrock, ABR–201306003.R1, Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.
12. Chesapeake Appalachia, LLC, Pad ID: Brewer, ABR–201306007.R1, Meshoppen and Washington Townships, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.
13. Chief Oil & Gas, LLC, Pad ID: SGL 12 N WEST DRILLING PAD, ABR–201801001, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 22, 2018.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 16, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–05757 Filed 3–21–18; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: January 1–31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Rescinded ABR Issued

1. Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC–03) Pad (2), ABR-201201030.R1, Reade Township, Cambria County, Pa.; Rescind Date: January 26, 2018.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 16, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–05758 Filed 3–21–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–15]

Petition for Exemption; Summary of Petition Received; Imagery Collection, LLC

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 11, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0054 using any of the following methods:

- *Federal eRulemaking 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: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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 the 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: Steven Barksdale (202) 267–7977, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0054.

Petitioner: Imagery Collection, LLC.

Section(s) of 14 CFR Affected: 91.319(a)(1) and 21.191(g).

Description of Relief Sought: The petitioner requested an exemption to conduct commercial aerial photography operation using experimental, amateur-built Vans RV–7, RV–7A, RV–8 and RV–8A aircraft.

[FR Doc. 2018–05855 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—Transport Airplane and Engine Subcommittee; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) Transport Airplane and Engine (TAE) Subcommittee to discuss TAE issues.

DATES: The meeting will be held on Thursday, May 10, 2018, starting at 9:00 a.m. Eastern Daylight Time. Arrange for oral presentations by May 1, 2018.

ADDRESSES: The meeting will take place at 1000 Wilson Boulevard, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Lakisha Pearson, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue SW, Washington, DC 20591, Telephone (202) 267–4191, Fax (202) 267–5075, or email at *9-awa-arac@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC Subcommittee meeting to be held on May 10, 2018.

The agenda for the meeting is as follows:

- Opening Remarks, Review Agenda and Minutes
- FAA Report
- ARAC Report
- Transport Canada Report
- European Aviation Safety Agency Report
- Engine Ice Crystal Icing Working Group Report
- Avionics Systems Harmonization Working Group Report
- Flight Test Harmonization Working Group Report
- Metallic and Composite Structures Working Group Report
- Crashworthiness and Ditching Working Group Report
- Any Other Business
- Action Item Review

Participation is open to the public. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than May 1, 2018. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** by email or phone for the teleconference call-in number and passcode. Participants are responsible for any telephone, data usage or other similar expenses related to this meeting.

The public must make arrangements by May 1, 2018, to present oral or written statements at the meeting. Written statements may be presented to the Subcommittee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Copies of the documents to be presented to the Subcommittee may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2018–05860 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Proposed Capacity Enhancements and Other Improvements at Charlotte Douglas International Airport, Charlotte, Mecklenburg County, NC

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

ACTION: Notice of Intent to prepare an EIS, open a public scoping comment period, and hold agency and public scoping meetings.

SUMMARY: This Notice provides information to Federal, state, and local agencies; Native American tribes; and other interested persons regarding the FAA's intent to prepare an EIS to evaluate the potential impacts of the City of Charlotte Aviation Department's (Department's) proposal to construct capacity enhancements and other improvements at Charlotte Douglas International Airport in Charlotte, NC. The Department has initially identified the following four main elements of the Proposed Action: (1) Fourth Parallel Runway 1–19 and End-Around Taxiways; (2) Concourse B and Ramp Expansion; (3) Concourse C and Ramp Expansion; and (4) Daily North Parking Deck. The EIS will evaluate the potential direct, indirect, and cumulative environmental impacts that may result from the Proposed Action, including related activities and actions connected to the Proposed Action. To ensure that all significant issues related to the Proposed Action are identified, two (2) public scoping meetings and two (2) governmental agency scoping meetings will be held.

The FAA is the lead agency for the preparation of the EIS. Cooperating Agencies will be identified during the agency scoping process. The FAA intends to use the preparation of this EIS to comply with other applicable environmental laws and regulations as identified through the environmental analysis. The FAA will provide more specific public notice of the environmental laws, regulations and executive orders being satisfied through the EIS as the environmental consequences of the proposed project and its alternatives are better understood.

DATES: The FAA invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping comment period starts with the publication of this Notice in the **Federal Register**. Comments must be received by May 7, 2018.

ADDRESSES: Comments, statements, or questions concerning the EIS scope or process should be mailed to: Ms. Kristi Ashley, FAA Environmental Specialist, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, TN 38118. Comments can also be sent by email to *CLTEIS@faa.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform Federal, state and local government agencies and the public of the intent to prepare an EIS and to conduct public and agency scoping process. Information, data, opinions and comments obtained throughout the scoping process will be considered in preparing the draft EIS.

The FAA will prepare the EIS in accordance with the National Environmental Policy Act (NEPA; 42 United States Code 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations parts 1500–1508), FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures,* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.*

The EIS will evaluate the potential impacts of the Department's proposal to construct capacity enhancements and other improvements at Charlotte Douglas International Airport in Charlotte, North Carolina. The Department has initially identified the following four main elements of the Proposed Action: (1) Fourth Parallel Runway 1–19 and End-Around Taxiways; (2) Concourse B and Ramp Expansion; (3) Concourse C and Ramp Expansion; and (4) Daily North Parking Deck. The Fourth Parallel Runway I–19 and End-around Taxiways would entail construction of an approximately 12,000-foot runway located between existing Runway 18C–36C and Runway 18R–36L, along with associated taxiways (partial north End-Around Taxiway, full south End-Around Taxiway, parallel, high-speed exit and connector taxiways). Construction of the new runway along with terminal and ramp expansion projects would require the decommissioning of Runway 5–23 and relocation of West Boulevard. The Concourse B and Ramp Expansion would entail extending Concourse B to the west, creating 10–12 additional gates. The Concourse C and Ramp Expansion would entail extending Concourse C to the east, creating 10–12 additional gates. The Daily North Parking Deck would entail construction of a parking deck north of passenger terminal parking facilities.

Within the EIS, the FAA proposes to consider a range of reasonable alternatives that could potentially meet the purpose and need for the project being proposed at Charlotte Douglas International Airport. The EIS will include the evaluation of a No Action Alternative and other reasonable alternatives that may be identified, such as use of other airports or other modes of transportation, during the NEPA process, including scoping.

The potential environmental impacts of all proposed construction and operational activities will be analyzed in the EIS. The EIS will evaluate the potential environmental impacts associated with air quality; biological resources (including fish, wildlife, and plants); climate; properties protected under 49 U.S.C. 303(c), known as ''Section 4(f)'' of the Department of Transportation Act of 1966 (including publicly owned parks, recreational areas, wildlife and waterfowl refuges, and public and private historic sites); farmlands; ground transportation; hazardous materials, solid waste, and pollution prevention; historical, architectural, archeological, and cultural resources; land use; natural resources and energy supply; noise and noise-compatible land use; socioeconomics, environmental justice, and children's health and safety risks; visual effects; water resources (including wetlands, floodplains, surface waters, groundwater, and Wild and Scenic rivers). This analysis will include an evaluation of potential direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the vicinity of the Charlotte Douglas International Airport.

Public and agency scoping meetings will be conducted to identify any significant issues associated with the Proposed Action. Two governmental agency scoping meetings for Federal, state, and local regulatory agencies which have jurisdiction by law or special expertise with respect to any potential environmental impacts associated with the Proposed Action will be held in Raleigh and Charlotte, NC.

Two public scoping meetings for the general public will be held to solicit input on potential issues that may need to be considered in the EIS. The first

public scoping meeting will be held at 7:00 p.m. on Tuesday, April 24, 2018 at the Embassy Suites located at 4800 S. Tryon St, Charlotte, NC 28217. The second public scoping meeting will be held at 7:00 p.m. on Thursday, April 26, 2018 at the West Mecklenburg High School Cafeteria, located at 7400 Tuckaseegee Rd, Charlotte, NC 28214. For both meetings, the format will include an open-house workshop followed by a public comment period. During the public comment period, members of the public may provide up to a 3-minute statement. Oral comments will be transcribed by a stenographer. All comments received during the 45-day scoping comment period be considered in the preparation of the EIS, regardless of whether the comment is provided orally or in writing.

More information on the Proposed Action and the NEPA process is available on the project website at: *www.clteis.com.*

Issued in Memphis, TN, on March 12, 2018.

Phillip J. Braden,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2018–05583 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

One Hundred and First RTCA 159 Plenary

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

ACTION: One Hundred and First RTCA 159 Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of One Hundred and First RTCA 159 Plenary.

DATES: The meeting will be held May 03, 2018 10:00 a.m.–12:00 p.m. EDT.

ADDRESSES: The meeting will be held at: Virtual: *https://rtca.webex.com/rtca/j.php?MTID=m898a2c3d9227c3b790bf19f89196dd35,* Meeting number (access code): 639 753 422, Meeting password: Sc-159_101!.

FOR FURTHER INFORMATION CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the One Hundred and First RTCA 159 Plenary. The agenda will include the following:

1. INTRODUCTORY REMARKS: DFO, RTCA AND CO-CHAIRS
2. APPROVAL OF SUMMARIES OF PREVIOUS MEETING: ONE HUNDREDTH MEETING HELD MARCH 16, 2018 (RTCA PAPER NO. 075–18/SC159–1071)
3. REVIEW OF GNSS L1/L5 ANTENNA MOPS FINAL REVIEW AND COMMENT (FRAC) ACTIVITIES
4. DECISION TO APPROVE RELEASE OF GNSS L1/L5 ANTENNA MOPS FOR PRESENTATION TO PROGRAM MANAGEMENT COMMITTEE FOR PUBLICATION
5. GPS/INTERFERENCE (WG–6): UPDATE REGARDING TAKING DRAFT DO–292 REVISION INTO FINAL REVIEW AND COMMENT (FRAC)
6. DISCUSSION OF TERMS OF REFERENCE UPDATES
7. ACTION ITEM REVIEW
8. ASSIGNMENT/REVIEW OF FUTURE WORK
9. OTHER BUSINESS
10. DATE AND PLACE OF NEXT MEETING
11. ADJOURN

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on March 19, 2018.

Michelle Swearingen,

Systems and Equipment Standards Branch, AIR–6B0, Policy and Innovation Division, AIR–600, Federal Aviation Administration.

[FR Doc. 2018–05808 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0057]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 46 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2018. The exemptions expire on February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from 46 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (83 FR 2314). The public comment period ended on February 15, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these

individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System (CDLIS), for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 46 exemption applications, FMCSA exempts the following drivers from the hearing standard, 49 CFR 391.41(b)(11), subject to the requirements cited above:

David Alaniz (WO)
Marion Bennett (MD)
Gordon R. Boerner (ME)
Tom M. Booe (NE)
Roy E. Bowers (GA)
Richard M. Davis (OH)
Rivera De Jesus (TX)
Christian DeKnight (FL)
Richard Doi (AZ)
Trey Duncan (TX)
Jean D. Dutes (FL)
Edward Elertson (WO)
Stephan Eveland (FL)
Richard L. Frueke (IL)
Edison M. Garcia (MD)
Adam M. Hayes (CA)
Sean Hunt (TX)
Charles W. Jones (FL)
James T. Laughrey (KS)
Jerrry L. Lewis (NC)
Michael Lidster (IL)
Stavros Likouris (OH)
Adrian Lopez (TX)
Derrick J. Marceaux (LA)
John E. Mayhew (KS)
JeMichael McCot (LA)
Magdalene McLaughlin (MD)
Pablo Muniz (FL)
Dario Novoa (FL)
Hugo Paniagua (CA)
Calvin Payne (MD)
Joseph R. Piros (CA)
Michael Quinonez (TX)
Kohn Saysanam (TX)
Jeffrey W. Schulkers (KY)
Stephan W. Stotts (OH)
Teddy Rosevelt Tice (NY)
William Tassel (OH)
Daniel R. Taylor (AL)
Jason C. Thomas (TX)
Roderick B. Thomas (GA)
Joshua Tinley (AZ)
Carlos Torres (OH)
Allen Whitener (TX)
Kerri M. Wright (OK)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–05862 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0050]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from seven individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 23, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0050 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The seven individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Brian Lee Johnson

Mr. Johnson, 59, has a history of generalized seizure disorder and has been seizure free since 1984. He takes anti-seizure medication, with the dosage and frequency remaining the same since 1984. His physician states that she is supportive of Mr. Johnson receiving an exemption.

Gerald Klein Jr.

Mr. Klein, 43, has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2009. His physician states that he is supportive of Mr. Klein receiving an exemption.

Shane W. Martinek

Mr. Martinek, 40, has a history of seizure disorder and has been seizure free since 1991. He takes anti-seizure medication, with the dosage and frequency remaining the same since 1991. His physician states that he is supportive of Mr. Martinek receiving an exemption.

Sean P. Plover

Mr. Plover, 29, has a history of provoked seizures and has been seizure free since 2006. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2006. His physician states that he is supportive of Mr. Plover receiving an exemption.

Stephen M. Soden

Mr. Soden, 27, has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2015. His physician states that he is supportive of Mr. Soden receiving an exemption.

Leon A. Stannard

Mr. Stannard, 70, has a history of a single unprovoked seizure and has been seizure free since 1980. He takes anti-seizure medication, with the dosage and frequency remaining the same since 1998. His physician states that he is supportive of Mr. Stannard receiving an exemption.

William P. Swick

Mr. Swick, 63, has a history of a seizure disorder and has been seizure free since 2005. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2009. His physician states that he is supportive of Mr. Swick receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0050 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0050 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: March 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–05861 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0098]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Traditional Trucking Corporation

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Traditional Trucking Corporation (TTC) to allow a Global Positioning System (GPS) device to be mounted on the interior of the windshield of a commercial motor vehicle (CMV) within the areas allowed for ''vehicle safety technology'' devices. The Federal Motor Carrier Safety Regulations (FMCSR) require devices using ''vehicle safety technology'' to be mounted (A) not more than 4 inches below the upper edge of the area swept by the windshield wipers, or (B) not more than 7 inches above the lower edge of the area swept by the windshield wipers, and (C) outside the driver's sight lines to the road and highway signs and signals. GPS is not considered a ''vehicle safety technology'' under the definition in the regulation, and as such, GPS devices are not permitted to be mounted on the interior of the windshield and within the area swept by the windshield wipers. TTC believes that the exemption will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the GPS device is approximately the same size as vehicle safety technology devices, and the current mounting location is much lower in the vehicle which causes the

driver to look away from the road to view the GPS device.

DATES: Comments must be received on or before April 23, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2018–0098 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Jose R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 CFR 381.315(a), FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain its terms and conditions. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

TTC Application for Exemption

TTC has applied for an exemption from 49 CFR 393.60(e)(1)(i) to allow a GPS device to be mounted on the interior of the windshield of a CMV within the areas allowed for devices with ''vehicle safety technology'' as defined in the FMCSRs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1)(i) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted on the interior of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and outside the driver's sight lines to the road and highway signs and signals. Section 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 390.5, including ''a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder.'' Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

In its application, TTC states;

> The exemption is necessary because the dash is not suitable for mounting the fixture to hold the GPS unit, and the location of the GPS unit (if mounted on the top of the dash) is in the same location as currently allowed for ''vehicle safety technologies'' mounted on the windshield. The GPS fixture cannot be mounted to the ''face'' of the control panel as that area is covered with controls and displays necessary for the operation of the commercial vehicle . . .
>
> We do not believe that there will be any potential impacts to safety due to the requested temporary exemption. The size of GPS units is approximately the same size as the currently allowed ''vehicle safety technologies'' and the current location is much lower within the CMV which takes the driver's eyes farther from the road to determine his/her vehicle's correct lane, bridge height, speed, etc. The current allowed location is a more unsafe operating condition.
>
> The exemption would be for any carrier who wishes to mount a GPS device on the windshield within the area defined for ''vehicle safety technology''—not more than 4 inches below the upper edge of the windshield wipers, and not more than 7 inches above the lower edge of the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals. This would yield an equivalent level of safety for GPS devices as compared to those ''vehicle safety technologies,'' and it would be a potentially safer location than lower in the CMV where the driver must take his/her eyes off the road to look at the location of his CMV on the GPS device. Back in August of 2016, in the BASIC SMS, our Unsafe-driving category was in the cautionary status. Only one of the violations was not due to speeding; all of those with violations said it was due to a speed limit change and they were keeping with what they thought was the speed limit. GPS systems display the posted speed limit and flash in red when they are traveling above the posted speed limit.

The exemption would apply to all CMV operators driving vehicles with GPS devices. TTC believes that mounting the system as described will maintain a level of safety that is

equivalent to, or greater than, the level of safety achieved without the exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on TTC's application for an exemption from 49 CFR 393.60(e)(i). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: March 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–05864 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0253]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt four individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2018. The exemptions expire on February 19, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from four individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (83 FR 2298). The public comment period ended on February 15, 2018, and zero comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received zero comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

discussed in the January 16, 2018 **Federal Register** notice (83 FR 2298) and will not be repeated in this notice.

These four applicants have been seizure-free over a range of 17 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the four exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Anthony Anello, III (NJ)
Anthony J. Kornuszko, Jr. (PA)
Jeffrey W. Mills (NC)
Jaime D. Paggen (MN)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: March 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–05863 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2018–0027]

Automation in the Railroad Industry

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Request for Information (RFI).

SUMMARY: FRA requests information and comment on the future of automation in the railroad industry. FRA is interested in hearing from industry stakeholders, the public, local and State governments, and any other interested parties on the extent to which they believe railroad operations can (and should) be automated, and the potential benefits, costs, risks, and challenges to achieving such automation. FRA also seeks comment on how the agency can best support the railroad industry's development and implementation of new and emerging technologies in automation that will lead to continuous safety improvements and increased efficiencies in railroad operations.

DATES: Comments and information responsive to this request should be received by May 7, 2018.

ADDRESSES: You may submit information and comments identified by the docket number FRA–2018–0027 by any one of the following methods:

- *Fax:* 1–202–493–2251;
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590;
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or
- Electronically through the Federal eRulemaking Portal, *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket name, and docket number for this RFI (FRA–2018–0027). Note that all comments and data received in response to this RFI will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* at any time or to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 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: Peter Cipriano, Special Assistant to the Administrator, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202–493–6017), *peter.cipriano@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview

FRA seeks to understand the current stage and development of automated railroad operations and how the agency can best position itself to support the integration and implementation of new automation technologies to increase the safety, reliability, and the capacity of the nation's railroad system. As in other transportation modes, there are varying levels of automation that already are, or could potentially be, implemented in the railroad industry. Currently, U.S. passenger and freight railroads do not have a fully autonomous rail operation in revenue service; however, railroads commonly use automated systems for dispatching, meet and pass trip planning, locomotive fuel trip time optimization, and signaling and train control. Railroads conduct many switching and yard operations by remote control and automated equipment and track inspections technologies are used to augment

manual inspection methods. Modern locomotive cabs are equipped with intelligent information systems designed to provide operating crews with up-to-date situational awareness as train sensor data and alarms are continuously updated and displayed in operator consoles within the cab. Railroads often now utilize energy management technology (the equivalent of automobile cruise-control) to optimize fuel consumption based on specific operational and equipment factors, as well as movement planner systems designed to optimize in real-time, train movements on the rail network. Railroads are implementing statutorily mandated positive train control technology (a processor-based/communications-based train control system) to prevent train accidents by automatically controlling train speeds and movements if a train operator fails to take appropriate action in certain operational scenarios. These various systems of automation and technologies have transformed rail operations in recent years, improving railroad operational safety and efficiency.

FRA has helped developed many of these technologies and enhancements to these technologies are currently underway to support more advanced train control schemes and fully autonomous operations. In the fall of 2017, the Association of American Railroads, the freight rail industry's primary industry organization that focuses on policy, research, standard setting and technology, formed a Technical Advisory Group on autonomous train operations (ATO TAG). The focus of the ATO TAG is to define industry standards for an interoperable system to support enhanced safety and efficiency of autonomous train operations. The ATO TAG intends to develop standardization to support common interfaces and functions, such that technology may be applied in an interoperable fashion, while also allowing some flexibility in the specific design, implementation and packaging of the technology.

Internationally, the only known fully-autonomous freight railroad system is in Australia. The system is part of the Australia Rio Tinto mining company and began fully-autonomous train operations on an approximately 62-mile stretch of track in Western Australia. This Rio Tinto train is equipped with a variety of sensors (*e.g.,* radar, cameras, kangaroo collisions sensors) and with a switch to toggle between autonomous operation or operation with an operator on board.

FRA seeks to understand the rail industry's plans for future development and implementation of automated train systems and technologies and the industry's plans and expectations related to potential fully-automated rail operations. FRA is specifically interested in the anticipated benefits, costs, risks, and challenges to achieving the industry's desired level of automation. FRA also seeks to understand how the rail industry's plans for future automation may affect other stakeholders, including railroad employees, the traveling public and freight shipping industry, railroad industry suppliers and equipment manufacturers, communities through which railroads operate, and any other interested parties.

FRA also seeks comment on the appropriate taxonomy to use to provide a baseline framework for the continued development and implementation of automated technology in the railroad industry. For example, both SAE, for on-road vehicles, and the International Association of Public Transport's (UITP) for public transit fixed guideway (rail) have developed taxonomies for their respective modes of transportation.

The SAE definitions divide vehicles into levels based on ''who does what, when.'' Generally:

- At SAE Level 0, the driver does everything.
- At SAE Level 1, an automated system on the vehicle can *sometimes assist* the driver conduct *some parts* of the driving task.
- At SAE Level 2, an automated system on the vehicle can *actually conduct* some parts of the driving task, while the driver continues to monitor the driving environment and performs the rest of the driving task.
- At SAE Level 3, an automated system can both actually conduct some parts of the driving task and monitor the driving environment *in some instances,* but the driver must be ready to take back control when the automated system requests.
- At SAE Level 4, an automated system can conduct the driving task and monitor the driving environment, and the driver need not take back control, but the automated system can operate only in certain environments and under certain conditions.
- At SAE Level 5, the automated system can perform all driving tasks, under all conditions that a driver could perform them.

Using the SAE levels described above, the Department has drawn a distinction for non-road vehicles between Levels 0–2 and 3–5 based on whether the human driver or the automated system is primarily responsible for monitoring the driving environment.

Automatic Train Operation of public transit fixed guideway (rail) systems is an operational safety enhancement to automate operations of trains. It is mainly used on fixed guideway rail systems which are easier to ensure safety of agency staff and passengers. Basically, each grade defines distinct functions of train operation that are the responsibility of agency staff and those that are the responsibility of the rail system itself.

Similar to SAE, UITP defines grades of automation (GoA) for fixed guideway (rail) systems. Generally:

- At UITP Grade 0, on-sight train operation, similar to a streetcar running in mixed traffic.
- At UITP Grade 1, manual train operation where a train operator controls starting and stopping, operation of doors and handling of emergencies or sudden diversions.
- At UITP Grade 2, semi-automatic train operation where starting and stopping is automated, but the train operator or conductor controls the doors, drives the train if needed and handles emergencies (many ATO systems worldwide are Grade 2).
- At UITP Grade 3, driverless train operation where starting and stopping are automated but a train attendant or conductor controls the doors and drives the train in case of emergencies.
- At UITP Grade 4, unattended train operation where starting and stopping, operation of doors and handling of emergencies are fully automated without any on-train staff.

FRA requests comment on the applicability of these or other taxonomies for automation should be applied to railroads.

II. Questions Posed

Although FRA seeks comments and relevant information and data on all issues related to the development and continued implementation of automated train systems and technologies and potentially fully autonomous train operations, FRA specifically requests comment and data in response to the following questions:

General Questions

1. To what extent do railroads plan to automate operations? Do railroads plan to implement fully autonomous rail vehicles (*i.e.,* vehicles capable of sensing their environments and operating without human input)? If so, for what types of operations?

2. How do commenters envision the path to wide-scale development and implementation of autonomous rail operations (or operations increasingly reliant on automated train systems or

technologies)? What is the potential timeframe for technology prototype availability for testing and for deployment of such technologies?

3. As discussed above, the railroad industry is currently taking steps in developing standards for automation. How does the railroad industry currently define ''autonomous operations''? Would it be helpful to develop automated rail taxonomy; a system of standards to clarify and define different levels of automation in trains, as currently exists for on-road vehicles and rail transit? What, if any, efforts are already under way to develop such rail automation taxonomy? Should FRA embrace any existing and defined levels of automation in the railroad industry or other transportation modes such as highways or public transit? For example, should FRA consider SAE Standard J3016_201609 (see *http://standards.sae.org/j3016_201609/*), which provides for six GoA for on-road vehicles, or the four GoA for public transit fixed guideway vehicles?

4. What limitations and/or risks (*e.g.,* practical, economic, safety, or other) are already known or anticipated in implementing these types of technologies? How should the railroad industry anticipate addressing these limitations and/or risks, and what efforts are currently underway to address them? Are any mitigating efforts expected in the future and what is the timeline for such efforts?

5. What benefits and efficiencies (*e.g.,* practical, economic, safety, or other) do commenters anticipate that railroads will be able to achieve by implementing these technologies?

6. What societal benefits if any, could be expected to result from the adoption of these technologies (*e.g.,* environmental, or noise reduction)? What societal disadvantages could occur?

7. What, if anything, is needed from other railroad industry participants (*e.g.,* rail equipment and infrastructure suppliers, manufacturers, maintainers) to support railroads' automation efforts?

8. How does the state of automation of U.S. railroad operations compare to that of railroads in other countries? What can be learned from automation employed or under development in other countries? What are the unique characteristics of U.S. railroad operations and/or infrastructure as compared to railroads in other countries that may affect the wide-scale automation of railroad operations in this country?

Safety and/or Security Issues

9. How do commenters believe these technologies could increase rail safety?

10. What processes do railroads have in place to identify potential safety and/or security, including cybersecurity, risks arising during the adoption of these technologies and that may result from the adoption of such technologies?

11. How should railroads plan to ensure identified safety and/or security risks are adequately addressed during the development and implementation of these new technologies? What is an acceptable level of risk in this context?

12. How should railroads plan to ensure the integration of these technologies will not adversely affect, and will instead improve, the safety and/or security of railroad operations?

13. How do railroads plan to ensure safety and security from cyber risks?

14. How do the safety and/or security, including cyber risks, faced by U.S. railroads implementing these technologies compare to the risks faced by railroads operating in other countries? How have railroads in other countries addressed or mitigated these risks? Are there opportunities for cross-border collaboration to address such risks?

Infrastructure

15. What are the infrastructure needs for effectively, safely, and securely implementing these technologies? FRA is particularly interested in wayside, communication, onboard, operating personnel, testing, maintenance, certification, and data infrastructure needs, as well as any other expected or anticipated infrastructure needs.

16. How can the nation's existing rail infrastructure be leveraged to support the implementation of new infrastructure, necessary for the adoption of automated and autonomous operations?

Workforce Viability

17. What is the potential impact of the adoption of these technologies on the existing railroad industry workforce?

18. Would the continued implementation of these technologies, including fully autonomous rail vehicles, create new jobs and/or eliminate the need for existing jobs in the railroad industry?

19. What railroad employee training needs would likely result from the adoption of these technologies? For example, if the technology fails en route, will an onboard employee be trained to take over operation of the vehicle manually or be required to repair the technology en route?

Legal/Regulatory Issues

20. What potential legal issues are raised by the development and implementation of autonomous train systems and technologies within the industry?

21. What are the regulatory challenges (rail-specific or DOT-wide) that must be addressed before autonomous rail vehicles can be made a part of railroad operations in the United States?

22. Are there current safety standards and/or regulations that impede the development and/or implementation of automated train systems or technologies in the railroad industry, including the development and/or implementation of autonomous rail vehicles? If so, what are they and how should they be addressed?

Opportunities for Joint Government/Industry Cooperation

23. Are there current or anticipated railroad industry, private, international, or State or local government pilot projects or research initiatives involving automated train systems or technologies potentially in need of FRA support? If so, what are the needs (*e.g.,* regulatory, technical)?

24. What data relevant to the development and integration of automated train systems and technologies currently exists that could be leveraged to address future government/industry research needs?

III. Public Participation

FRA invites all interested parties to submit comments, data, and information related to the specific questions listed in Section II above and any other comments, data, or information relevant to issues related to the development and implementation in the railroad industry of new automated train systems or technologies.

How do I prepare and submit comments?

Your comments should be written and in English. To ensure that your comments are filed in the correct docket, please include docket number FRA–2018–0027 in your comments.

Please submit your comments to the docket following the instruction given above under **ADDRESSES**. If you are submitting comments electronically as a PDF (Adobe) file, we ask that the document submitted be scanned using an Optical Character Recognition process, thus allowing FRA to search your comments.

How do I request confidential treatment of my submission?

Although FRA encourages the submission of information that can be freely and publicly shared, if you wish to submit any information under a claim of confidentiality, you must follow the procedures in 49 CFR 209.11.

Will FRA consider late comments?

FRA will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, FRA will also consider comments after that date.

How can I read the comments submitted by other people?

You may read the comments received at the address given above under Comments. The hours of the docket are indicated above in the same location. You may also read the comments on the internet, filed in the docket number at the heading of this notice, at *http://www.regulations.gov.*

Please note that, even after the comment closing date, FRA will continue to file any relevant information it receives in the docket as it becomes available. Further, some people may submit late comments. Accordingly, FRA recommends that you periodically check the docket for new material.

IV. Privacy Act Statement

FRA notes that anyone is able to search (at *www.regulations.gov*) the electronic form of all filings received into any of DOT's dockets by the name of the individual submitting the filing (or signing the filing, if submitted on behalf of an association, business, labor union, or other organization). You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (Volume 65, Number 70, Pages 19477–78), or you may view the privacy notice of regulations.gov at *http://www.regulations.gov/#!privacyNotice.*

Authority: 49 U.S.C. 20101 *et seq.*

Issued in Washington, DC, on March 16, 2018.

Juan D. Reyes, III,

Acting Deputy Administrator.

[FR Doc. 2018–05786 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for a project between the Town of Dyer and the City of Hammond, both located in Lake County, Indiana. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before August 20, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

Project name and location: West Lake Corridor Project, Dyer and Hammond, Indiana. *Project Sponsor:* Northern Indiana Commuter Transportation District (NICTD). *Project description:* The project is an approximately 9-mile southern extension of the existing NICTD South Shore Line (SSL) commuter rail service between the Town of Dyer and the City of Hammond, in Lake County, Indiana. The project would end just east of the Indiana-Illinois state line, where trains would connect with the SSL to travel north to Chicago. The West Lake Corridor Project includes four commuter rail stations and a maintenance facility/layover yard. *Final agency actions:* Section 4(f) determination, dated March 1, 2018; Section 106 finding of adverse effect dated September 6, 2017; A Section 106 Memorandum of Agreement, dated December 12, 2017; project-level air quality conformity, and a Record of Decision, dated March 1, 2018. *Supporting documentation:* Combined Final Environmental Impact Statement/Record of Decision/Section 4(f) Evaluation, dated March 1, 2018.

Elizabeth S. Riklin,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2018–05763 Filed 3–21–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for a project in Miami-Dade County, Florida. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23,

United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before August 20, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

Project name and location: Miami Intermodal Center Capacity Improvement Project, Miami-Dade County, Florida. *Project Sponsor:* South Florida Regional Transportation Authority (SFRTA). *Project description:* The project provides an additional mainline track within the South Florida Rail Corridor (SFRC) from north of Hialeah Market Tri-Rail Station to the Tri-Rail Miami Airport Station, located within the Miami Intermodal Center. The project also includes replacement of the existing bascule bridge over the Miami River with a new fixed double track bridge to be installed slightly to the west of the existing bridge. Improvements will also be made to the existing Hialeah Market Tri-Rail Station, including construction of a new 400-foot center platform passenger boarding area to the east of the existing track with a continuous canopy and at-grade pedestrian crossing. *Final agency actions:* Section 4(f) determination, dated January 12, 2018; Section 106 finding of adverse effect dated April 10, 2017; A Section 106 Memorandum of Agreement, dated January 12, 2018; project-level air quality conformity, and a Finding of No Significant Impact, dated January 12, 2018. *Supporting documentation:* Environmental Assessment dated April 1, 2016.

Elizabeth S. Riklin,

Deputy Associate Administrator Planning and Environment.

[FR Doc. 2018–05762 Filed 3–21–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0018]

BMW of North America, LLC—Receipt of Petition for Temporary Exemption From FMVSS No. 108 for Adaptive Driving Beam; BMW of North America, LLC and Volkswagen Group of America—Request for Certain Information To Support Petitions for Adaptive Driving Beams

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice of receipt of a petition for a temporary exemption of adaptive driving beam (ADB) headlighting systems from certain headlamp requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108; *Lamps, reflective devices, and associated equipment* and request for certain information for exemption petitions for ADB headlighting systems.

SUMMARY: In accordance with the procedures in 49 CFR part 555, BMW of North America, LLC has petitioned the Agency for a temporary exemption from certain headlamp requirements of FMVSS No. 108 to allow the use of its Glare-Free High Beam Assist, a type of ADB headlighting system. BMW requests the exemption on the basis that it would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. NHTSA has made no judgment on the merits of the application. This notice of receipt of an application for a temporary exemption is published in accordance with statutory and administrative provisions.

We also request additional information from BMW, Volkswagen (for which the Agency previously published a notice of receipt of an exemption petition for an ADB headlighting system) and other manufacturers who petition for similar exemptions for ADB systems.

DATES: You should submit your comments not later than April 23, 2018.

FOR FURTHER INFORMATION CONTACT: John Piazza, Office of the Chief Counsel, NCC0200, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–2992; Fax: 202–366–3820.

ADDRESSES: We invite you to submit comments on the application described above. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register**

published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

SUPPLEMENTARY INFORMATION:

I. Background

In 2016, Volkswagen Group of America (Volkswagen) submitted a petition for an exemption from certain requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108; *Lamps, reflective devices, and associated equipment,* to allow the use of ADB headlights. NHTSA published a notice of receipt of this petition on September 11, 2017 (82 FR 42720) and provided a 30-day comment period. BMW of North America, LLC (BMW) has submitted a similar petition, dated October 27, 2017, for an ADB system. Since the petitions are similar, we are placing them in the same docket. However, they may or may not be jointly decided.

This notice accomplishes two things. First, it serves as a notice of receipt of BMW's petition. Second, it requests additional information from both Volkswagen and BMW. In addition, if other manufacturers submit similar petitions for ADB systems, we ask that they furnish the information detailed in this notice. As we note below, the requested information is not required, but it will assist the Agency in determining whether it can make the findings required in order to grant exemptions for ADB systems.

II. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified at 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

The Safety Act authorizes the Secretary to grant a temporary exemption to a vehicle manufacturer under certain conditions. Under the conditions relevant to this petition, the Secretary may grant a petition on finding that the exemption is consistent with the public interest and with the Safety Act, and that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.[1]

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. The requirements specified in 49 CFR 555.5 state that the petitioner must set forth the basis of the application by providing the information required under Part 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of 49 U.S.C. Chapter 301.

A petition on the basis that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard must include the information specified in 49 CFR 555.6(b). The main requirements of that section include:

(1) A description of the safety or impact protection features, and research, development, and testing documentation establishing the innovational nature of such features;

(2) An analysis establishing that the level of safety or impact protection of the feature is equivalent to or exceeds the level of safety or impact protection established in the standard from which exemption is sought, including the following: A detailed description of how a vehicle equipped with the safety or impact protection feature differs from one that complies with the standard; if applicant is presently manufacturing a vehicle conforming to the standard, the results of tests conducted to substantiate certification to the standard; and the results of tests conducted on the safety or impact protection features that demonstrates performance which meets or exceeds the requirements of the standard;

(3) Substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle;

(4) A statement whether, at the end of the exemption period, the manufacturer intends to conform to the standard, apply for a further exemption, or petition for rulemaking to amend the standard to incorporate the safety or impact protection features; and

(5) A statement that not more than 2,500 exempted vehicles will be sold in the United States in any 12–month period for which an exemption may be granted pursuant to this paragraph.

III. Overview of BMW's Petition

BMW has submitted a petition asking the Agency for a temporary exemption from certain headlamp requirements of FMVSS No. 108 for vehicles equipped with its Glare-Free High Beam Assist, a type of ADB headlamp system. ADB is defined by SAE International (SAE) as a long-range forward visibility light beam that adapts to the presence of opposing (*i.e.,* approaching from the opposite direction) and preceding vehicles by modifying portions of the projected light in order to reduce glare to the drivers and riders of those vehicles. BMW is targeting deployment of its Glare-Free High Beam Assist for the 2019 model year.

In order to do so, BMW requests an exemption from the requirements of S9.4 and S10.14.6 of FMVSS No. 108. S9.4 requires that a vehicle have a means of switching between lower and upper beams designed and located so that it may be operated conveniently by a simple movement of the driver's hand or foot; that the switch have no dead point; and, except as provided by S6.1.5.2, that the lower and upper beams must not be energized simultaneously except momentarily for temporary signaling purposes or during switching between beams. S10.14.6 specifies the photometry requirements for integral beam headlighting systems. BMW seeks an exemption from the requirement of S9.4 that prohibits the simultaneous energization of the lower and upper beams. BMW seeks an exemption from the upper beam photometry requirements of S10.14.6 of FMVSS 108. The photometry requirements specify minimum and maximum photometric intensities of the upper beam light that may not be met by the Glare-Free High Beam Assist.

The basis for the application is that the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard. BMW explains how the Glare-Free High Beam Assist operates and the safety benefits it

[1] 49 U.S.C. 30113(3).

believes the system would offer. BMW explains that the safety benefit is that it incorporates the advantages of upper beams, thereby enhancing visibility, while avoiding the disadvantages of upper beams by adjusting the light distribution and intensity to eliminate unnecessary glare for other road users. BMW intends to bring the Glare-Free High Beam Assist into the U.S. market utilizing its BMW Laserlight system. The BMW Laserlight is currently produced on the BMW i8 and features an FDA-approved laser that provides the upper beam function.

In order to establish the innovative and safety-improving nature of the Glare-Free High Beam Assist, BMW references research and testing documentation, including the following: an analysis conducted by BMW of real-world upper beam use in vehicles with and without Glare-Free High Beam Assist; a study comparing the glare of low beam, upper beam, and glare-free upper beams illumination under different road conditions; and the research referenced in the pending Toyota and Volkswagen petitions.[2]

BMW explains that it first offered its Glare-Free High Beam Assist in the European market in March 2012 and has since produced approximately 612,131 vehicles so equipped. In that time, BMW received 417 customer complaints related to the headlamps and/or camera system, equating to a rate of less than 0.07%. (BMW states that because these complaints encompass all claims related to the subsystems shared by the traditional High Beam Assist function, the Glare-Free High Beam Assist system may only represent a subset of those total claims.) BMW also states that since the introduction of the Glare-Free High Beam Assist in 2012 it has made numerous improvements to the system. BMW states that all vehicles sold under the exemption will meet the SAE standard for ADB systems, SAE J3069 JUN2016. BMW also provides a compliance test report to demonstrate that vehicles it currently manufacturers comply with the headlamp-related requirements of FMVSS No. 108.

BMW states that a temporary exemption would facilitate the development and field evaluation of the Glare-Free High Beam Assist. BMW states that testing of the system with consumers in a diverse set of conditions would provide invaluable information about the system that could not be obtained through testing using professional evaluators in laboratory conditions. BMW states that it would obtain data through field testing concerning the amount of time that the headlights are on, the time that the system is activated, the time that full upper beams from the system are on, and the time that the Glare-Free High Beam Assist is activated.

BMW requests a two-year exemption and states that it will not sell more than 2,500 exempted vehicles in any 12-month period covered by the exemption. If the law concerning the maximum number of exempted vehicles should change before the present exemption is approved, BMW requests that NHTSA extend BMW's maximum allowable production limit to reflect those changes, if warranted.

IV. Completeness of BMW's Petition

Upon receiving a petition, NHTSA conducts an initial review of the petition to determine whether it is complete and whether the petitioner appears to be eligible to apply for the requested exemption. The Agency has tentatively concluded that the petition from BMW is complete and that BMW is eligible to apply for a temporary exemption. The Agency has not made any judgment on the merits of the application, and is placing a copy of the petition and other related materials in the docket. However, as explained below, we are requesting additional information from BMW (as well as from Volkswagen and other manufacturers who submit exemption petitions for ADB headlamps).

V. Request for Additional Information From BMW and Volkswagen as Well as Any Subsequent Petitioners for ADB Systems

Although we have concluded that the petitions submitted by Volkswagen and BMW are technically complete (*i.e.,* contain the information required by § 555.5), NHTSA is seeking additional information from both petitioners. While the information we are requesting is not required, its submission will improve the persuasiveness of the petitions and may influence the timing and nature of the Agency's ultimate decisions on the petitions. If either Volkswagen or BMW does not intend to send in the additional information identified below, we ask that it notify the Agency in writing.

In addition, the Agency requests than any future exemption petitions for ADB systems include this information.

Additional Information Requested

We request that Volkswagen and BMW (unless they have already provided the identified information to the Agency), as well as any future petitioners for ADB systems, provide the Agency with information (such as test reports, evaluations, and narrative explanations) demonstrating the following:

1. Their system meets the requirements of Section 6.5 in SAE J3069 JUN2016. This requirement specifies a variety of test drives of a vehicle equipped with ADB and requires that the measured illuminance must remain below the maximum values specified in the standard.[3]

2. Within the ADB Non-Glare Zone,[4] their system meets the photometric intensity requirements specified in Table XIX–a, XIX–b, or XIX–c (*i.e.,* the lower beam photometric test points) in FMVSS No. 108, as specified in Table II of that standard for the applicable headlamp unit and aiming method, when tested according to the procedure of S14.2.5 of that standard, and, for replaceable bulb headlighting systems, when using any replaceable light source designated for use in the system under test.

3. Outside the ADB Non-Glare Zone, their system meets the photometric intensity requirements specified in Table XVIII in FMVSS No. 108 (*i.e.,* the upper beam photometric test points) as specified in Table II of that standard for the applicable headlamp unit and aiming method, when tested according to the procedure of S14.2.5 of that standard, and, for replaceable bulb headlighting systems, when using any replaceable light source designated for use in the system under test.

4. Their vehicle is equipped with a lower beam that complies with all photometric and other requirements of FMVSS No. 108 for the lower beam.

5. Their vehicle is equipped with an upper beam that complies with all photometric and other requirements of FMVSS No. 108 for the upper beam.

6. Their headlighting system will never provide a beam pattern other than one that meets the criteria of either (i) Item 2 and Item 3 above; or (ii) Item 4 above; or (iii) Item 5 above;

7. Their system contains a manual driver override which is simple to operate and easy to understand.

8. Their system reverts to lower beam if the camera and/or other equipment is

[2] In March 2013, Toyota submitted a petition for rulemaking to amend FMVSS No. 108 to permit manufacturers the option of equipping vehicles with ADB technology (Docket No. NHTSA–2013–0004).

[3] These values are based on NHTSA-sponsored research. *See* Michael J. Flannagan & John M. Sullivan. 2011. Feasibility of New Approaches for the Regulation of Motor Vehicle Lighting Performance. Washington, DC: National Highway Traffic Safety Administration.

[4] As defined in SAE J3069 this is ''[t]he area of reduced light intensity in the ADB directed towards opposing or preceding vehicles.''

obstructed or the system experiences any other malfunction.

9. Unless manually over-ridden by the driver, their lighting systems produces a lower beam compliant with all FMVSS No. 108 lower beam photometric test points at speeds under 25 mph.

For any of the photometric requirements referenced above, NHTSA requests that petitioners provide the measured illuminance values for the specified test points, and not simply state whether the measured illuminance value is a ''Pass'' or a ''Fail.'' If the measured illuminance values exceed the specified maximum or fall short of the specified minimum, it would be advantageous to the petitioner to explain these results.

VI. Comment Period

The agency seeks comment from the public on the merits of BMW's application for a temporary exemption from S9.4 and S10.14.6 of FMVSS No. 108. We are providing a 30-day comment period.

In addition, when the Agency receives from Volkswagen and BMW either notice that they intend not to submit the requested information or all or part of the requested information, the Agency will publish a notice of availability in the **Federal Register** and place the submission in the docket. After considering public comments and other available information, we will publish (either jointly or a separately) a notice of final action on the applications in the **Federal Register**.

Raymond R. Posten

Associate Administrator for Rulemaking.

[FR Doc. 2018–05772 Filed 3–21–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the Local 805 Pension and Retirement Fund (Local 805 Pension Fund), a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that the application submitted by the Board of Trustees of the Local 805 Pension Fund has been published on the website of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Local 805 Pension Fund.

DATES: Comments must be received by May 7, 2018.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Eric Berger. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Local 805 Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On February 23, 2018, the Board of Trustees of the Local 805 Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at *https://www.treasury.gov/services/Pages/Plan-Applications.aspx.* Treasury is publishing this notice in the **Federal Register**, in consultation with the PBGC and the Department of Labor, to solicit public comments on all aspects of the Local 805 Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Local 805 Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: March 19, 2018.

David Kautter,

Assistant Secretary for Tax Policy.

[FR Doc. 2018–05814 Filed 3–21–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0618]

Agency Information Collection Activity: Application by Insured Terminally Ill Person for Accelerated Benefit

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administrations, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed from veterans to process accelerated death benefit payment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 21, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administrations (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0618'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Application by Insured Terminally Ill Person for Accelerated Benefit Form SGLI 8284.

OMB Control Number: 2900–0618.

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: VA has amended regulations for the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs to add accelerated death benefit (Accelerated Benefit) provisions that permit terminally ill policyholders access to the death benefits of their policies before they die. Traditionally, an individual purchases life insurance in order to safeguard his or her dependents against major financial loss due to his or her death. Life insurance serves to replace the lost income of an insured and to provide for his or her final expenses. In recent years, the insurance industry has recognized the financial needs of terminally ill policyholders and has begun offering policies with accelerated benefit provisions. A recent statutory amendment (Section 302 of the Veterans Programs Enhancement Act of 1998, Pub. L. 105–368, 112 Stat. 3315, 3332–3333) added section 1980 to Title 38, United States Code, which extends an accelerated benefit option to terminally ill persons insured in the SGLI and VGLI programs. This form expired due to high volume of work and staffing changes.

Affected Public: Individuals and households.

Estimated Annual Burden: 40 hours.

Estimated Average Burden per Respondent: 12 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2018–05852 Filed 3–21–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0503]

Agency Information Collection Activity Under OMB Review: Veterans Mortgage Life Insurance Change of Address Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 23, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0503'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0503'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Veterans Mortgage Life Insurance Change of Address Statement VA Form 29–0563.

OMB Control Number: 2900–0503.

Type of Review: Reinstatement of a Previously Approved Collection.

Abstract: The Veterans Mortgage Life Insurance Change of Address Statement solicits information needed to inquire about a veteran's continued ownership of the property issued under Veterans Mortgage Life Insurance when an address change for the veteran is received. The information obtained is used in determining whether continued Veterans Mortgage Life Insurance coverage is applicable since the law granting this insurance provides that coverage terminates if the veteran no longer owns the property. The information requested is required by law, 38 U.S.C. 2106. This form expired due to high volume of work and staffing changes.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 237 on December 12, 2017, page 58483.

Affected Public: Individuals or Households.

Estimated Annual Burden: 8 Hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 100.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2018–05851 Filed 3–21–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activity: Application in Acquiring Specially Adapted Housing or Special Adaptation Grant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Loan Guaranty Service, Department of Veterans Affairs (VA), is

announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 21, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0132'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 2108.

Title: Application in Acquiring Specially Adapted Housing or Special Adaptation Grant.

OMB Control Number: 2900–0132.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38, U.S.C., chapter 21, authorizes a VA program of grants for specially adapted housing for disabled veterans or servicemembers. Section 2101(a) of this chapter specifically outlines those determinations that must be made by VA before such grant is approved for a particular veteran or servicemember. VA Form 26–4555 is used to gather the necessary information to determine Veteran eligibility for the SAH or SHA grant.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,166 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 7,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2018–05853 Filed 3–21–18; 8:45 am]

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