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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[FNS–2011–0008]

RIN 0584–AD87

Supplemental Nutrition Assistance Program (SNAP): Eligibility, Certification, and Employment and Training Provisions of the Food, Conservation and Energy Act of 2008; Correction

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Correcting amendment.

SUMMARY: This document contains technical corrections to the Code of Federal Regulations regarding the final rule and interim final rule published in the **Federal Register** on January 6, 2017, ''Supplemental Nutrition Assistance Program (SNAP): Eligibility, Certification, and Employment and Training Provisions of the Food, Conservation and Energy Act of 2008.''

DATES: This document is effective March 30, 2018. Compliance with this final rule began on March 7, 2017, except as noted in specific regulatory provisions.

FOR FURTHER INFORMATION CONTACT: Sasha Gersten-Paal, Branch Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service (FNS), 3101 Park Center Drive, Room 810, Alexandria, Virginia, 703–305–2507, *sasha.gersten-paal@fns.usda.gov.*

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service published a final rule and interim final rule on January 6, 2017, (82 FR 2010), which implements provisions of the Food, Conservation and Energy Act of 2008 (FCEA) affecting the eligibility, benefits, certification, and employment and training (E&T) requirements for applicant or participant households in the Supplemental Nutrition Assistance Program (SNAP). Certain existing provisions were inadvertently removed from 7 CFR 273.2(b)(1). This document makes the technical correction to reinsert the provisions.

List of Subjects in 7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Employment, Food stamps, Fraud, Government employees, Grant programs—social programs, Income taxes, Reporting and recordkeeping requirements, Students, Supplemental Security Income, Wages.

Accordingly, 7 CFR part 273 is corrected by making the following correcting amendments:

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

■ 1. The authority citation for part 273 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 2. Amend § 273.2 by adding paragraphs (b)(1)(i) through (ix) to read as follows:

§ 273.2 Office operations and application processing.

* * * * *

(b) * * *

(1) * * *

(i) In prominent and boldface lettering and understandable terms a statement that the information provided by the applicant in connection with the application for SNAP benefits will be subject to verification by Federal, State and local officials to determine if such information is factual; that if any information is incorrect, SNAP benefits may be denied to the applicant; and that the applicant may be subject to criminal prosecution for knowingly providing incorrect information;

(ii) In prominent and boldface lettering and understandable terms a description of the civil and criminal provisions and penalties for violations of the Food and Nutrition Act of 2008;

(iii) A statement to be signed by one adult household member which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for benefits;

(iv) A place on the front page of the application where the applicant can write his/her name, address, and signature.

(v) In plain and prominent language on or near the front page of the application, notification of the household's right to immediately file the application as long as it contains the applicant's name and address and the signature of a responsible household member or the household's authorized representative. Regardless of the type of system the State agency uses (paper or electronic), it must provide a means for households to immediately begin the application process with name, address and signature;

(vi) In plain and prominent language on or near the front page of the application, a description of the expedited service provisions described in paragraph (i) of this section;

(vii) In plain and prominent language on or near the front page of the application, notification that benefits are provided from the date of application; and

(viii) The following nondiscrimination statement on the application itself even if the State agency uses a joint application form: ''In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. ''To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326–W, Whitten Building, 1400 Independence Avenue SW, Washington, DC 20250–9410 or call (202) 720–5964 (voice and TDD). USDA is an equal opportunity provider and employer.''; and

(ix) For multi-program applications, contain language which clearly affords applicants the option of answering only those questions relevant to the program or programs for which they are applying.

* * * * *

Dated: March 8, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–06520 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–30–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 134

RIN 3245–AG87

Rules of Practice for Protests and Appeals Regarding Eligibility for Inclusion in the U.S. Department of Veterans Affairs Center for Verification and Evaluation Database

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is amending the rules of practice of its Office of Hearings and Appeals (OHA) to implement procedures for protests of eligibility for inclusion in the Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) database, and procedures for appeals of denials and cancellations of inclusion in the CVE database. These amendments are issued in accordance with sections 1832 and 1833 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA 2017).

DATES: This rule is effective on October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Hyde, Administrative Judge, (202) 401–8200.

SUPPLEMENTARY INFORMATION: Sections 1832 and 1833 of the National Defense Authorization Act for Fiscal Year 2017, Public Law 114–328, 130 Stat. 2000 (Dec. 23, 2016) authorize the SBA's OHA to determine protests and appeals related to inclusion in the CVE database. In order to implement these sections, this rule amends OHA's jurisdiction in subparts A and B of 13 CFR part 134 to include protests of eligibility for inclusion in the CVE database, and appeals of denials and cancellations of inclusion in the CVE database. In addition, this rule creates a new subpart J in 13 CFR part 134 to set detailed rules of practice for protests of eligibility for inclusion in the VA CVE database, and a new subpart K to set detailed rules of practice for appeals of denials and cancellations of verification for inclusion in the VA CVE database.

On September 28, 2017, SBA published in the **Federal Register** (82 FR 45212) a proposed rule to implement sections 1832 and 1833 of the NDAA 2017 and to amend OHA's jurisdiction and procedures in order to accommodate protests of eligibility for inclusion in the CVE database and appeals of denials and cancellations of inclusion in the CVE database. The proposed rule allowed for a comment period ending on October 30, 2017. During the comment period, SBA received thirteen comments.

Summary of Comments and SBA's Response

A. Subparts A and B

SBA proposed amending § 134.102, which defines OHA's jurisdiction, to add protests of eligibility for inclusion in the CVE database and appeals of denials and cancellations of inclusion in the CVE database as two new types of proceedings over which OHA would have jurisdiction. SBA also proposed adding new paragraphs (8) and (9) to § 134.201(b) to identify the location of the regulations concerning protests of eligibility for inclusion in the CVE database and appeals of denials and cancellations of inclusion in the CVE database. As a result of these new paragraphs, SBA also proposed to redesignate existing § 134.201(b)(8) as § 134.201(b)(10). There were no comments on these specific revisions, and SBA is adopting them exactly as proposed.

SBA received four comments that were generally supportive of transferring the protests and appeals at issue from VA to OHA for adjudication. In addition, four other comments described the commenters' views and experiences with existing processes. SBA is unable to respond to these comments as they did not address the proposed regulations at issue here.

B. Subpart J

SBA proposed to add a new subpart J, consisting of §§ 134.1001 through 134.1013, to establish the rules of practice before OHA for protests of eligibility for inclusion in the CVE database (CVE Protests). The new rules of practice for CVE Protests mirror SBA's existing rules for protests of service-disabled veteran-owned small businesses, found in 13 CFR part 125, subpart D.

SBA received no comments regarding the proposed new §§ 134.1001 (Scope of rules), 134.1002 (Who may file a CVE Protest?), 134.1004 (Commencement of CVE Protests), 134.1005 (Contents of the CVE Protest), 134.1006 (Service and filing requirements), 134.1008 (Discovery), 134.1009 (Oral hearings), 134.1010 (Standard of review and burden of proof), 134.1011 (Weight of evidence), 134.1012 (The record), and 134.1013 (Request for reconsideration). Except for § 134.1001, which SBA is amending to delete a duplicative sentence, SBA is adopting these provisions exactly as proposed. As discussed below, SBA received comments on proposed §§ 134.1003 and 134.1007.

The penultimate sentence in proposed § 134.1001(c) stated that ''All protests relating to a concern's status as a SDVO SBC for a non-VA procurement are subject to part 125 of this chapter and must be filed in accordance with that part.'' This sentence is duplicative with language in § 134.1001(d), so SBA is amending § 134.1001(c) to remove the sentence. No other changes were made to § 134.1001.

Proposed § 134.1003 outlined the grounds for filing a CVE Protest. Proposed paragraph (c) required the Judge to determine a protested concern's eligibility for inclusion in the CVE database as of the date the protest was filed. SBA received one comment on paragraph (c). The commenter states that proposed § 134.1003(c) is inconsistent with VA Acquisition Regulation (VAAR) clause 852.219–10(b), VA Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside, which indicates that offers received that are not from service-disabled veteran-owned small businesses will not be considered and that award must be made to a service-disabled veteran-owned small business. The commenter adds that this clause has been interpreted by CVE to mean that eligibility is determined both at the time a bid or initial proposal containing price has been submitted, and at time of award. In addition, the commenter observes that 13 CFR 125.18(a) requires service-disabled veteran-owned small business concerns to self-certify their status at time of initial offer, including price, and also that similar language is found at Federal Acquisition Regulation 19.1403(b). The commenter further maintains that a concern's status may change between the date of proposal submission and the date of award. The commenter urges SBA to revise proposed § 134.1003(c) so that eligibility is determined as of the date the initial proposal with pricing, or bid, was submitted.

In response, SBA agrees with the commenter that, if the CVE Protest pertains to a procurement, SBA should examine eligibility at two separate points: (1) As of the date the concern submits its bid or initial offer, which includes price; and (2) as of the date the CVE Protest was filed. Such an approach would restrict concerns that became ineligible after their initial bid or proposal from being awarded contracts. However, SBA notes that, under 38 U.S.C. 8127(f)(8)(B), the Secretary of the VA or his/her designee may initiate a CVE Protest that does not involve a procurement. In this situation,

there would be no bid or proposal, so eligibility can be assessed only as of the date of the CVE Protest. Accordingly, the commenter's recommendation is accepted in part, and SBA is revising the language of § 134.1003(c).

Section 134.1007 proposed to establish the process for CVE Protests as follows: Paragraph (a) required OHA to issue a notice and order if the protest is found to be timely, specific, and based on protestable allegations; paragraph (b) required dismissal of a protest if the Judge determines the protest to be premature, untimely, nonspecific, or based on non-protestable allegations; paragraph (c) required the Director of the CVE (D/CVE) to send the case file to OHA by the deadline specified in the notice and order; paragraph (d) described the process for requesting a protective order; paragraph (e) allowed for supplemental arguments after a protester reviews the CVE case file; paragraph (f) allowed for a response to a protest within 15 days of the date the protest was filed; and paragraph (g) required the Judge to base the decision on the case file and information provided by the parties or information requested by the Judge. The proposed rule also authorized the Judge to investigate issues beyond those raised by the parties. Paragraph (h) proposed to allow a contracting officer to award the contract after a protest is filed but before a decision is reached if the contracting officer determines the public interest will be protected and notifies the Judge of his/her decision; paragraph (i) required OHA to serve all parties with the decision, which would be a final agency decision; paragraph (j) set out the effects of the decision upon the protested concern and the contract at issue.

SBA received no public comments on § 134.1007. However, VA recommended that § 134.1007(j)(2) be amended to be consistent with VA's existing regulation in VAAR 819.307(h). Specifically, the proposed § 134.1007(j)(2) stated that ''A contracting officer shall not award a contract to a protested concern that the Judge has determined is not eligible for inclusion in the CVE database. If the contracting officer has already made an award under paragraph (h), the contracting officer shall either terminate the contract or not exercise the next option.'' VA recommended that the provision instead read: ''A contracting officer shall not award a contract to a protested concern that the Judge has determined is not eligible for inclusion in the CVE database. If the contract has already been awarded, then the awarded contract shall be deemed void ab initio and the contracting officer shall rescind the contract and award the contract to the next [eligible concern] in line for the award.'' SBA believes this change is minor because, under the proposed § 134.1007(h), a contracting officer normally would not have made an award by the time a CVE Protest is decided. Furthermore, VA's suggestion removes a potential inconsistency between the two agencies' regulations. Therefore, SBA is adopting the comment and revising § 134.1007(j)(2) to mirror VA's existing regulation at VAAR 819.307(h).

C. Subpart K

SBA proposed to add a new subpart K, consisting of §§ 134.1101 through 134.1112, promulgating the rules of practice before OHA for appeals of denials and cancellations of verification for inclusion in the VA CVE database (CVE Appeals). SBA received no comments regarding the proposed §§ 134.1101 (Scope of rules), 134.1102 (Who may file a CVE Appeal?), 134.1103 (Grounds for filing a CVE Appeal), 134.1105 (The appeal petition), 134.1106 (Service and filing requirements), 134.1107 (Transmission of the case file), 134.1108 (Response to an appeal petition), 134.1109 (Discovery and oral hearings), and 134.1111 (Standard of review and burden of proof). Therefore, SBA is adopting these provisions exactly as proposed. SBA, however, received comments on proposed § 134.1104 (Commencement of CVE Appeals), § 134.1110 (New evidence), and § 134.1112 (The decision).

Proposed § 134.1104 required CVE Appeals to be filed within 10 business days of being notified that the CVE status has been denied or cancelled. Paragraph (b) proposed to adopt the rules for counting days found at § 134.202(d). Paragraph (c) proposed to require OHA to dismiss any untimely appeal.

SBA received three comments on § 134.1104. All three commenters stated that 10 business days to file a CVE Appeal is too short a timeframe. The commenters contend that preparing the appeals requires gathering a significant amount of documents and developing responses to legal issues. The three commenters recommend a 30 calendar day time period for filing a CVE Appeal.

In response, SBA notes that CVE Appeals will be based on the documentation provided to the VA by the business concern. In turn, VA will be responsible for producing this record to OHA. The commenters' concern that a 10 business day timeline is too short because documents will need to be provided on appeal is thus unwarranted. On appeal, a business concern will not be required to compile the record or produce new documents. SBA is thus adopting § 134.1104 exactly as proposed.

Proposed § 134.1110 prohibited the introduction of new evidence in CVE Appeals, unless good cause is shown. SBA received one comment on this section. The commenter stated that the section should be revised to allow a denied concern to resubmit its application, thus restarting the verification process, if new evidence is available.

SBA responds that under proposed § 134.1112(c), ''Decisions under this part will be based primarily on the evidence in the CVE case file, arguments made on appeal, and any response(s) thereto.'' Thus, SBA does not anticipate that new evidence will typically be necessary to decide a CVE Appeal. Nevertheless, a party that can establish good cause for the introduction of new evidence may do so under proposed § 134.1110. SBA believes that allowing new evidence to be introduced and allowing the Judge to consider the evidence will negate the necessity of restarting the verification process. The limitations on the introduction of new evidence in proposed § 134.1110 are consistent with OHA's restrictions on the use of new evidence in other types of proceedings. *See* 13 CFR 134.308 (limitations on the use of new evidence in size appeals). Therefore, SBA will not alter § 134.1110 and is adopting it exactly as proposed.

Under proposed § 134.1112(a) the Judge would decide a CVE Appeal, if practicable, within 60 calendar days after the close of record. SBA received one comment on this section. The commenter argues the decisions should be rendered within 30 calendar days, because 60 days is too long to wait for a decision. The commenter further argues the appeal should be automatically granted if OHA does not issue the decision by the deadline.

In response, SBA notes that CVE Appeals under subpart K are not tied to a particular procurement. These appeals are of denials and cancellations of verification for inclusion in the VA CVE database, so there is no pending procurement at stake. Further, the 60 day timeframe is similar to that used by OHA in deciding 8(a) eligibility cases (13 CFR 134.409). As a result, SBA does not agree that a more expedited timeframe is warranted. In addition, SBA does not agree that it would be appropriate to automatically reinstate a concern in the CVE database due to a delay in issuing a decision, because such an approach might enable

ineligible concerns to bid on VA contracts. SBA will not alter § 134.1112(a) and is adopting it exactly as proposed.

Proposed § 134.1112(g) allowed any party that has appeared in the proceeding, or the Secretary of VA or his or her designee, to file a petition for reconsideration. As proposed, the petition must be filed within twenty (20) calendar days after service of the written decision, upon a clear showing of an error of fact or law material to the decision. The Judge also may reconsider a decision on his or her own initiative.

SBA received one comment on this paragraph. The commenter states that 20 calendar days allowed for filing a petition for reconsideration is too long, and suggests changing it to 10 calendar days.

SBA responds that 20 calendar days is the standard for other OHA proceedings, as set forth under OHA's rules in 13 CFR 134.227(c). Thus, SBA will not alter its timelines and adopts § 134.1112(g) exactly as proposed. There were no comments on the remaining paragraphs of § 134.1112 and SBA is adopting them exactly as proposed.

Compliance With Executive Orders 12866, 12988, 13132, 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612) Executive Order 12866

OMB has determined that this final rule does not constitute a ''significant regulatory action'' under Executive Order 12866. This final rule is also not a major rule under the Congressional Review Act, 5 U.S.C. 800. This final rule amends the rules of practice for the SBA's OHA in order to implement procedures for protests of eligibility for inclusion in the CVE database, and appeals of denials and cancellations of inclusion in the CVE database. As such, the rule has no effect on the amount or dollar value of any Federal contract requirements or of any financial assistance provided through SBA or VA. Therefore, the rule is not likely to have an annual economic effect of $100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the United States economy. In addition, this rule does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, materially alter the budgetary impact of entitlements, grants, user fees, loan programs or the rights and obligations of such recipients, nor raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Executive Order 12988

This action meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

This final rule does not have Federalism implications as defined in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in the Executive Order. As such it does not warrant the preparation of a Federalism Assessment.

Executive Order 13771

This final rule is not an Executive Order 13771 regulatory action because this final rule is not significant under Executive Order 12866.

Paperwork Reduction Act

The SBA has determined that this final rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended (RFA), 5 U.S.C. 601–612, requires Federal agencies to consider the effect of their actions on small entities, small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a final rule, the agency must prepare a final regulatory flexibility analysis (FRFA). The FRFA describes whether the impact of the rule will have a significant economic impact on a substantial number of small entities, which includes small businesses, small not-for-profit organizations, and small governmental jurisdictions. However, Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an FRFA, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This final rule revises the regulations governing cases before SBA's Office of Hearings and Appeals, SBA's administrative tribunal. These regulations are procedural by nature. Specifically, this final rule establishes rules of practice for the SBA's OHA in order to implement protests of eligibility for inclusion in the CVE database and appeals of denials and cancellations of inclusion in the CVE database, new types of administrative litigation mandated by sections 1832 and 1833 of the National Defense Authorization Act for Fiscal Year 2017. This legislation provides a new statutory right to challenge eligibility for inclusion in the CVE database, as well as denials and cancellation of inclusion in the CVE database. This final rule merely provides the rules of practice at OHA for the orderly hearing and disposition of protests of CVE database inclusion and appeals of denials and cancellations of CVE database inclusion. At the proposed stage, SBA did not anticipate that this final rule would have a significant economic impact on any small businesses (the only small entities that would be affected by this rule); we did request comments from any small business on how and to what degree this final rule would affect it economically. No comments were received regarding RFA issues. Therefore, the Administrator of SBA certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 134

Administrative practice and procedure, Claims, Equal access to justice, Lawyers, Organization and functions (Government agencies).

For the reasons stated in the preamble, SBA amends 13 CFR part 134 as follows:

PART 134—RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS

■ 1. The authority citation for part 134 is revised to read as follows:

Authority: 5 U.S.C. 504; 15 U.S.C. 632, 634(b)(6), 634(i), 637(a), 648(l), 656(i), and 687(c); 38 U.S.C. 8127(f); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

Subpart J issued under 38 U.S.C. 8127(f)(8)(B).

Subpart K issued under 38 U.S.C. 8127(f)(8)(A).

■ 2. Amend § 134.102 by removing the period at the end of paragraph (t) and adding a semicolon in its place and adding paragraphs (u) and (v) to read as follows:

§ 134.102 Jurisdiction of OHA.

* * * * *

(u) Protests of eligibility for inclusion in the Department of Veterans Affairs Center for Verification and Evaluation (CVE) database; and

(v) Appeals of denials and cancellations of inclusion in the CVE database.

■ 3. Amend § 134.201 by:
■ a. Revising the section heading;
■ b. Removing the word ''and'' in paragraph (b)(7);
■ c. Redesignating paragraph (b)(8) as paragraph (b)(10); and
■ d. Adding new paragraphs (b)(8) and (9).

The revision and additions read as follows:

§ 134.201 Scope of the rules in this subpart.

* * * * *

(b) * * *

(8) For protests of eligibility for inclusion in the Center for Verification and Evaluation (CVE) database, in subpart J of this part;

(9) For appeals of denials and cancellations of inclusion in the CVE database, in subpart K of this part; and

* * * * *

■ 4. Add subpart J to read as follows:

Subpart J—Rules of Practice for Protests of Eligibility for Inclusion in the U.S. Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Database (CVE Protests)

Sec.
134.1001 Scope of rules.
134.1002 Who may file a CVE Protest?
134.1003 Grounds for filing a CVE Protest.
134.1004 Commencement of CVE Protests.
134.1005 Contents of the CVE Protest.
134.1006 Service and filing requirements.
134.1007 Processing a CVE Protest.
134.1008 Discovery.
134.1009 Oral hearings.
134.1010 Standard of review and burden of proof.
134.1011 Weight of evidence.
134.1012 The record.
134.1013 Request for reconsideration.

Subpart J—Rules of Practice for Protests of Eligibility for Inclusion in the U.S. Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Database (CVE Protests)

§ 134.1001 Scope of rules.

(a) The rules of practice in this subpart apply to Department of Veterans Affairs' (VA) Center for Verification and Evaluation protests (CVE Protests).

(b) Except where inconsistent with this subpart, the provisions of subparts A and B of this part apply to protests listed in paragraph (a) of this section.

(c) The protest procedures described in this subpart are separate from those governing protests and appeals of a concern's size or status as a Service-Disabled Veteran-Owned Small Business Concern (SDVO SBC) for a non-Department of Veterans Affairs (non-VA) procurement. All protests relating to whether a veteran-owned concern is a ''small'' business for purposes of any Federal program are subject to part 121 of this chapter and must be filed in accordance with that part. If a protester protests both the size of the concern and the concern's eligibility for the CVE database, SBA will process each protest concurrently. SBA does not review issues concerning contract administration.

(d) Protests of a concern's eligibility for a non-VA procurement as a SDVO SBC are governed by 13 CFR part 125, subpart D.

(e) Appeals relating to determinations made by SBA's Director, Office of Government Contracting, regarding SDVO SBC status are governed by subpart E of this part.

(f) Appeals of denials and cancellations of verification for inclusion in the CVE database are governed by subpart K of this part.

§ 134.1002 Who may file a CVE Protest?

A CVE Protest may be filed by:

(a) The Secretary of the VA, or his/her designee; or

(b) In the case of a small business that is awarded a contract for a VA procurement, the contracting officer or an offeror.

§ 134.1003 Grounds for filing a CVE Protest.

(a) *Status.* In cases where the protest is based on service-connected disability, permanent and severe disability, or veteran status, the Judge will only consider a protest that presents specific allegations supporting the contention that the owner(s) cannot provide documentation from the VA, Department of Defense, or the U.S. National Archives and Records Administration to show that they meet the definition of veteran, service-disabled veteran, or service-disabled veteran with a permanent and severe disability.

(b) *Ownership and control.* In cases where the protest is based on ownership and control, the Judge will consider a protest only if the protester presents credible evidence that the concern is not 51% owned and controlled by one or more veterans or service-disabled veterans.

(c) *Date for determining eligibility.* (1) If the CVE Protest pertains to a procurement, the Judge will determine a protested concern's eligibility for inclusion in the CVE database as of the date of bid or initial offer, including price, and as of the date the CVE Protest was filed.

(2) If the CVE Protest does not pertain to a procurement, the Judge will determine a protested concern's eligibility for inclusion in the CVE database as of the date the CVE Protest was filed.

§ 134.1004 Commencement of CVE Protests.

(a) *Timeliness.* (1) The Secretary of the VA, or his/her designee, may file a CVE Protest at any time.

(2) Where the CVE Protest is in connection with a VA procurement:

(i) An offeror must file a CVE Protest within five business days of notification of the apparent awardee's identity.

(ii) A contracting officer may file a CVE Protest at any time during the life of the VA contract.

(3) The rule for counting days is in § 134.202(d).

(4) An untimely protest will be dismissed.

(b) *Filing*—(1) *Private parties.* Interested parties, other than the contracting officer or Secretary of the VA or his/her designee, must deliver their CVE Protests in person, by email, by facsimile, by express delivery service, or by U.S. mail (postmarked within the applicable time period) to the contracting officer.

(2) *Referral to OHA.* The contracting officer must forward to OHA any non-premature CVE Protest received, notwithstanding whether he/she believes it is sufficiently specific or timely. The contracting officer must send all CVE Protests, along with a referral letter, directly to OHA, addressed to Office of Hearings and Appeals, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416, by email at *OHAfilings@sba.gov,* or by facsimile to (202) 205–7059, marked Attn: CVE Protest. The referral letter must include information pertaining to the solicitation that may be necessary for OHA to determine timeliness and standing, including:

(i) The solicitation number;

(ii) The name, address, telephone number, email address, and facsimile number of the contracting officer;

(iii) Whether the contract was sole source or set-aside;

(iv) Whether the protester submitted an offer;

(v) Whether the protested concern was the apparent successful offeror;

(vi) Whether the procurement was conducted using sealed bid or negotiated procedures;

(vii) The bid opening date, if applicable;

(viii) When the protest was submitted to the contracting officer;

(ix) When the protester received notification about the apparent successful offeror, if applicable; and

(x) Whether a contract has been awarded.

(3) *Protests filed by Secretary of the VA.* The Secretary of VA or his/her designee must submit his/her CVE Protest directly to OHA in accordance with the procedures in § 134.204.

(4) *Protests filed by a contracting officer.* The contracting officer must submit his/her CVE Protest directly to OHA in accordance with the procedures in § 134.204. The protest should include in the referral letter the information set forth in paragraph (b)(2) of this section.

§ 134.1005 Contents of the CVE Protest.

(a) CVE Protests must be in writing. There is no required format for a CVE Protest, but it must include the following:

(1) The solicitation or contract number, if applicable;

(2) Specific allegations supported by credible evidence that the concern does not meet the eligibility requirements for inclusion in the CVE database, listed in § 134.1003;

(3) Any other pertinent information the Judge should consider; and

(4) The name, address, telephone number, and email address or facsimile number, if available, and signature of the protester or its attorney.

(b) If the protester intends to seek access to the CVE case file under § 134.205, the protester should include in its protest a request for a protective order. Unless good cause is shown, a protester must request a protective order within five days of filing the protest.

§ 134.1006 Service and filing requirements.

The provisions of § 134.204 apply to the service and filing of all pleadings and other submissions permitted under this subpart.

§ 134.1007 Processing a CVE Protest.

(a) *Notice and order.* If the Judge determines that the protest is timely, sufficiently specific, and based upon protestable allegations, the Judge will issue a notice and order, notifying the protester, the protested concern, the Director, CVE (D/CVE), VA Counsel, and, if applicable, the contracting officer of the date OHA received the protest, and order a due date for responses.

(b) *Dismissal of protest.* If the Judge determines that the protest is premature, untimely, nonspecific, or is based on non-protestable allegations, the Judge will dismiss the protest and will send the contracting officer, D/CVE, and the protester a notice of dismissal, citing the reason(s) for the dismissal. The dismissal is a final agency action.

(c) *Transmission of the case file.* Upon receipt of a notice and order, the D/CVE must deliver to OHA the entire case file relating to the protested concern's inclusion in the CVE database. The notice and order will establish the timetable for transmitting the case file to OHA. The D/CVE must certify and authenticate that the case file, to the best of his/her knowledge, is a true and correct copy of the case file.

(d) *Protective order.* A protester seeking access to the CVE case file must file a timely request for a protective order under § 134.205. Except for good cause shown, a protester must request a protective order within five days of filing the protest. Even after issuance of a protective order, OHA will not disclose income tax returns or privileged information.

(e) *Supplemental allegations.* If, after viewing documents in the CVE case file for the first time under a protective order, a protester wishes to supplement its protest with additional argument, the protester may do so. Any such supplement is due at OHA no later than 15 days from the date the protester receives or reviews the CVE case file.

(f) *Response*—(1) *Timing.* The protested concern, the D/CVE, the contracting officer, and any other interested party may respond to the protest and supplemental protest, if one is filed. The response is due no later than 15 days from the date the protest or supplemental protest was filed with OHA. The record closes the date the final response is due.

(2) *Service.* The respondent must serve its response upon the protester or its counsel and upon each of the persons identified in the certificate of service attached to the notice and order or, if a protective order is issued, in accordance with the terms of the protective order.

(3) *Reply to a response.* No reply to a response will be permitted unless the Judge directs otherwise.

(g) *Basis for decision.* The decision will be based primarily on the case file and information provided by the protester, the protested concern, and any other parties. However, the Judge may investigate issues beyond those raised in the protest and may use other information or make requests for additional information to the protester, the protested concern, or VA.

(h) *Award of contract.* The contracting officer may award a contract during the period between the date he/she receives a protest and the date the Judge issues a decision only if the contracting officer determines that an award must be made to protect the public interest and notifies the Judge in writing of any such determination. Notwithstanding such a determination, the provisions of paragraph (j) of this section shall apply to the procurement in question.

(i) *The decision.* OHA will serve a copy of the written decision on each party, or, if represented by counsel, on its counsel. The decision is considered the final agency action, and it becomes effective upon issuance.

(j) *Effect of decision.* (1) A contracting officer may award a contract to a protested concern after the Judge has determined either that the protested concern is eligible for inclusion in the CVE database or has dismissed all protests against it.

(2) A contracting officer shall not award a contract to a protested concern that the Judge has determined is not eligible for inclusion in the CVE database. If the contract has already been awarded, then the awarded contract shall be deemed void ab initio (invalid from the outset), and the contracting officer shall rescind the contract and award the contract to the next eligible concern in line for the award.

(3) The contracting officer must update the Federal Procurement Data System and other procurement reporting databases to reflect the Judge's decision.

(4) If the Judge finds the protested concern ineligible for inclusion in the CVE database, D/CVE must immediately remove the protested concern from the CVE database.

(5) A concern found to be ineligible may not submit an offer on a future VA procurement until the protested concern reapplies to the Vendor Information Pages Verification Program and has been reentered into the CVE database.

§ 134.1008 Discovery.

Discovery will not be permitted in CVE Protest proceedings.

§ 134.1009 Oral hearings.

Oral hearings will be held in CVE Protest proceedings only upon a finding by the Judge of extraordinary circumstances. If such an oral hearing is ordered, the proceeding shall be conducted in accordance with those rules of subpart B of this part as the Judge deems appropriate.

§ 134.1010 Standard of review and burden of proof.

The protested concern has the burden of proving its eligibility, by a preponderance of the evidence.

§ 134.1011 Weight of evidence.

The Judge will give greater weight to specific, signed, factual evidence than to

general, unsupported allegations or opinions. In the case of refusal or failure to furnish requested information within a required time period, the Judge may assume that disclosure would be contrary to the interests of the party failing to make disclosure.

§ 134.1012 The record.

Where relevant, the provisions of § 134.225 apply. In a protest under this subpart, the contents of the record also include the case file or solicitation submitted to OHA in accordance with § 134.1007.

§ 134.1013 Request for reconsideration.

The decision on a CVE Protest may not be appealed. However:

(a) The Judge may reconsider a CVE Protest decision. Any party that has appeared in the proceeding, or the Secretary of VA or his/her designee, may request reconsideration by filing with OHA and serving a petition for reconsideration on all the parties to the CVE Protest within twenty (20) calendar days after service of the written decision. The request for reconsideration must clearly show an error of fact or law material to the decision. The Judge may also reconsider a decision on his or her own initiative.

(b) If the Judge reverses his or her initial decision on reconsideration, the contracting officer must follow § 134.1007(j) in applying the new decision's results.

■ 5. Add subpart K to read as follows:

Subpart K—Rules of Practice for Appeals of Denials and Cancellations of Verification for Inclusion in the U.S. Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Database (CVE Appeals)

Sec.

134.1101 Scope of rules.
134.1102 Who may file a CVE Appeal?
134.1103 Grounds for filing a CVE Appeal.
134.1104 Commencement of CVE Appeals.
134.1105 The appeal petition.
134.1106 Service and filing requirements.
134.1107 Transmission of the case file.
134.1108 Response to an appeal petition.
134.1109 Discovery and oral hearings.
134.1110 New evidence.
134.1111 Standard of review and burden of proof.
134.1112 The decision.

Subpart K—Rules of Practice for Appeals of Denials and Cancellations of Verification for Inclusion in the U.S. Department of Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Database (CVE Appeals)

§ 134.1101 Scope of rules.

(a) The rules of practice in this subpart apply to appeals of denials and cancellations of verification for inclusion in the U.S. Department of Veterans Affairs Center for Verification and Evaluation Database (CVE Appeals).

(b) Except where inconsistent with this subpart, the provisions of subparts A and B of this part apply to appeals listed in paragraph (a) of this section.

(c) Appeals relating to determinations made by SBA's Director, Office of Government Contracting regarding Service-Disabled Veteran-Owned Small Business Concern (SDVO SBC) status are governed by subpart E of this part.

(d) Protests of a concern's eligibility for inclusion in the VA CVE database are governed by subpart J of this part.

§ 134.1102 Who may file a CVE Appeal?

A concern that has been denied verification of its CVE status or has had its CVE status cancelled may appeal the denial or cancellation to OHA.

§ 134.1103 Grounds for filing a CVE Appeal.

Denials and cancellations of verification of CVE status may be appealed to OHA, so long as the denial or cancellation is not based on the failure to meet any veteran or service-disabled veteran eligibility criteria. Such denials and cancellations are final VA decisions and not subject to appeal to OHA.

§ 134.1104 Commencement of CVE Appeals.

(a) A concern whose application for CVE verification has been denied or whose CVE status has been cancelled must file its appeal within 10 business days of receipt of the denial or cancellation.

(b) The rule for counting days is in § 134.202(d).

(c) OHA will dismiss an untimely appeal.

§ 134.1105 The appeal petition.

(a) *Format.* CVE Appeals must be in writing. There is no required format for an appeal petition; however, it must include the following:

(1) A copy of the denial or cancellation and the date the appellant received it;

(2) A statement of why the cancellation or denial is in error;

(3) Any other pertinent information the Judge should consider; and

(4) The name, address, telephone number, and email address or facsimile number, if available, and signature of the appellant or its attorney.

(b) *Service.* The appellant must serve copies of the entire appeal petition upon the Director, Center for Verification and Evaluation (D/CVE) and VA Counsel at *CVEAppealsService@va.gov.*

(c) *Certificate of service.* The appellant must attach to the appeal petition a signed certificate of service meeting the requirements of § 134.204(d).

(d) *Dismissal.* An appeal petition that does not meet all the requirements of this section may be dismissed by the Judge at his/her own initiative or upon motion of a respondent.

§ 134.1106 Service and filing requirements.

The provisions of § 134.204 apply to the service and filing of all pleadings and other submissions permitted under this subpart.

§ 134.1107 Transmission of the case file.

Once a CVE Appeal is filed, the D/CVE must deliver to OHA the entire case file relating to the denial or cancellation. The Judge will issue a notice and order establishing the timetable for transmitting the case file to OHA. The D/CVE must certify and authenticate that the case file, to the best of his/her knowledge, is a true and correct copy of the case file.

§ 134.1108 Response to an appeal petition.

(a) *Who may respond.* The D/CVE or his/her designee or counsel for VA may respond to the CVE Appeal. The response should present arguments to the issues presented on appeal.

(b) *Time limits.* The notice and order will inform the parties of the filing of the appeal petition, establish the close of record as 15 days after service of the notice and order, and inform the parties that OHA must receive any responses to the appeal petition no later than the close of record.

(c) *Service.* The respondent must serve its response upon the appellant and upon each of the persons identified in the certificate of service attached to the appeal petition pursuant to § 134.1105.

(d) *Reply to a response.* No reply to a response will be permitted unless the Judge directs otherwise.

§ 134.1109 Discovery and oral hearings.

Discovery will not be permitted and oral hearings will not be held.

§ 134.1110 New evidence.

Except for good cause shown, evidence beyond the case file will not be admitted.

§ 134.1111 Standard of review and burden of proof.

The standard of review is whether the D/CVE denial or cancellation was based on clear error of fact or law. The appellant has the burden of proof, by a preponderance of the evidence.

§ 134.1112 The decision.

(a) *Timing.* The Judge shall decide a CVE Appeal, insofar as practicable, within 60 calendar days after close of the record.

(b) *Contents.* Following closure of the record, the Judge will issue a decision containing findings of fact and conclusions of law, reasons for such findings and conclusions, and any relief ordered.

(c) *Basis for decision.* Decisions under this subpart will be based primarily on the evidence in the CVE case file, arguments made on appeal, and any response(s) thereto. However, the Judge, in his/her sole discretion, may consider issues beyond those raised in the pleadings and the denial or cancellation letter.

(d) *Finality.* The decision is the final agency decision and becomes effective upon issuance. Where OHA dismisses an appeal of a D/CVE denial or cancellation, the D/CVE determination remains in effect.

(e) *Service.* OHA will serve a copy of all written decisions on each party, or, if represented by counsel, on its counsel.

(f) *Effect.* If the Judge grants the appeal and finds the appellant eligible for inclusion in the CVE database, the D/CVE must immediately reinstate or include the appellant, as the case may be, in the CVE database.

(g) *Reconsideration.* A decision of the Judge may be reconsidered. Any party that has appeared in the proceeding, or the Secretary of VA or his or her designee, may request reconsideration by filing with OHA and serving a petition for reconsideration on all parties to the CVE Appeal within twenty (20) calendar days after service of the written decision, upon a clear showing of an error of fact or law material to the decision. The Judge also may reconsider a decision on his or her own initiative.

Dated: March 14, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–06034 Filed 3–29–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, 556, and 558

[Docket No. FDA–2017–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications; Changes of Sponsorship; Change of a Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during July, August, and September 2017. FDA is informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect the withdrawal of approval of applications, changes of sponsorship of applications, and a change of a sponsor's name and address, and to make technical amendments to improve the accuracy of the regulations.

DATES: This rule is effective March 30, 2018, except for amendatory instructions 3 to 21 CFR 510.600, 9 to 21 CFR 522.300, 10 to 21 CFR 522.540, and 11 to 21 CFR 522.1081, which are effective April 9, 2018.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approval Actions

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during July, August, and September 2017, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JULY, AUGUST, AND SEPTEMBER 2017

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
July 21, 2017	141–450	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	BANAMINE Transdermal (flunixin transdermal solution) Solution.	Cattle	Original approval for the control of pyrexia associated with bovine respiratory disease and the control of pain associated with foot rot in steers, beef heifers, beef cows, beef bulls intended for slaughter, and replacement dairy heifers under 20 months of age.	FOI Summary; EA/FONSI.[1]

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JULY, AUGUST, AND SEPTEMBER 2017—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
July 19, 2017	141–336	ECO LLC, 344 Nassau St., Princeton, NJ 08540.	AIVLOSIN (tylvalosin tartrate) Water Soluble Granules.	Swine	Supplemental approval for control of swine respiratory disease (SRD) associated with *Bordetella bronchiseptica, Haemophilus parasuis, Pasteurella multocida,* and *Streptococcus suis* in groups of swine in buildings experiencing an outbreak of SRD.	FOI Summary.
July 14, 2017	200–620	Aurora Pharmaceutical, LLC, 1196 Highway 3 South, Northfield, MN 55057–3009.	ALTREN (altrenogest) Solution.	Horses	Original approval as a generic copy of NADA 131–310.	FOI Summary.
July 14, 2017	200–621	Aurora Pharmaceutical, LLC, 1196 Highway 3 South, Northfield, MN 55057–3009.	SWINEMATE (altrenogest) Solution.	Swine	Original approval as a generic copy of NADA 141–222.	FOI Summary.
September 15, 2017.	141–250	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	Chlortetracycline and lasalocid Type B and Type C medicated feeds.	Cattle	Supplemental approval of revised representative labeling making technical amendments.	
September 28, 2017.	141–333	Virbac AH, Inc., 3200 Meacham Blvd., Ft. Worth, TX 76137.	SENTINEL SPECTRUM (milbemycin oxime/ lufenuron/ praziquantel).	Dogs	Supplemental approval for the treatment and control of the adult tapeworm *Dipylidium caninum*.	FOI Summary.

[1] The Agency has carefully considered an environmental assessment (EA) of the potential environmental impact of this action and has made a finding of no significant impact (FONSI).

II. Change of Sponsorship

SmartVet USA, Inc., 22201 West Innovation Dr., suite 170A, Olathe, KS 66061–1304 has informed FDA that it has transferred ownership of, and all rights and interest in, the following application to Sparhawk Laboratories, Inc., 12340 Santa Fe Trail Dr., Lenexa, KS 66215:

File No.	Product name	21 CFR Section
200–348	ECOMECTIN (ivermectin) Topical Solution	524.1193

Following this withdrawal of approval, SmartVet USA, Inc. is no longer the sponsor of an approved application. Accordingly, it will be removed from the list of sponsors of approved applications in § 510.600(c) (21 CFR 510.600(c)).

Strategic Veterinary Pharmaceuticals, Inc., 100 NW. Airport Rd., St. Joseph, MO 64503 has informed FDA that it has transferred ownership of, and all rights and interest in, the following application to Cross Vetpharm Group Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland:

File No.	Product name	21 CFR Section
109–305	Oxytocin Injection	522.1680

The animal drug regulations are being amended to reflect these changes of sponsorship.

III. Withdrawals of Approval

The following sponsors requested that FDA withdraw approval of the NADAs listed in the following table because the products are no longer manufactured or marketed:

File No.	Sponsor	Product name	21 CFR Section
047–055	Watson Laboratories, Inc., 311 Bonnie Circle, Corona, CA 92880.	Chorionic Gonadotropin Powder for Injection	522.1081
104–606	Watson Laboratories, Inc., 311 Bonnie Circle, Corona, CA 92880.	Dexamethasone Sodium Phosphate Injection	522.540

File No.	Sponsor	Product name	21 CFR Section
139–633	Wildlife Laboratories, Inc., 1230 W. Ash St., Suite D, Windsor, CO 80550.	WILDNIL (carfentanil citrate) Injection	522.300

Following this withdrawal of approval, Watson Laboratories, Inc. is no longer the sponsor of an approved application. Accordingly, it will be removed from the list of sponsors of approved applications in § 510.600(c).

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 047–055, 104–606, and 139–633, and all supplements and amendments thereto, is withdrawn, effective April 9, 2018. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these actions.

IV. Technical Amendments

Western Chemical, Inc., 1269 Lattimore Rd., Ferndale, WA 98248 has informed FDA that it has changed its name and address to Syndel USA, 1441 W. Smith Rd., Ferndale, WA 98248. ADM Alliance Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115 has informed FDA that it has changed its name to ADM Animal Nutrition, Inc. Accordingly, we are amending § 510.600(c) to reflect these changes.

We are also making technical amendments to update the scientific name of a pathogenic bacterium, to accurately list the concentrations of ingredients in a combination new animal drug, and to correctly list the assay limits and maximum drug concentration in Type B medicated feeds for a combination new animal drug used in feed. These actions are being taken to improve the accuracy of the regulations.

V. Legal Authority

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C.360b(i)), which requires **Federal Register** publication of ''notice[s] . . . effective as a regulation,'' of the conditions of use of approved new animal drugs. This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities.

Although denominated a rule pursuant to the FD&C Act, this document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 524

Animal drugs.

21 CFR Part 556

Animal drugs, Food.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 556, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entries for ''ADM Alliance Nutrition, Inc.'', ''SmartVet USA, Inc.'' and ''Western Chemical, Inc.'', and add entries for ''ADM Animal Nutrition, Inc.'' and ''Syndel USA'' in alphabetical order; and in the table in paragraph (c)(2), remove the entry for ''086001'' and revise the entries for ''012286'' and ''050378'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
ADM Animal Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115	012286
* * * * * * *	
Syndel USA, 1441 W. Smith Rd., Ferndale, WA 98248	050378
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
012286	ADM Animal Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115.

Drug labeler code	Firm name and address
* * * * * * *	
050378	Syndel USA, 1441 W. Smith Rd., Ferndale, WA 98248.
* * * * * * *	

■ 3. Effective April 9, 2018,'' in § 510.600, in the table in paragraph (c)(1), remove the entry for ''Watson Laboratories, Inc.''; and in the table in paragraph (c)(2), remove the entry for ''000402''.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 4. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.48 [Amended]

■ 5. In § 520.48, in paragraph (b), remove ''000061 and 061623'' and in its place add ''000061, 051072, and 061623''.

§ 520.1447 [Amended]

■ 6. In § 520.1447, in paragraph (d)(1)(ii), remove ''(*Taenia pisiformis, Echinococcus multilocularis,* and *E. granulosus*)'' and in its place add ''(*Dipylidium caninum, Taenia pisiformis, Echinococcus multilocularis,* and *E. granulosus*)''.

■ 7. In § 520.2645, revise paragraphs (d)(1) and (2) to read as follows:

§ 520.2645 Tylvalosin.

* * * * *

(d) * * *

(1) *Amount.* Administer 50 parts per million (ppm) tylvalosin continuously in drinking water for 5 consecutive days.

(2) *Indications for use.* For control of porcine proliferative enteropathy (PPE) associated with *Lawsonia intracellularis* infection in groups of swine in buildings experiencing an outbreak of PPE; and for control of swine respiratory disease (SRD) associated with *Bordetella bronchiseptica, Haemophilus parasuis, Pasteurella multocida,* and *Streptococcus suis* in groups of swine in buildings experiencing an outbreak of SRD.

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 8. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.300 [Removed]

■ 9. Effective April 9, 2018, remove § 522.300.

■ 10. Effective April 9, 2018, in § 522.540, revise paragraphs (b)(2) and (c)(2) to read as follows:

§ 522.540 Dexamethasone solution.

* * * * *

(b) * * *

(2) *Sponsor.* See No. 061623 in § 510.600(c) of this chapter.

* * * * *

(c) * * *

(2) *Sponsor.* See No. 061623 in § 510.600(c) of this chapter.

* * * * *

§ 522.1081 [Amended]

■ 11. Effective April 9, 2018, in § 522.1081, in paragraph (b)(1), remove ''Nos. 000402 and 054771'' and in its place add ''No. 054771''.

§ 522.1662a [Amended]

■ 12. In § 522.1662a, in paragraph (h)(3)(ii), remove ''*Spherophorus necrophorus*'' and in its place add ''*Fusobacterium necrophorum*''.

§ 522.1680 [Amended]

■ 13. In § 522.1680, in paragraph (b), remove ''054628,''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 14. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 15. Add § 524.970 to read as follows:

§ 524.970 Flunixin.

(a) *Specifications.* Each milliliter of solution contains 50 milligrams (mg) flunixin (equivalent to 83 mg flunixin meglumine).

(b) *Sponsor.* See No. 000061 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.286 of this chapter.

(d) *Conditions of use*—(1) *Amount.* Apply only once at a dose of 3.3 mg flunixin per kg body weight (1.5 mg/lb; 3 mL per 100 lbs) topically in a narrow strip along the dorsal midline from the withers to the tailhead.

(2) *Indications for use.* For the control of pyrexia associated with bovine respiratory disease and the control of pain associated with foot rot in steers, beef heifers, beef cows, beef bulls intended for slaughter, and replacement dairy heifers under 20 months of age.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. Cattle must not be slaughtered for human consumption within 8 days of the last treatment. Not for use in female dairy cattle 20 months of age or older, including dry dairy cows; use in these cattle may cause drug residues in milk and/or in calves born to these cows or heifers. Not for use in suckling beef calves, dairy calves, and veal calves. A withdrawal period has not been established for this product in pre-ruminating calves.

■ 16. In § 524.1132, revise paragraph (a) to read as follows:

§ 524.1132 Hydrocortisone, miconazole, and gentamicin otic suspension.

(a) *Specifications.* Each milliliter (mL) of suspension contains 1.11 milligrams (mg) hydrocortisone aceponate, 17.4 mg miconazole nitrate, and 1.5 mg gentamicin (as gentamicin sulfate).

* * * * *

§ 524.1193 [Amended]

■ 17. In § 524.1193, in paragraph (b)(2), remove ''086001'' and in its place add ''058005''.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

■ 18. The authority citation for part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

§ 556.286 [Amended]

■ 19. In § 556.286, in paragraph (c), remove ''§§ 522.956 and 522.970'' and in its place add ''§§ 522.956, 522.970, and 524.970''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 20. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 21. In § 558.4, in paragraph (d), in the ''Category II'' table, revise the row entries for ''Neomycin'' through ''Pyrantel tartrate'' to read as follows:

§ 558.4 Requirement of a medicated feed mill license.

* * * * *

(d) * * *

CATEGORY II

Drug	Assay limits percent [1] Type A [1]	Type B maximum (100×)	Assay limits percent [1] Type B/C [2]
*	*	*	*
Neomycin	80–120	20 g/lb (4.4%)	70–125
Oxytetracycline	80–120	20 g/lb (4.4%)	65–135
Neomycin sulfate	80–120	100 g/lb (22.0%)	70–125
Nicarbazin (granular)	90–110	5.675 g/lb (1.25%)	85–115/75–125
Narasin	90–110	5.675 g/lb (1.25%)	85–115/75–125
Nicarbazin (powder)	98–106	5.675 g/lb (1.25%)	85–115/80–120
Novobiocin	85–115	17.5 g/lb (3.85%)	80–120
Pyrantel tartrate	90–110	36 g/lb (7.9%)	75–125
*	*	*	*

[1] Percent of labeled amount.

[2] Values given represent ranges for either Type B or Type C medicated feeds. For those drugs that have two range limits, the first set is for a Type B medicated feed and the second set is for a Type C medicated feed. These values (ranges) have been assigned in order to provide for the possibility of dilution of a Type B medicated feed with lower assay limits to make a Type C medicated feed.

* * * * *

■ 22. In § 558.128, revise paragraphs (e)(3)(vi), (e)(4)(ix), and (e)(4)(xxvi) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(3) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(vi) 10 mg/lb of body weight.	Tiamulin hydrogen fumarate, 35.	For control of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin and for treatment of swine bacterial enteritis caused by *E. coli* and *Salmonella choleraesuis* sensitive to chlortetracycline and treatment of bacterial pneumonia caused by *P. multocida* sensitive to chlortetracycline.	Feed chlortetracycline at approximately 400 g/ton of feed, varying with body weight and food consumption, to provide 10 mg/lb of body weight. Feed continuously as the sole ration for 14 days. Withdraw medicated feed 2 days before slaughter. Tiamulin as provided by Nos. 058198 or 069254 in § 510.600(c) of this chapter.	058198 069254

(4) * * *

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	* *	* *	*
(ix) 500 to 4,000 to provide 10 mg/lb of body weight daily.	Lasalocid, 30 to 600	Pasture cattle (slaughter, stocker, feeder cattle, dairy and beef replacement heifers): For treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia caused by *P. multocida* organisms susceptible to chlortetracycline; and for increased rate of weight gain.	Feed continuously on a hand-fed basis for not more than 5 days to provide 10 mg chlortetracycline per lb. body weight per day and not less than 60 mg or more than 300 mg lasalocid per head per day in at least 1 pound of feed. Daily lasalocid intakes in excess of 200 mg/head/day in pasture cattle have not been shown to be more effective than 200 mg lasalocid/head/day. Do not allow horses or other equines access to feeds containing lasalocid. No withdrawal period is required. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.311(d) of this chapter. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771
*	*	* *	* *	*
(xxvi) 500 to 4,000 to provide 10 mg/head/day.	Lasalocid, 30 to 181.8.	Cattle weighing up to 800 pounds: For the treatment of bacterial enteritis caused by *E. coli* and bacterial pneumonia caused by *P. multocida* susceptible to chlortetracycline; and for the control of coccidiosis caused by *Eimeria bovis* and *E. zuernii*.	Hand feed continuously for not more than 5 days at a rate of 10 mg chlortetracycline and 1 mg lasalocid per 2.2 lb. body weight daily to cattle with a maximum of 360 mg of lasalocid per head per day. Do not allow horses or other equines access to feeds containing lasalocid. No withdrawal period is required. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. See § 558.311(d) of this chapter. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771

* * * * *

■ 23. In § 558.325, revise paragraph (d)(2) to read as follows:

§ 558.325 Lincomycin.

* * * * *

(d) * * *

(2) The expiration date of VFDs for lincomycin medicated feeds must not exceed 6 months from the date of issuance. VFDs for lincomycin shall not be refilled.

* * * * *

§ 558.575 [Amended]

■ 24. In § 558.575, in paragraph (e)(2)(ii) remove ''and bacterial infections due to *H. galmaxima*,''.

Dated: March 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06358 Filed 3–29–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

[Docket No. FDA–2017–N–0002]

New Animal Drugs; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADAs). This action is being taken at the sponsors' request because these products are no longer manufactured or marketed.

DATES: Withdrawal of approval is effective April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5761, *sujaya.dessai@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: During July and August 2017, the following sponsors requested that FDA withdraw approval of the NADAs listed in the following table because the products are no longer manufactured or marketed:

File No.	Sponsor	Product name	21 CFR section
047–055	Watson Laboratories, Inc., 311 Bonnie Circle, Corona, CA 92880.	Chorionic Gonadotropin Powder for Injection	522.1081

File No.	Sponsor	Product name	21 CFR section
104–606	Watson Laboratories, Inc., 311 Bonnie Circle, Corona, CA 92880.	Dexamethasone Sodium Phosphate Injection	522.540
139–633	Wildlife Laboratories, Inc., 1230 W. Ash St., suite D, Windsor, CO 80550.	WILDNIL (carfentanil citrate) Injection	522.300

Therefore, under authority delegated to the Commissioner of Food and Drugs, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 047–055, 104–606, and 139–633, and all supplements and amendments thereto, is hereby withdrawn, effective April 9, 2018.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: March 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06357 Filed 3–29–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2018–0235]

RIN 1625–AA08

Special Local Regulation; Wyandotte Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain waters of the Detroit River, Trenton Channel, Wyandotte, MI. This action is necessary and is intended to ensure safety of life on navigable waters to be used for a rowing event immediately prior to, during, and immediately after this event.

DATES: This temporary final rule is effective from 8 a.m. until 11 a.m. on April 21, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0235 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details of this rowing event until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event. We are issuing this rule under 5 U.S.C. 553(d)(3), as the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** for the same reason noted above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Detroit (COTP) has determined that the likely combination of recreation vessels, commercial vessels, and an unknown number of spectators in close proximity to a youth rowing regatta along the water pose extra and unusual hazards to public safety and property. Therefore, the COTP is establishing a Special Local Regulation around the event location to help minimize risks to safety of life and property during this event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 8 a.m. until 11 a.m. on April 21, 2018. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and participants. The special local regulation will encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N, 083°09.4′ W (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N, 083°08.9′ W (NAD 83).

An on-scene representative of the COTP may permit vessels to transit the area when no race activity is occurring. The on-scene representative may be present on any Coast Guard, state, or local law enforcement vessel assigned to patrol the event. Vessel operators desiring to transit through the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The COTP or his designated on-scene representative may be contacted via VHF Channel 16 or at 313–568–9560.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the special local regulation. Vessel traffic will be able to safely transit around this special local regulation zone which will impact a small designated area of the Detroit River from 8 a.m. to 11 a.m. April 21, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local regulation and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting four hours that will prohibit entry into a designated area. It is categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and record keeping requirements, Waterways.

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T09–0235 to read as follows:

§ 100.T09–0235 Special Local Regulation; Wyandotte Rowing Regatta; Detroit River, Trenton Channel, Wyandotte, MI.

(a) *Location.* A regulated area is established to encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N, 083°09.4′ W (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N, 083°08.9′ W (NAD 83).

(b) *Enforcement period.* The regulated area described in paragraph (a) will be enforced from 8 a.m. until 11 a.m. on April 21, 2018.

(c) *Special local regulations.* (1) Vessels transiting through the regulated area are to maintain the minimum speeds for safe navigation.

(2) Vessel operators desiring to operate in the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The Captain of the Port Detroit (COTP) or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of the COTP Detroit is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP Detroit or his on-scene representative to obtain permission to enter or operate within the special local regulation. The COTP Detroit or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Detroit or his on-scene representative.

Dated: March 23, 2018.

Jeffrey W. Novak,

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

[FR Doc. 2018–06466 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0227]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the local community to participate in the Sacramento Giant Race 5K/10K run/walk. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 7 a.m. to 12:30 p.m. on April 21, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0227, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over the Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 7 a.m. to 12:30 p.m. on April 21, 2018, to allow the community to participate in the Sacramento Giant Race 5K/10K run/walk. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 27, 2018.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2018–06461 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0241]

Drawbridge Operation Regulation; Reynolds Channel, Long Beach, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the MTA Long Island Railroad Bridge across the Reynolds Channel, mile 4.4, at Long Beach, New York. This temporary deviation is necessary to replace bridge timbers. This deviation allows the bridge to remain in the closed position.

DATES: This deviation is effective from 12:01 a.m. on April 7, 2018 to 12:01 a.m. on April 30, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0241 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Stephanie E. Lopez, Project Officer, First Coast Guard District, telephone (212) 514–4335, email *Stephanie.E.Lopez@uscg.mil.*

SUPPLEMENTARY INFORMATION: The owner of the bridge, the MTA Long Island Railroad, requested a temporary deviation to facilitate the replacement of bridge timbers. The Long Island Railroad Bridge across the Reynolds Channel, mile 4.4, has a vertical clearance in the closed position of 14 feet at mean high water. The existing bridge operating regulations are found at 33 CFR 117.5.

This temporary deviation allows the Long Island Railroad Bridge to remain in the closed position as follows:

12:01 a.m. on April 7 to 4 a.m. on April 9;

12:01 a.m. on April 14 to 4 a.m. on April 16;

12:01 a.m. on April 21 to 12:01 a.m. on April 23; and

12:01 a.m. on April 28 to 12:01 a.m. on April 30.

The waterway is transited by commercial and recreational traffic. Coordination with the waterway users has indicated no objection to the proposed closure of the drawbridge.

Vessels that are able to pass under the bridge in the closed position and may do so at any time. Although the bridge will not be able to open for emergencies, there is an alternate route for vessels to pass.

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

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

Dated: March 26, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–06397 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–1026]

Drawbridge Operation Regulation; Newark Bay, Newark, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation; modification, request for comments.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the Lehigh Valley Railroad Bridge across the Newark Bay, mile 4.3, at Newark, New Jersey. This modified deviation extends an additional 90 days to test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed. This modified deviation allows the Lehigh Valley Bridge to operate under an alternate schedule to alleviate high volume of rail service across the Lehigh Valley Bridge and to better accommodate vessel traffic.

DATES: This modified deviation is effective from 12:01 a.m. on April 1, 2018 to 11:59 p.m. on June 29, 2018.

Comments and related material must reach by the Coast Guard on or before June 29, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1026 using Federal eRulemaking Portal at *http://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this modified temporary deviation, call or email Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

On December 19, 2017, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Newark Bay, Newark, NJ'' in the **Federal Register** (82 FR 60116). That temporary deviation allows the bridge to test a change to the drawbridge operation schedule to determine whether a permanent change to the schedule is needed from January 1, 2018 to March 31, 2018.

The owner of the bridge, Consolidated Rail Corporation, requested a change to the Drawbridge Operation Regulations because the volume of train traffic and maneuvering of train movements from the adjacent rail yard across the bridge cause significant delays to marine traffic.

The Lehigh Valley Bridge across the Newark Bay, mile 4.3, at Newark, New Jersey is a lift bridge with a vertical clearance of 35 feet at mean high water and 39 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.5 and 33 CFR 117.735.

The waterway users are seasonal recreational vessels and commercial vessels of various sizes. Coordination with waterway users indicated no objection to extend the test period.

The Coast Guard is publishing this modified temporary deviation to test the proposed regulation change to determine whether a permanent change to the schedule is necessary to better balance the needs of marine and rail traffic.

Under this modified deviation, in effect from 12:01 a.m. on April 1, 2018 to 11:59 p.m. on June 29, 2018, the Lehigh Valley Bridge will open on signal if at least one hour advance notice is given.

Vessels able to pass through the bridge in the closed position may do so at any time. There are no alternate routes. The bridge will be able to open for emergencies.

The Coast Guard contacted the waterway users regarding extending the current temporary deviation in order to continue testing a proposed change to the Drawbridge Operation Regulations. No objections were received. The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners and other appropriate local media of the change in operating schedule for the bridge so that vessel operators may arrange their transits to minimize any impact caused by the temporary deviation.

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

II. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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

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

Dated: March 26, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–06424 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0090]

RIN 1625–AA00

Safety Zones Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Delaware Bay and River to restrict and protect vessel traffic during the transit of two Post-Panamax gantry cranes to the Port of Philadelphia. This action is intended to protect mariners and vessels from the hazards associated with the transportation of these large cranes. Entry of vessels or persons into this zone is prohibited unless a vessel meets the stated requirements or is specifically authorized by the Captain of the Port Delaware Bay.

DATES: This rule is effective without actual notice from March 30, 2018 through March 31, 2018. For the purposes of enforcement, actual notice will be used from March 20, 2018 through March 30, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0090 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, Waterways Management Branch, U.S. Coast Guard Sector Delaware Bay; telephone (215) 271–4814, email *Edmund.J.Ofalt@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule due to the short time period between when Sector Delaware Bay received complete details of this operation, March 8, 2018, and the date when this safety zone needs to go into effect by. It is impracticable and contrary to the public interest to publish an NPRM before issuing this rule because we must establish this safety zone by March 20, 2018 to ensure the safety of persons and vessels participating in or transiting near the transit operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the hazards presented to safety of life in the Delaware Bay and River presented by the transit of equipment of this size.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231.

The COTP Delaware Bay has determined that potential hazards are associated with the transit of the motor vessel (M/V) ZHEN HUA 16 beginning when the vessel arrives at the Delaware Bay Pilot's Station. There will be a continuing safety concern for anyone within a 200-yard radius of the vessel until it is moored at Greenwich Terminal in Philadelphia, Pennsylvania.

IV. Discussion of the Rule

This rule establishes a temporary traveling safety zone in the Delaware River and Bay in order to facilitate the delivery of two post-Panamax gantry cranes to the Greenwich Terminal in Philadelphia, Pennsylvania. The safety zone includes all navigable waters within 200 yards of the M/V ZHEN HUA 16 during its transit from the Delaware Bay Pilot's Station to Greenwich Terminal in Philadelphia, Pennsylvania. Enforcement of the safety zone will begin when the M/V ZHEN HUA 16 arrives at the Delaware Bay Pilot's Station and terminate when the vessel completes mooring operations at the Greenwich Terminal in Philadelphia, Pennsylvania. The anticipated date of arrival for the M/V ZHEN HUA 16 at the Delaware Bay Pilot's Station is March 20, 2018, with alternate dates of March 21, 22, 23, 24, 25, or 26, 2018. The exact timeframe that will be required to complete the transit is unable to be known in advance, but the Coast Guard estimates that it may take up to 48 hours to complete the journey from the Delaware Bay Pilot's Station to Greenwich Terminal (with additional time possibly needed to complete mooring).

To ensure a safe transit between the station and the terminal, the vessel may stop in a designated anchorage area, as set forth in 33 CFR 110.157, for a short time if necessary due to weather and tidal requirements. The safety zone will remain in place during any time the vessel spends anchored. Vessels may transit through the safety zone while the M/V ZHEN HUA 16 is anchored in a designated anchorage area if they meet the following requirements: Transit through the safety zone at the minimum safe speed to reduce wake and maintain steerage, and, except for towing vessels designated as assist tugs and operating in such capacity, do not overtake, meet, or otherwise pass any other unmoored or unanchored vessel while transiting through the safety zone. Vessels which do not meet all of the requirements listed above are prohibited from entering or transiting the safety zone without prior approval of the COTP Delaware Bay. Vessels requesting to enter or transit the safety zone may contact the Sector Delaware Bay Command Center via VHF–FM channel 16. The Coast Guard anticipates that most vessels will be able to freely transit around the safety zone and will not need to seek permission to enter the zone while the M/V XHEN HUA 16 is underway.

There will be a pre-designated safety vessel escorting the ZHEN HUA 16 while it is underway to monitor the flow of traffic and inform mariners that the gantry crane transit is in progress.

The Coast Guard will be establishing a second safety zone through a separate rulemaking to ensure the safety of vessels and persons transiting the area during offloading operations once the vessel reaches the terminal.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the short duration of the rule. The rule also allows for vessels to transit through the safety zone while the M/V XHEN HUA 16 is in a designated anchorage if certain requirements are met, and the Coast Guard anticipates that most vessels will be able to freely transit around the safety zone and will not need to seek permission to enter the zone while the M/V XHEN HUA 16 is underway. For these reasons the impact on waterway traffic is expected to be minimal.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a moving safety zone lasting only the duration of transit from the Delaware Bay Pilot's station to Greenwich Terminals and a stationary safety zone, which allows vessels to transit if certain requirements are met, lasting approximately six days. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0090 to read as follows:

§ 165.T05–0090 Safety Zones; Delaware River, Philadelphia PA.

(a) *Location.* The following area is a safety zone: All navigable waters within 200 yards of the M/V ZHEN HUA 16

while the vessel is transiting from the Delaware Bay Pilot's Station to Greenwich Terminal in Philadelphia, Pennsylvania.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Delaware Bay (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general safety zones regulations in subpart C of this part and except for as described in paragraph (c)(3) of this section, vessels may not enter, remain in, or transit the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, unless moored or anchored outside the main navigational channel, contact the COTP or the COTP's representative via VHF–FM Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Vessels may transit the safety zone described in paragraph (a)(1) of this section without permission from the COTP if all of the following criteria are met:

(i) The M/V ZHEN HUA 16 is anchored in a designated anchorage as defined in 33 CFR 110.157.

(ii) Vessels maintain the minimum safe speed to reduce wake and maintain steerage.

(iii) Except towing vessels designated as assist tugs and operating in such capacity, no vessel may meet, overtake or otherwise pass another unmoored or unanchored vessel within the safety zone.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* Enforcement of the safety zone will begin when the M/V ZHEN HUA 16 arrives at the Delaware Bay Pilot's Station and terminate when the vessel completes mooring operations at the Greenwich Terminal in Philadelphia, Pennsylvania. The anticipated date of arrival for the M/V ZHEN HUA 16 at the Delaware Bay Pilot's Station is March 20, 2018, with alternate dates of March 21, 22, 23, 24, 25, or 26, 2018. The exact timeframe that will be required to complete the transit is unable to be known in advance, but the Coast Guard estimates that it may take up to 48 hours from arrival at Delaware Bay Pilot's Station until complete mooring at Greenwich Terminal.

Dated: March 20, 2018.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2018–06396 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0246]

RIN 1625–AA00

Safety Zones Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Delaware River to restrict and protect vessel traffic during the offloading of two Post-Panamax gantry cranes at the Port of Philadelphia. This action is intended to protect mariners and vessels from the hazards associated with these offloading activities. Entry of vessels or persons into this zone is prohibited unless a vessel meets the stated requirements or is specifically authorized by the Captain of the Port Delaware Bay.

DATES: This rule is effective without actual notice from March 30, 2018 until April 3, 2018. For the purposes of enforcement, actual notice will be used from March 22, 2018, through March 30, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0246 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, Waterways Management Branch, U.S. Coast Guard Sector Delaware Bay; telephone (215) 271–4814, email *Edmund.J.Ofalt@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule due to the short time period between when Sector Delaware Bay received complete details of this operation, March 8, 2018, and the date when this safety zone needs to go into effect by. It is impracticable and contrary to the public interest to publish an NPRM before issuing this rule because we must establish this safety zone by March 23, 2018, to ensure the safety of persons and vessels participating in or transiting near the offloading operations of two Post-Panamax gantry cranes at the Port of Philadelphia.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the hazards presented to safety of life in the Delaware River presented by the offloading of equipment of this size.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Delaware Bay has determined that potential hazards are associated with the offloading of the two Post-Panamax gantry cranes from the motor vessel (M/V) ZHEN HUA 16.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone on the Delaware River bounded to the south by a line drawn from the southeast corner of Pier 124S at 39°53′41.751″ N, 075°08′19.1419″ W, thence east-southeast to the New Jersey Shoreline at 39°53′34″ N, 075°07′49″ W, and bounded to the north by the southernmost edge of the Walt Whitman

Bridge. This safety zone is needed to protect personnel and vessels, in the navigable waters within the safety zone as well as persons on the adjacent shoreline during offloading of the gantry cranes. This safety zone is needed for seven days beginning from the time of the M/V ZHEN HUA 16 arrives at Greenwich Terminal, unless cancelled earlier via Marine Safety Information Bulletin and Broadcast Notice to Mariners.

Vessels may not enter, remain in, or transit the safety zone unless authorized by the COTP or the COTP's designated representative. To seek permission to enter or remain in the zone, unless moored or anchored outside the main navigational channel, contact the COTP or the COTP's representative via VHF–FM Channel 16.

Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Vessels transiting the zone must maintain the minimum safe speed to reduce wake and maintain steerage. Except towing vessels designated as assist tugs and operating in such capacity, no vessel may meet, overtake or otherwise pass another unmoored or unanchored vessel within the safety zone. Regardless of travel direction, vessels shall remain east of the centerline of the main navigation channel. The navigable waters west of the centerline of the main navigation channel (on the green side of the centerline) is closed to navigation for the duration of the enforcement of this safety zone.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the short duration of the rule. The rule also allows for vessels to transit through the safety zone if certain requirements are met, thus minimizing the impact on waterway traffic.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a stationary safety zone, which allows vessels to transit if certain requirements are met, lasting approximately six days. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration

supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security Measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0246 to read as follows:

§ 165.T05–0246 Safety Zones; Delaware River, Philadelphia, PA.

(a) *Location.* The following area is a safety zone: All navigable waters bounded to the south by a line drawn from the southeast corner of Pier 124S at 39°53′42″ N, 075°08′20″ W, thence east-southeast to the New Jersey shoreline at 39°53′34″ N, 075°07′47″ W, and bounded to the north by the southernmost edge of the Walt Whitman Bridge. These coordinates are based on the 1984 World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Delaware Bay (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general safety zone regulations in subpart C of this part and except for as described in paragraph (c)(3) of this section, vessels may not enter, remain in, or transit the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, unless moored or anchored outside the main navigational channel, contact the COTP or the COTP's representative via VHF–FM Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Vessels may transit the safety zone described in paragraph (a)(2) of this section if all of the following criteria are met:

(i) Vessel shall maintain the minimum safe speed to reduce wake and maintain steerage.

(ii) Except towing vessels designated as assist tugs and operating in such capacity, no vessel may meet, overtake or otherwise pass another unmoored or unanchored vessel within the safety zone.

(iii) Regardless of travel direction, vessels shall remain east of the centerline of the main navigation channel. The centerline is depicted on U.S. Electronic Navigational Chart US5PA12M and is a line drawn approximately from 39°53′39″ N, 075°08′11″ W, thence north-northeast to approximate position 39°54′19″ N, 075°07′54″ W, and thence north to approximate position 39°54′20″ N, 075°07′54″ W.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* Enforcement of the safety zone will begin when the M/V ZHEN HUA 16 arrives at berth at the Greenwich Terminal in Philadelphia, Pennsylvania and end 7 days thereafter. The M/V ZHEN HUA 16 is expected to arrive at berth sometime between March 23rd and March 29th, 2018.

Dated: March 22, 2018.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2018–06395 Filed 3–29–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 216

RIN 0596–AC65

Forest Service Directives

AGENCY: Forest Service, USDA.

ACTION: Final rule with request for comments.

SUMMARY: This final rule updates the current regulations that establish procedures for public participation in the formulation of standards, criteria, and guidelines applicable to Forest Service programs as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (FRRRPA). These revisions will provide greater opportunity for public participation in the formulation of such standards, criteria, and guidelines by expanding and better defining the scope of policies subject to such review and utilizing technologies for public engagement that were not available at the time of the last amendment to these regulations in 1984.

DATES: This rule is effective April 30, 2018. The Forest Service is publishing this rule as a final rule with comment. The Forest Service will accept written comments on this final rule until close of business May 29, 2018. See **SUPPLEMENTARY INFORMATION** for a description of how the Forest Service will respond to comments.

ADDRESSES: Please submit comments via one of the following methods:

1. *Public participation portal (preferred): https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-1893.*

2. *Mail:* Office of Regulatory and Management Services, c/o Michael Migliori; USDA Forest Service, Mailstop 1150, 1400 Independence Avenue SW, Washington, DC 20250.

3. *Email: directive_comments@fs.fed.us.*

4. *Fax:* 202–649–1161.

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 online via an online public reading room at *https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-1893,* or at U.S. Forest Service, Office of Management and Regulatory Services, 201 14th St. SW, 2 Central, Washington, DC 20024.Visitors are encouraged to call ahead to (202) 205–1475 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Michael Migliori, Program Analyst, Directives and Regulations, Office of Regulatory and Management Services, *mmigliori@fs.fed.us,* (202) 205–2496. Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at (800) 877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background and Explanation of the Final Rule

The Forest Service will consider revising this rule based on public comments received. If the Forest Service determines that no changes to the rule are warranted, the Forest Service will publish a notice affirming this final rule by September 26, 2018. If the Forest Service seeks to incorporate changes based on the public comments, the final rule will be revised as appropriate.

This final rule is promulgated pursuant to section 14(a) of the FRRRPA (16 U.S.C. 1612(a)), which provides that the Secretary, in exercising his authority [under the Act] and other laws applicable to the Forest Service, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

This provision of law has been implemented through 36 CFR part 216, published on April 23, 1984. The purpose of that provision is to ensure that Federal, State, and local governments and the public have adequate notice and opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

Currently, 36 CFR part 216 only applies to directives published in the Forest Service Manual, which are policies and guidance for Forest Service staff. Part 216 reflects an Agency assumption that the Forest Service Handbook—which contains detailed instructions on how to implement the Forest Service Manual—is administrative or technical in nature, and does not include standards, criteria or guidelines. Over the past three decades, however, the complexity of management of the National Forest System (NFS) has increased, and the Agency has realized that the Forest Service Handbook may contain directives subject to the notice and comment requirements of section 14(a) of FRRRPA.

This final rule revises part 216 to require public notice and comment on the formulation of standards, criteria or guidelines applicable to Forest Service programs, regardless of whether they are published in the Forest Service Manual or Handbook. The part 216 requirements would not apply to Forest Service directives pertaining to law enforcement and investigations; personnel matters; procurement; administrative support activities such as budget and finance; business operations; and activities undertaken by the Forest Service on behalf of other Federal agencies.

The revision of part 216 will also require the Forest Service to establish an internet-based notice and comment system, as notice of proposed changes to directives will be posted on a Forest Service-administered schedule on the agency's national website. While interim and final directives are available to the public on the internet, revision of part 216 will allow the public to have notice of, and ready access to, proposed, directives issued by the Forest Service. By utilizing modern technology, the public will be presented with several options for submitting comments, including at least one electronic means of submittal such as email or through a web form, as well as the traditional means of submitting comments by post-mailed letters. The process for submitting comments will be specified on the schedule. Several supplemental notification methods may also be employed in order to communicate about such notice to a broader segment of the public, including publishing notices of proposed, interim, and final directives in the **Federal Register**, issuing press releases, or holding public meetings. Other similar processes could also be utilized when appropriate.

These revisions are issued as a final rule as provided for in 5 U.S.C. 553(a)(2) and 553(b)(3)(A) and (B) and (d)(1). The final rule does not impose additional burdens on any governmental entity or the public but significantly expands the opportunity for all parties to comment more readily on Forest Service policies set forth in Forest Service directives. These revisions maintain the public's right to participate in the formulation of internal standards, criteria, and guidelines and expands the options available to the Forest Service as it manages this procedural process. These revisions are intended to expand the public's awareness and ability to comment upon these directives.

Since certain situations require implementation of standards, criteria, and guidelines applicable to Forest Service programs prior to completion of the public notice and comment process, this final rule continues to allow the use of interim directives that are effective upon publication. The same public participation process for proposed directives applies to interim directives.

Use of the Forest Service website for providing notice and comment opportunities results in both expanded capacity and actual savings (estimated at $72,000–$110,000 over 10 years). The revision has many non-economic and non-quantifiable benefits. It will allow the Forest Service to reach a broader cross-section of the interested public when publishing notice of proposed directives, fostering robust public participation.

The Forest Service solicited input from the public to inform the content of this final rule. These outreach efforts included direct engagements with State natural resource agencies, Federally-recognized Indian Tribes and Alaska Native Corporations, agencies within the Department of Agriculture (USDA), and other Federal land management agencies. In addition, the Forest Service published a Request for Information in the **Federal Register**, inviting interested members of the public to attend an informational webinar and to submit questions, comments, and suggestions to a dedicated agency email address (80 FR 74740 (Nov. 30, 2015)).

Collectively, the feedback provided in these conversations indicated broad support for the use of web-based technology, in addition to maintaining traditional, postal-based commenting, to improve public participation in the formulation of Forest Service directives. No outright opposition to this approach was expressed. Several stakeholder groups reiterated the importance of ensuring that the web platform used to facilitate the notice and comment process for Forest Service directives be accessible, reliable, and user-friendly.

Several specific provisions were also suggested for inclusion in this final rule. For example, representatives from certain State agencies requested that the comment period for any directives involving an issue of overlapping State and Federal jurisdiction be at least 60 days to provide States sufficient opportunity to explore the questions and formulate meaningful input. To support engagement of representatives of public agencies, as well as other communities of interest, the revised Part 216 notes that the Forest Service will maintain generally on a quarterly basis a schedule of pending and proposed directives in a centralized repository on the Forest Service website.

In addition, several stakeholders asked that criteria be established to guide the Forest Service's determination as to whether point-by-point responses must be issued to individual comments or whether issuance of a single summary response to all timely and relevant comments is sufficient for a given directive. The Forest Service intends to provide a framework, consistent with the Office of Management and Budget's Good Guidance Practice Bulletin, for responding to comments through revision of the directives that will

include more detailed guidance on managing public notice and comment.

For example, Agency response should reflect the nature of public comment provided; a high volume of very similar comments may need to be handled differently than a small number of very detailed comments. There may be situations where no comments are within the scope of the proposed policy so no Agency response is needed. The directives will ensure that the Agency's approach to responding to comments is consistent with FRRRPA requirements and supports transparency, public participation and collaboration. While the directives will provide a flexible approach to responding to comments, it should be noted that it is the Agency's intent that all comments received will be viewable through the Forest Service website.

Regulatory Certifications

Environmental Impact

This final rule updates the process the Forest Service will use in implementing section 14(a) of the FRRRPA. Forest Service regulations at 36 CFR 220.6(d)(2) exclude ''rules, regulations, or policies to establish service-wide administrative procedures, program processes, or instructions'' from documentation in an environmental assessment or environmental impact statement. The Department's assessment is that this final rule falls within this category of actions, and that no extraordinary circumstances exist that would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

This final rule has been reviewed under applicable USDA procedures, as well as Executive Order (E.O.) 12866 on regulatory planning and review. The Office of Management and Budget (OMB) has designated this rule to be significant based on its applicability to a wide segment of the public.

This final rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because this final rule is related to agency organization, management or personnel. This final rule will have no costs to the public, and result in fiscal savings in the long-run. Cost savings will result from expected reductions in utilizing the **Federal Register** for publication; moreover, the final rule allows the Forest Service to expand its ability to provide notice and opportunity for public comment on directives by posting them on the Agency website, even as it reduces publication costs. The Agency estimates it spent nearly $39,000 over the last three years on the publication of directives in the **Federal Register**, whereas setting up an email subscription service will incur a one-time cost of $24,766. The new regulations will result in an annualized cost savings of between $7,431 to $13,371 per year at 3%, and between $6,807 to $13,157 at 7% using the low and high ends of the three years of data on **Federal Register** costs and the annualized cost of CARA over 10 years of $2,904 at 3% and $3,528 at 7%.

The Agency expects to recoup the costs associated with setting up the internal software that allows publications of such notices, and commenting functionality within 3–4 years and achieve significant long term savings, thereafter. Additional cost savings would be realized through improved staff efficiency in the time and effort required to review and issue directives. Details on the estimated cost savings of this final rule can be found in the rule's economic analysis.

Regulatory Flexibility Act

This final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601–612). The final rule updates the process used by the Forest Service in implementing section 14(a) of the FRRPRA with regard to the issuance of Forest Service Directives. This final rule will not have a significant economic impact on a substantial number of small entities as defined by the Act, because the Rule will not impose recordkeeping requirements on them. Neither will it affect small entities' competitive position in relation to large entities, nor would it not affect their cash flow, liquidity, or ability to remain in the market.

No Takings Implications

This final rule has been analyzed in accordance with the principles and criteria contained in E.O. 12630. It has been determined that the rule would not pose a risk of a taking of private property.

Civil Justice Reform

This final rule has been reviewed under E.O. 12988 on civil justice reform. Upon publication of the final rule, (1) all State and local laws and regulations that conflict with this Rule or impede its full implementation are preempted; (2) no retroactive effect is given to this Rule; and (3) no exhaustion of administrative proceedings before parties may file suit in court challenging its provisions is required.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Forest Service has considered this final rule under the requirements of E.O. 13132 on federalism, and has determined that the rule: Conforms with the principles of federalism set out in the E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Agency, has determined that no further assessment of federalism implications is necessary. This final rule has been considered under the requirements of E.O. 13175, Consultation and Coordination with Indian Tribal Governments. The Forest Service's Office of Tribal Relations has conducted the 120 day consultation period, which ended on May 31, 2016.

Only one Tribe commented on this rule. The comment expressed support for expanding the public notification procedures through a centralized, internet-based schedule, and reiterated the desire of Tribes to receive early and meaningful consultation opportunities on applicable policy changes that are separate and distinct from the general public participation requirements. It recommended that Tribal consultation occur before notice and comment procedures are initiated to ensure the general public is commenting on polices that are not in conflict with Tribal interests.

In response to these comments, the Forest Service reiterates its commitment to ensuring that consultation procedures are maintained according to existing authorities. This regulatory revision makes no change to any Tribal consultation policy. This revision seeks to update and expand outreach, engagement, and notice of changes to the Directives System; as such, the Forest Service is developing electronic engagement platforms, and it intends to link to the online Forest Service Tribal Relations Consultation Schedule whenever appropriate and practicable.

Energy Effects

This final rule has been reviewed under E.O. 13211 of May 18, 2001, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. It has been determined that this rule does not constitute a significant energy action as defined in E.O. 13211.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of this final rule on State, local, and Tribal governments and the private sector. This rule will not compel the expenditure of $100 million or more by any State, local, or Tribal government, or any entity in the private sector. Therefore, a statement under section 202 of the Act is not required.

Controlling Paperwork Burdens on the Public

This final rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or are not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), and its implementing regulations at 5 CFR part 1320, do not apply.

List of Subjects in 36 CFR Part 216

Administrative practice and procedure, National Forests.

■ Therefore, for the reasons set out in the preamble, the Forest Service revises part 216 of title 36 of the Code of Federal Regulations to read as follows:

PART 216—PUBLIC NOTICE AND COMMENT FOR STANDARDS, CRITERIA, AND GUIDANCE APPLICABLE TO FOREST SERVICE PROGRAMS

Sec.
216.1 Purpose and scope.
216.2 Definition.
216.3 Notice and opportunity for public comment.
216.4 Interim directives.

Authority: 16 U.S.C. 1612(a).

§ 216.1 Purpose and scope.

(a) This part sets forth the process that the Forest Service will use to ensure adequate notice and an opportunity for comment from the public, Tribal, State and local governments, and other Federal agencies with respect to the formulation in Forest Service directives of standards, criteria, and guidelines applicable to Forest Service programs. Nothing in this Part restricts the Forest Service from providing additional public participation opportunities, including public hearings, where appropriate.

(b) This part applies to the formulation in Forest Service directives of standards, criteria, and guidelines applicable to Forest Service programs. This part does not apply to Forest Service directives pertaining to law enforcement and investigations; personnel matters; procurement; administrative support activities such as budget and finance; business operations; and activities undertaken by the Forest Service on behalf of other Federal agencies. To the extent that any other part in this chapter of the Code of Federal Regulations requires greater opportunities for the public to participate with respect to policymaking or the issuance of directives than are required by this part, the other Part shall be controlling.

§ 216.2 Definition.

Directive means the contents of the Forest Service Manual and Forest Service Handbooks issued by the Office of the Chief, as described at 36 CFR 200.4(c).

§ 216.3 Notice and an opportunity for public comment.

(a) Prior to issuing a final directive subject to this part, the Forest Service shall:

(1) Provide notice to the public of a proposed directive or interim directive and provide an opportunity to submit comments during a comment period of not less than 30 days in accordance with the requirements this section; and,

(2) Review, consider and respond to timely comments received.

(b) Notices and comments required by paragraph (a) of this section shall:

(1) Be published on a schedule for proposed directives and interim directives maintained by the Forest Service in a centralized repository on the Forest Service website.

(2) Provide a physical mailing address and an internet address or similar online resource for submitting comments.

(c) Notices of final directives shall be published on a schedule on the Forest Service website.

§ 216.4 Interim directives.

Upon a finding of good cause that an exigency exists, an interim directive may be effective in advance of providing notice and an opportunity for public comment. As described in § 216.3, opportunity will be given for public comment before the interim directive is made final. The basis for the determination that good cause exists for the issuance of an interim directive shall be published at the time the directive is issued.

Dated: March 22, 2018.

Daniel James Jiron,

Acting Deputy Under Secretary, Natural Resources and Environment, USDA.

[FR Doc. 2018–06130 Filed 3–29–18; 8:45 am]

BILLING CODE 3411–15–P

AMERICAN BATTLE MONUMENTS COMMISSION

36 CFR Part 407

RIN 3263–AA00

ABMC Privacy Program

AGENCY: American Battle Monuments Commission.

ACTION: Final rule.

SUMMARY: This rule provides guidance and assigns responsibility for the privacy program under the American Battle Monuments Commission (ABMC) pursuant to the Privacy Act of 1974 and applicable Office of Management Budget (OMB) guidance.

DATES: This rule is effective April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Edwin L. Fountain, General Counsel, American Battle Monuments Commission, 2300 Clarendon Boulevard, Suite 500, Arlington, VA 22201, 703–696–6907, *fountaine@abmc.gov.*

SUPPLEMENTARY INFORMATION: The authority for this rulemaking is 5 U.S.C. 552a, the Privacy Act of 1974, as amended, which requires the implementation of the Act by Federal agencies.

This action ensures that ABMC's collection, use, maintenance, or dissemination of information about individuals for purposes of discharging its statutory responsibilities will be performed in accordance with the Privacy Act of 1974 and applicable OMB guidance. This rule:

- Establishes rules of conduct for ABMC personnel and ABMC contractors involved in the design, development, operation, or maintenance of any system of records.
- Establishes appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual about whom information is maintained.
- Ensures that guidance, assistance, and subject matter expert support are provided ABMC staff, contractors and

the public as needed in the implementation and execution of and compliance with the ABMC Privacy Program.

• Ensures that laws, policies, procedures, and systems for protecting individual privacy rights are implemented throughout ABMC.

Notice of Proposed Rule

The proposed rule was published at 82 FR 39067 (August 17, 2017). ABMC received one comment that was not germane. Accordingly this rule is being finalized with no changes.

Regulatory Procedures

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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule benefits the public and the United States Government by providing clear procedures for members of the public, contractors, and employees to follow with regard to the ABMC privacy program. This rule has been designated a not significant regulatory action.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2016, that threshold is approximately $146 million. This rule will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Public Law 96–354, Regulatory Flexibility Act

The ABMC certifies this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. Ch. 6) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require ABMC to prepare a regulatory flexibility analysis.

Executive Order 13132, Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This rule will not have a substantial effect on the States; the relationship between the National Government and the States; or the distribution of power and responsibilities among the various levels of Government.

Public Law 96–511, Paperwork Reduction Act

It has been determined that this rule does not impose reporting or record keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

List of Subjects in 36 CFR Part 407

Privacy.

For the reasons set forth in the Preamble, the American Battle Monuments Commission amends 36 CFR chapter IV by adding part 407 to read as follows:

PART 407—PROCEDURES AND GUIDELINES FOR COMPLIANCE WITH THE PRIVACY ACT OF 1974

Sec.

407.1 Purpose and scope of the regulations in this part.
407.2 Definitions.
407.3 Inquiries about ABMC's systems of records or implementation of the Privacy Act.
407.4 Procedures for acquiring access to ABMC records pertaining to an individual.
407.5 Identification required when requesting access to ABMC records pertaining to an individual.
407.6 Procedures for amending or correcting an individual's ABMC record.
407.7 Procedures for appealing a refusal to amend or correct an ABMC record.
407.8 Fees charged to locate, review, or copy records.
407.9 Procedures for maintaining accounts of disclosures made by ABMC from its systems of records.

Authority: 5 U.S.C. 552a(f).

§ 407.1 Purpose and scope of the regulations in this part.

The regulations in this part set forth ABMC's procedures under the Privacy Act, as required by 5 U.S.C. 552a(f), with respect to systems of records maintained by ABMC. The rules in this part apply to all records maintained by ABMC that are retrieved by an individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual. These regulations establish procedures by which an individual may exercise the rights granted by the Privacy Act to determine whether an ABMC system of records contains a record pertaining to him or her; to gain access to such records; and to request correction or amendment of such records. These rules should be read together with the Privacy Act, which provides additional information about records maintained on individuals.

§ 407.2 Definitions.

The definitions in subsection (a) of the Privacy Act (5 U.S.C. 552a(a)) apply to this part. In addition, as used in this part:

ABMC means the American Battle Monuments Commission.

ABMC system means a system of records maintained by ABMC.

Business day means a calendar day, excluding Saturdays, Sundays, and legal public holidays.

General Counsel means the General Counsel of ABMC or his or her designee.

Individual means a citizen of the United States or an alien lawfully admitted for permanent residence.

Privacy Act or *Act* means the Privacy Act of 1974, as amended (5 U.S.C. 552a).

Secretary means the Secretary of ABMC or his or her designee.

You, your, or other references to the reader of the regulations in this part are meant to apply to the individual to whom a record pertains.

§ 407.3 Inquiries about ABMC's systems of records or implementation of the Privacy Act.

Inquiries about ABMC's systems of records or implementation of the Privacy Act should be sent to the following address: American Battle Monuments Commission, Office of the General Counsel, 2300 Clarendon Boulevard, Suite 500, Arlington VA 22201.

§ 407.4 Procedures for acquiring access to ABMC records pertaining to an individual.

The following procedures apply to records that are contained in an ABMC system:

(a) You may request to be notified if a system of records that you name contains records pertaining to you, and to review any such records, by writing to the Office of the General Counsel (see § 407.3). You also may call the Office of the General Counsel at (703) 696–6902 on business days, between the hours of 9 a.m. and 5 p.m., to schedule an appointment to make such a request in person. A request for records should be presented in writing and should identify specifically the ABMC system(s)

involved. Your request to access records pertaining to you will be treated as a request under both the Privacy Act, as implemented by this part, and the Freedom of Information Act (5 U.S.C. 552), as implemented by part 404 of this title (36 CFR 404.1 through 404.10).

(b) Access to the records, or to any other information pertaining to you that is contained in the system, shall be provided if the identification requirements of § 407.5 are satisfied and the records are determined otherwise to be releasable under the Privacy Act and these regulations. ABMC shall provide you an opportunity to have a copy made of any such records about you. Only one copy of each requested record will be supplied, based on the fee schedule in § 407.8.

(c) ABMC will comply promptly with requests made in person at scheduled appointments, if the requirements of this section are met and the records sought are immediately available. ABMC will acknowledge, within 10 business days, mailed requests or personal requests for records that are not immediately available, and the information requested will be provided promptly thereafter.

(d) If you make your request in person at a scheduled appointment, you may, upon your request, be accompanied by a person of your choice to review your records. ABMC may require that you furnish a written statement authorizing discussion of your records in the accompanying person's presence. A record may be disclosed to a representative chosen by you upon your proper written consent.

(e) Medical or psychological records pertaining to you shall be disclosed to you unless, in the judgment of ABMC, access to such records might have an adverse effect upon you. When such a determination has been made, ABMC may refuse to disclose such information directly to you. ABMC will, however, disclose this information to you through a licensed physician designated by you in writing.

(f) If you are unsatisfied with an adverse determination on your request to access records pertaining to you, you may appeal that determination using the procedures set forth in § 407.7(a).

§ 407.5 Identification required when requesting access to ABMC records pertaining to an individual.

ABMC will require reasonable identification of all individuals who request access to records in an ABMC system to ensure that records are disclosed to the proper person.

(a) The amount of personal identification required will of necessity vary with the sensitivity of the record involved. In general, if you request disclosure in person, you will be required to show an identification card, such as a driver's license, containing your photograph and sample signature. However, with regard to records in ABMC systems that contain particularly sensitive and/or detailed personal information, ABMC reserves the right to require additional means of identification as are appropriate under the circumstances. These means include, but are not limited to, requiring you to sign a statement under oath as to your identity, acknowledging that you are aware of the criminal penalties for requesting or obtaining records under false pretenses or falsifying information (see 5 U.S.C. 552a(i)(3); 18 U.S.C. 1001).

(b) If you request disclosure by mail, ABMC will request such information as may be necessary to ensure that you are properly identified and for a response to be sent. Authorized means to achieve this goal include, but are not limited to, requiring that a mail request include a signed, notarized statement asserting your identity or a statement signed under oath as described in paragraph (a) of this section.

§ 407.6 Procedures for amending or correcting an individual's ABMC record.

(a) You are entitled to request amendments to or corrections of records pertaining to you that you believe are not accurate, relevant, timely, or complete, pursuant to the provisions of the Privacy Act, including 5 U.S.C. 552a(d)(2). Such a request should be made in writing and addressed to the Office of the General Counsel (see § 407.3).

(b) Your request for amendments or corrections should specify the following:

(1) The particular record that you are seeking to amend or correct;

(2) The ABMC system from which the record was retrieved;

(3) The precise correction or amendment you desire, preferably in the form of an edited copy of the record reflecting the desired modification; and

(4) Your reasons for requesting amendment or correction of the record.

(c) ABMC will acknowledge a request for amendment or correction of a record within 10 business days of its receipt, unless the request can be processed and the individual informed of the General Counsel's decision on the request within that 10-day period.

(d) If after receiving and investigating your request, the General Counsel agrees that the record is not accurate, timely, or complete, based on a preponderance of the evidence, then the record will be corrected or amended promptly. The record will be deleted without regard to its accuracy, if the record is not relevant or necessary to accomplish the ABMC function for which the record was provided or is maintained. In either case, you will be informed in writing of the amendment, correction, or deletion. In addition, if accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(e) If after receiving and investigating your request, the General Counsel does not agree that the record should be amended or corrected, you will be informed promptly in writing of the refusal to amend or correct the record and the reason for this decision. You also will be informed that you may appeal this refusal in accordance with § 407.7.

(f) Requests to amend or correct a record governed by the regulations of another agency will be forwarded to such agency for processing, and you will be informed in writing of this referral.

§ 407.7 Procedures for appealing a refusal to amend or correct an ABMC record.

(a) You may appeal a refusal to amend or correct a record to the Secretary of ABMC. Such appeal must be made in writing within 30 business days of your receipt of the initial refusal to amend or correct your record. Your appeal should be sent to the Office of the General Counsel (see § 407.3), should indicate that it is an appeal, and should include the basis for the appeal.

(b) The Secretary will review your request to amend or correct the record, the General Counsel's refusal, and any other pertinent material relating to the appeal. No hearing will be held.

(c) The Secretary shall render his or her decision on your appeal within 30 business days of its receipt by ABMC, unless the Secretary, for good cause shown, extends the 30-day period. Should the Secretary extend the appeal period, you will be informed in writing of the extension and the circumstances of the delay.

(d) If the Secretary determines that the record that is the subject of the appeal should be amended or corrected, the record will be so modified, and you will be informed in writing of the amendment or correction. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(e) If your appeal is denied, you will be informed in writing of the following:

(1) The denial and the reasons for the denial;

(2) That you may submit to ABMC a concise statement setting forth the reasons for your disagreement as to the disputed record. Under the procedures set forth in paragraph (f) of this section, your statement will be disclosed whenever the disputed record is disclosed; and

(3) That you may seek judicial review of the Secretary's determination under 5 U.S.C. 552a(g)(1).

(f) Whenever you submit a statement of disagreement to ABMC in accordance with paragraph (e)(2) of this section, the record will be annotated to indicate that it is disputed. In any subsequent disclosure, a copy of your statement of disagreement will be disclosed with the record. If ABMC deems it appropriate, a concise statement of the Secretary's reasons for denying your appeal also may be disclosed with the record. While you will have access to this statement of the Secretary's reasons for denying your appeal, such statement will not be subject to correction or amendment. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be provided a copy of your statement of disagreement, as well as any statement of the Secretary's reasons for denying your appeal deemed appropriate.

§ 407.8 Fees charged to locate, review, or copy records.

(a) ABMC will charge no fees for search time or for any other time expended by ABMC to review a record. However, ABMC may charge fees where you request that a copy be made of a record to which you have been granted access. Where a copy of the record must be made in order to provide access to the record (*e.g.,* computer printout where no screen reading is available), the copy will be made available to you without cost.

(b) Copies of records made by photocopy or similar process will be charged to you at the rate of $0.15 per page. Where records are not susceptible to photocopying (*e.g.,* punch cards, magnetic tapes, or oversize materials), you will be charged actual cost as determined on a case-by-case basis. Copying fees will not be charged if the cost of collecting a fee would be equal to or greater than the fee itself. Copying fees for contemporaneous requests by the same individual shall be aggregated to determine the total fee.

(c) Special and additional services provided at your request, such as certification or authentication, postal insurance, and special mailing arrangement costs, will be charged to you at the rates set forth in § 404.7(e) of this chapter.

(d) You may request that a copying fee not be charged or, alternatively, be reduced, by submitting a written petition to ABMC's General Counsel (see § 407.3) asserting that you are indigent. If the General Counsel determines, based on the petition, that you are indigent and that ABMC's resources permit a waiver of all or part of the fee, the General Counsel may, in his or her discretion, waive or reduce the copying fee.

(e) All fees shall be paid before any copying request is undertaken. Payments shall be made by check or money order payable to ''American Battle Monuments Commission.''

§ 407.9 Procedures for maintaining accounts of disclosures made by ABMC from its systems of records.

(a) The Office of the General Counsel shall maintain a log containing the date, nature, and purpose of each disclosure of a record to any person or to another agency. Such accounting also shall contain the name and address of the person or agency to whom each disclosure was made. This log need not include disclosures made to ABMC employees in the course of their official duties, or pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552).

(b) ABMC will retain the accounting of each disclosure for at least five years after the disclosure for which the accounting is made or for the life of the record that was disclosed, whichever is longer.

(c) ABMC will make the accounting of disclosures of a record pertaining to you available to you at your request. Such a request should be made in accordance with the procedures set forth in § 407.4. This paragraph (c) does not apply to disclosures made for law enforcement purposes under 5 U.S.C. 552a(b)(7).

Dated: March 27, 2018.

Robert J. Dalessandro,

Deputy Secretary, ABMC.

[FR Doc. 2018–06528 Filed 3–29–18; 8:45 am]

BILLING CODE 6120–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220, 1223, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1237, 1238, and 1239

[FDMS No. NARA–18–0002; NARA–2018–025]

RIN 3095–AB95

Records Management

AGENCY: National Archives and Records Administration (NARA).

ACTION: Direct final rule.

SUMMARY: NARA is revising these regulations to make administrative changes, such as updating office names and organizational codes, updating URLs, and updating links to NARA's records management web pages, to reflect organizational and contact changes, and revising the incorporation by reference language to make it consistent with newer regulations and to reflect contact changes.

DATES: This rule is effective on April 30, 2018 without further notice, unless we receive adverse written comment that warrants revision by April 19, 2018. If we receive such comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by RIN 3095–AB95, by email at *regulation_comments@nara.gov,* or by mail to the External Policy Program Manager; Strategy Division (MP), Suite 4100; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, by email at *regulation_comments@nara.gov,* or by telephone at 301–837–3151.

SUPPLEMENTARY INFORMATION:

Regulatory Review Information

This rule is not a significant regulatory action for the purposes of E.O. 12866 and a significance determination was requested from the Office of Management and Budget (OMB). It is also not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As a result, this rule is also not subject to deregulatory requirements contained in E.O. 13771. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities; it simply updates contact, office, and agency online site information to reflect organizational changes. This rule also

does not have any Federalism implications.

This rule is effective upon publication for good cause as permitted by the Administrative Procedure Act (5 U.S.C. 553(d)(3)). NARA believes that a public comment period is unnecessary as this rule merely makes minor administrative updates to reflect NARA organizational changes.

List of Subjects

36 CFR Parts 1220, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1238, and 1239

Archives and records, Records management.

36 CFR Parts 1223, 1234, 1235, and 1237

Archives and records, Incorporation by reference, Records management.

For the reasons stated in the preamble, NARA amends 36 CFR parts 1220, 1223, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1237, 1238, and 1239 as follows:

PART 1220—FEDERAL RECORDS; GENERAL

■ 1. The authority citation for part 1220 continues to read as follows:

Authority: 44 U.S.C. Chapters 21, 29, 31, and 33.

■ 2. Revise § 1220.20 to read as follows:

§ 1220.20 What NARA acronyms are used throughout this subchapter?

As used in this subchapter—

AC means Office of the Chief Records Officer, which includes NARA records management staff nationwide.

ACRA means the Records Appraisal and Agency Assistance Division.

AFO means the Office of Operations (regional records services).

B–AD means the Storage Coordination and Logistics Office.

NARA means the National Archives and Records Administration.

RDE means the Electronic Records Division.

RDS means the Special Media Records Division.

RX means Preservation Programs.

WNRC means the Washington National Records Center.

§ 1220.34 [Amended]

■ 3. Amend § 1220.34 by removing the abbreviation ''(NWM)'' and adding in its place ''(AC)'' in three places in paragraphs (b) and (c).

PART 1223—MANAGING VITAL RECORDS

■ 4. Revise the authority citation for part 1223 to read as follows:

Authority: 44 U.S.C. 3101; E.O. 12656, 53 FR 47491, 3 CFR, 1988 Comp., p. 585; E.O. 13231, 66 FR 53063, 3 CFR, 2001 Comp., p. 805.

■ 5. Revise § 1223.4 to read as follows:

§ 1223.4 What publications are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the **Federal Register** and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740–6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to *http://www.archives.gov/federal_register/cfr/ibr-locations.html.*

(b) Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS); P.O. Box 2012; 8231 Stayton Drive; Jessup, MD 20794–2012, phone number (800) 480–2520; *https://www.fema.gov/guidance-directives.*

(1) Federal Continuity Directive 1 (''FCD 1''): Federal Executive Branch National Continuity Program and Requirements, February 2008, IBR approved for § 1223.14.

(2) [Reserved]

PART 1225—SCHEDULING RECORDS

■ 6. The authority citation for part 1225 continues to read as follows:

Authority: 44 U.S.C. 2111, 2904, 2905, 3102, and Chapter 33.

§ 1225.24 [Amended]

■ 7. Amend § 1225.24(a)(1) introductory text by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number 301–837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

§ 1225.26 [Amended]

■ 8. Amend § 1225.26(d) by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1226—IMPLEMENTING DISPOSITION

■ 9. The authority citation for part 1226 continues to read as follows:

Authority: 44 U.S.C. 2111, 2904, 3102, and 3301.

§ 1226.14 [Amended]

■ 10. Amend § 1226.14(e) by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

§ 1226.20 [Amended]

■ 11. Amend § 1226.20(b) introductory text by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

§ 1226.26 [Amended]

■ 12. Amend § 1226.26(b) introductory text by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail

at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1227—GENERAL RECORDS SCHEDULES

■ 13. The authority citation for part 1227 continues to read as follows:

Authority: 44 U.S.C. 3303a(d).

■ 14. Revise § 1227.14(a) to read as follows:

§ 1227.14 How do I obtain copies of the GRS?

(a) The GRS and instructions for their use are available online at *https://www.archives.gov.records-mgmt/grs*. They are also available upon request by email at *GRS_Team@nara.gov* or by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); Attention: GRS Team, Room 2100; 8601 Adelphi Road, College Park, MD 20740–6001.

* * * * *

PART 1228—LOAN OF PERMANENT AND UNSCHEDULED RECORDS

■ 15. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. 2904.

§ 1228.12 [Amended]

■ 16. Amend § 1228.12(c) by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1229—EMERGENCY AUTHORIZATION TO DESTROY RECORDS

■ 17. The authority citation for part 1229 continues to read as follows:

Authority: 44 U.S.C. 3310 and 3311.

■ 18. Revise § 1229.10(a) to read as follows:

§ 1229.10 What steps must be taken when records are a continuing menace to health or life, or to property?

* * * * *

(a) When an agency identifies records that pose a continuing menace to human health or life, or to property, the records officer or other designee must immediately notify NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communication@nara.gov.* The notice must describe the records, their location and quantity, and the nature of the menace.

* * * * *

§ 1229.12 [Amended]

■ 19. Amend § 1229.12(b) by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1230—UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

■ 20. The authority citation for part 1230 continues to read as follows:

Authority: 44 U.S.C. 3105 and 3106.

§ 1230.14 [Amended]

■ 21. Amend § 1230.14 introductory text by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number 301–837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1231—TRANSFER OF RECORDS FROM THE CUSTODY OF ONE EXECUTIVE AGENCY TO ANOTHER

■ 22. The authority citation for part 1231 continues to read as follows:

Authority: 44 U.S.C. 2908.

§ 1231.12 [Amended]

■ 23. Amend § 1231.12 introductory text by removing the words ''the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*''

PART 1232—TRANSFER OF RECORDS TO RECORDS STORAGE FACILITIES

■ 24. The authority citation for part 1232 continues to read as follows:

Authority: 44 U.S.C. 2907 and 3103.

§ 1232.10 [Amended]

■ 25. Amend § 1232.10(a) by removing the words ''and also in the U.S. Government Manual, which is for sale from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, DC 20402–9328, and is available on the internet from *http://www.access.gpo.gov/nara/index.html*'' from the end of the paragraph.

■ 26. Revise § 1232.14(b) to read as follows:

§ 1232.14 What requirements must an agency meet before it transfers records to a records storage facility?

* * * * *

(b) To transfer unscheduled records, notify NARA in writing prior to the transfer, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.* The notification must identify the records storage facility and include a copy of the information required by § 1232.16(a).

* * * * *

■ 27. Revise § 1232.16(b) introductory text to read as follows:

§ 1232.16 What documentation must an agency create before it transfers records to a records storage facility?

* * * * *

(b) In the case of permanent and unscheduled records, provide copies of such documentation to NARA and advise NARA in writing of the new location whenever the records are moved to a new storage facility. For permanent records, the agency must transmit this documentation to NARA no later than 30 days after transferring records to the agency records center or commercial records storage facility. Transmit documentation by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*

* * * * *

PART 1233—TRANSFER, USE, AND DISPOSITION OF RECORDS IN A NARA FEDERAL RECORDS CENTER

■ 28. The authority citation for part 1233 continues to read as follows:

Authority: 44 U.S.C. 2907 and 3103.

■ 29. Revise § 1233.10(e) to read as follows:

§ 1233.10 How does an agency transfer records to a NARA Federal Records Center?

* * * * *

(e) For further guidance on transferring records to a NARA Federal Records Center, consult the NARA Federal Records Centers Program website (*http://www.archives.gov/frc/toolkit.html#transfer*). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at *http://www.archives.gov/frc/locations.html*), or the FRCP by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by phone at 301.837.2950.

§ 1233.12 [Amended]

■ 30. Amend § 1233.12 by removing the words ''National Archives and Records Administration, Office of Regional Records Services, 8601 Adelphi Road, College Park, MD or phone (301) 837–2950'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by phone at 301.837.2950.''

■ 31. Revise § 1233.18(e) to read as follows:

§ 1233.18 What reference procedures are used in NARA Federal Records Centers?

* * * * *

(e) For further guidance on requesting records from a NARA Federal Records Center, consult the NARA Federal Records Centers Program website (*http://www.archives.gov/frc/toolkit.html#retrieval*). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at *http://www.archives.gov/frc/locations.html*), or the FRCP by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by phone at 301.837.2950.

■ 32. Revise § 1233.20(e) to read as follows:

§ 1233.20 How are disposal clearances managed for records in NARA Federal Records Centers?

* * * * *

(e) For further guidance on records disposition, consult the NARA Federal Records Centers Program website (*http://www.archives.gov/frc/toolkit.html#disposition*). Request current NARA publications and bulletins by contacting an individual NARA Federal Records Center (contact information at *http://www.archives.gov/frc/locations.html*) or the FRCP, by mail at National Archives and Records Administration; Federal Records Centers Program (AF); 8601 Adelphi Road; College Park, MD 20740–6001, or by phone at 301.837.2950.

PART 1234—FACILITY STANDARDS FOR RECORDS STORAGE FACILITIES

■ 33. The authority citation for part 1234 continues to read as follows:

Authority: 44 U.S.C. 2104(a), 2904, 2907, 3102, and 3103.

■ 34. Amend § 1234.3 by revising paragraph (a), removing paragraph (b), redesignating paragraphs (c) through (h) as paragraphs (b) through (g), and revising the introductory text of newly redesignated paragraph (g) to read as follows:

§ 1234.3 What publications are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the **Federal Register** and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740–6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to *http://www.archives.gov/federal_register/cfr/ibr-locations.html.*

* * * * *

(g) The following standards are not available from the original publisher or a standards reseller. To inspect the standards at a NARA location other than the NARA facility in College Park, MD, or the Office of the Federal Register, contact NARA's Regulations Comment Desk as provided in paragraph (a) of this section.

* * * * *

■ 35. Amend § 1234.10 by revising the last sentence of paragraph (a)(2) and paragraph (i)(3) to read as follows:

§ 1234.10 What are the facility requirements for all records storage facilities?

(a) * * *

(2) * * * Submit waiver requests to NARA by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi Road; College Park, MD 20740–6001.

* * * * *

(i) * * *

(3) Compact mobile shelving systems (if used) must be designed to permit proper air circulation and fire protection. Request detailed specifications that meet this requirement from NARA by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi Road; College Park, MD 20740–6001.

* * * * *

§ 1234.22 [Amended]

■ 36. Amend § 1234.22(b) by removing the words ''the Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Rd., College Park, MD 20740–6001, phone number (301) 837–1867'' and adding in their place the words ''NARA by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi Road; College Park, MD 20740–6001.''

■ 37. Amend § 1234.30 by revising the first sentence of paragraph (c) and the fourth sentence of paragraph (e) to read as follows:

§ 1234.30 How does an agency request authority to establish or relocate records storage facilities?

* * * * *

(c) * * * Submit requests for authority to establish or relocate an agency records center, or to use an agency records center operated by another agency, to NARA by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi

Road; College Park, MD 20740–6001. * * *

* * * * *

(e) * * * Send documentation to NARA by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi Road; College Park, MD 20740–6001. * * *

§ 1234.32 [Amended]

■ 38. Amend § 1234.32(a) introductory text by removing the words ''the Director, Space and Security Management Division (NAS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1867'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Storage Coordination and Logistics (B–AD); 8601 Adelphi Road; College Park, MD 20740–6001.''

PART 1235—TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES OF THE UNITED STATES

■ 39. The authority citation for part 1235 continues to read as follows:

Authority: 44 U.S.C. 2107 and 2108.

■ 40. Amend § 1235.4 by revising paragraph (a), removing paragraph (b), redesignating paragraphs (c) through (e) as paragraphs (b) through (d), and revising the introductory text of newly redesignated paragraph (d) to read as follows:

§ 1235.4 What publications are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the **Federal Register** and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740–6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to *http://www.archives.gov/federal_register/cfr/ibr-locations.html.*

* * * * *

(d) The following standards are not available from the original publisher or a standards reseller. To inspect the standards at a NARA location other than the NARA facility in College Park, MD, or the Office of the Federal Register, contact NARA's Regulations Comment Desk as provided in paragraph (a) of this section.

* * * * *

■ 41. Amend § 1235.14(b) introductory text by removing the words ''submit to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738, a written request certifying continuing need'' and adding in their place the words ''submit a request certifying continuing need to NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *permanentrecords@nara.gov.*''

■ 42. Amend § 1235.42 as follows:

■ a. In paragraph (b)(2), removing the words ''the National Archives and Records Administration, Special Media Archives Services Division, (NWCS), 8601 Adelphi Road, College Park, MD 20740, phone number (301) 837–2903'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *mopix.accessions@nara.gov.*''

■ b. In paragraph (f)(1), removing the words ''the National Archives and Records Administration, Special Media Archives Services Division (NWCS), 8601 Adelphi Road, College Park, MD 20740, phone number (301) 837–2903, concerning transfer of'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *mopix.accessions@nara.gov* (for audiovisual records) and *stillpix.accessions@nara.gov* (for photographic records), about transferring.''

■ 43. Revise § 1235.44(b) and (c) to read as follows:

§ 1235.44 What general transfer requirements apply to electronic records?

* * * * *

(b) For guidance on transferring electronic records other than those covered in this subpart, consult NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.*

(c) When transferring digital photographs and their accompanying metadata, consult NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *stillpix.accessions@nara.gov.*

■ 44. Revise § 1235.46(d) introductory text to read as follows:

§ 1235.46 What electronic media may be used for transferring records to the National Archives of the United States?

* * * * *

(d) *File Transfer Protocol.* Agencies may use File Transfer Protocol (FTP) to transfer permanent electronic records to the National Archives of the United States only with NARA's approval. Several important factors may limit the use of FTP as a transfer method, including the number of records, record file size, and available bandwidth. Agencies must contact NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *stillpix.accessions@nara.gov* (for digital photographs) or *mopix.accessions@nara.gov* (for electronic audiovisual records). For all other electronic records formats, contact NARA to initiate the transfer discussions, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.* Each transfer of electronic records via FTP must be preceded with a signed SF 258 sent to RDE.

* * * * *

■ 45. Revise § 1235.48(e)(2) to read as follows:

§ 1235.48 What documentation must agencies transfer with electronic records?

* * * * *

(e) * * *

(2) Guidance on the documentation for electronic records in these formats is available online at *http://www.archives.gov/records-mgmt/policy/transfer-guidance.html* or by contacting NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.*

■ 46. Revise § 1235.50(a)(1) and (3) and (e) to read as follows:

§ 1235.50 What specifications and standards for transfer apply to electronic records?

(a) *General.* (1) Agencies must transfer electronic records in a format that is independent of specific hardware or software. Except as specified in paragraphs (c) through (e) of this section, the records must be written in American Standard Code for Information Interchange (ASCII) or Extended Binary Coded Decimal Interchange Code (EBCDIC) with all control characters and other non-data characters removed. Consult NARA about electronic records in other formats, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.*

* * * * *

(3) Agencies interested in transferring scheduled electronic records using a Tape Archive (TAR) utility must contact NARA to initiate transfer discussions, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.*

* * * * *

(e) *Electronic mail, scanned images of textual records, portable document format records, digital photographic records, and web content records.* For guidance on transferring these records to NARA, agencies should consult the transfer requirements available online at *https://www.archives.gov/records-mgmt/policy/transfer-guidance.html* or upon request from NARA, by mail at National Archives and Records Administration; Electronic Records Division (RDE); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *etransfers@nara.gov.*

PART 1237—AUDIOVISUAL, CARTOGRAPHIC, AND RELATED RECORDS MANAGEMENT

■ 47. The authority citation for part 1237 continues to read as follows:

Authority: 44 U.S.C. 2904 and 3101.

■ 48. Amend § 1237.3 by revising paragraph (a), removing paragraph (b), redesignating paragraphs (c) through (f) as paragraphs (b) through (e), and revising the introductory text of newly redesignated paragraph (e) to read as follows:

§ 1237.3 What standards are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the **Federal Register** and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740–6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to *http://www.archives.gov/federal_register/cfr/ibr-locations.html.*

* * * * *

(e) The following standards are not available from the original publisher or a standards reseller. To inspect the standards at a NARA location other than the NARA facility in College Park, MD, or the Office of the Federal Register, contact NARA's Regulations Comment Desk as provided in paragraph (a) of this section.

* * * * *

§ 1237.22 [Amended]

■ 49. Amend § 1237.22(f) by removing the words ''the National Archives and Records Administration, Preservation Programs, (NWT), 8601 Adelphi Road, College Park, MD 20740, phone number (301) 837–1785 for preservation, storage, and treatment options'' and adding in their place the words ''NARA for preservation, storage, and treatment options, by mail at National Archives and Records Administration; Preservation Programs (RX); 8601 Adelphi Road; College Park, MD 20740–6001.''

■ 50. Amend § 1237.28 by revising the second sentence of paragraph (b) to read as follows:

§ 1237.28 What special concerns apply to digital photographs?

* * * * *

(b) * * * Request additional information and assistance from NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *stillpix.accessions@nara.gov.*

* * * * *

§ 1237.30 [Amended]

■ 51. Amend § 1237.30 as follows:

■ a. In paragraphs (a)(2), removing the words ''the National Archives and Records Administration, Modern Records Program (NWM), 8601 Adelphi Road, College Park, MD 20740, phone number (301) 837–1738'' and adding in their place the words ''NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *stillpix.accessions@nara.gov* (for photographs) or *mopix.accessions@nara.gov* (for motion picture film).''

■ b. In paragraph (b), removing the words ''Agencies must notify the National Archives and Records Administration, Modern Records Program (NWM), 8601 Adelphi Road, College Park, MD 20740, phone number (301) 837–1738'' and adding in their place the words ''Notify NARA, by mail at National Archives and Records Administration; Special Media Records Division (RDS); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *stillpix.accessions@nara.gov* (for photographs) or *mopix.accessions@nara.gov* (for motion picture film).''

PART 1238—MICROFORMS RECORDS MANAGEMENT

■ 52. The authority citation for part 1238 continues to read as follows:

Authority: 44 U.S.C. chapters 29 and 33.

■ 53. Amend § 1238.5 by revising paragraph (a), removing paragraph (b), and redesignating paragraphs (c) through (e) as paragraph (b) through (d) to read as follows:

§ 1238.5 What publications are incorporated by reference in this part?

(a) NARA incorporates certain material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NARA must publish a document in the **Federal Register** and the material must be available to the public. You may inspect all approved material incorporated by reference at NARA's textual research room, located at National Archives and Records Administration; 8601 Adelphi Road; Room 2000; College Park, MD 20740–

6001. To arrange to inspect this approved material at NARA, contact NARA's Regulation Comments Desk (Strategy and Performance Division (MP)) by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151. All approved material is also available from the sources listed below. You may also inspect approved material at the Office of the Federal Register (OFR). For information on the availability of this material at the OFR, call 202.741.6000 or go to *http://www.archives.gov/federal_register/cfr/ibr-locations.html.*

* * * * *

PART 1239—PROGRAM ASSISTANCE AND INSPECTIONS

■ 54. The authority citation for part 1239 continues to read as follows:

Authority: 44 U.S.C. 2904 and 2906.

■ 55. Revise § 1239.12 to read as follows:

§ 1239.12 Whom may agencies contact to request program assistance?

For information or assistance in any of the areas covered by this subchapter, agencies may contact NARA by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740–6001, or by email at *RM.Communications@nara.gov.*

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2018–06174 Filed 3–29–18; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–2017; FRL–9975–72—Region 4]

Air Plan Approval; Alabama; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Alabama state implementation plan (SIP). The regulations affected by this update have been previously submitted by Alabama and approved by EPA. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This action is effective March 30, 2018.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.* To view the materials at the Region 4 Office, EPA request that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached via telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52 ''Approval and Promulgation of Implementation Plans,'' Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is ''incorporated by reference.'' This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new and/or revised state regulations. A submission from a state can revise one or more rules in their entirety or portions of rules, or even change a single word. The state indicates the changes in the submission (such as, by using redline/strikethrough) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number. which is listed in each action. These dockets and the complete submission are available for viewing on *www.regulations.gov.*

On May 22, 1997, (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each state SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain ''SIP Compilations'' that contain the federally-approved regulations and source specific permits submitted by each state agency. These SIP Compilations are contained in 3-ring binders and are updated primarily on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. EPA applied the 1997 revised procedures to Alabama on December 22, 1998 (63 FR 70669).

II. EPA Action

This action represents EPA's publication of the Alabama SIP Compilation update, appearing in 40 CFR part 52: specifically, the materials of paragraphs (c) and (d) at 40 CFR 52. In addition, notice is provided of the following corrections to paragraph (c) of section 52.50, as described below:

A. Under the ''State effective date'' and ''EPA approval date'' changing the 2-digit year to reflect a 4-digit year (for consistency) and correcting numerous **Federal Register** citations to reflect the

first page of the preamble as opposed to the regulatory text page.

B. Section 335–3–1–.05: revising entry to read ''Sampling and Testing Methods.''

C. Section 335–3–3–.01: State effective date is revised to read ''1/22/2008'' and EPA approval date is revised to read ''9/15/2008; 73 FR 53134.''

D. Section 335–3–4–.01: State effective date is revised to read ''9/30/2008'' and EPA approval date is revised to read ''10/15/2008; 73 FR 60957.''

E. Section 335–3–4–.16: entry is removed from the table because the rule was reserved.

F. Section 335–3–5–.10: revising entry to read ''TR SO_2 Trading Program—computation of Time.

G. Section 335–3–5–.20: entry is removed from the table because the rule was reserved.

H. Section 335–3–5–.30: entry is removed from the table because the rule was reserved.

I. Section 335–3–6–.02: State effective date is revised to read ''4/15/1987'' and EPA approval date is revised to read ''9/27/1993; 58 FR 50262.''

J. Section 335–3–6–.03: State effective date is revised to read ''4/15/1987'' and EPA approval date is revised to read ''9/27/1993; 58 FR 50262.''

K. Section 335–3–6–.19: entry is removed from the table because the rule was reserved.

L. Section 335–3–6–.26: State effective date is revised to read ''4/15/1987'' and EPA approval date is revised to read ''9/27/1993; 58 FR 50262.''

M. Section 335–3–6–.31: State effective date is revised to read ''4/15/1987'' and EPA approval date is revised to read ''9/27/1993; 58 FR 50262.''

N. Section 335–3–6–.33: State effective date is revised to read ''10/15/1996'' and EPA approval date is revised to read ''6/6/1997; 62 FR 30991.''

O. Section 335–3–6–.35: State effective date is revised to read ''4/15/1987'' and EPA approval date is revised to read ''9/27/1993; 58 FR 50262.''

P. Section 335–3–6–.40: entry is removed from the table because the rule was reserved.

Q. Section 335–3–6–.43: State effective date is revised to read ''10/15/1996'' and EPA approval date is revised to read ''6/6/1997; 62 FR 30991.''

R. Section 335–3–6–.49: State effective date is revised to read ''10/15/1996'' and EPA approval date is revised to read ''6/6/1997; 62 FR 30991.''

S. Section 335–3–6–.53: State effective date is revised to read ''10/15/1996'' and EPA approval date is revised to read ''6/6/1997; 62 FR 30991.''

T. Section 335–3–8–.04: Title/subject is changed to remove the word ''(Reserved)''.

U. Section 335–3–8–.15: entry is removed from the table because the rule was reserved.

V. Section 335–3–8-.19: removing the explanation because EPA inadvertently inserted this explanation in its August 31, 2016 (81 FR 59869) approval of this section. There is only one section of 335–3–8-.19 in the approved SIP.

W. Section 335–3–8–.22: entry is removed from the table because the rule was reserved.

X. Section 335–3–8–.47: entry is removed from the table because the rule was reserved.

Y. Section 335–3–8–.54: entry is removed from the table because the rule was reserved.

Z. Section 335–3–8–.64: entry is removed from the table because the rule was reserved.

AA. Section 335–3–14–.04: revising entry to read ''Air Permits Authorizing Construction in Clean Air Areas (Prevention of Significant Deterioration (PSD))

BB. Chapter 335–3–20 heading and Sections 335–3–20–.01 through 335–3–20–.03: entries are removed from the table because the rule was reserved.

III. Good Cause Exemption

EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and corrects typographical errors appearing in the CFR. Under section 553(b)(3)(B) of the APA, an agency may find good cause where procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' and ''contrary to the public interest'' since the codification (and typographical corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Alabama SIP Compilation and notice of typographical corrections to the Alabama ''Identification of Plan'' portion of the **Federal Register**. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP compilation and the CFR ''Identification of plan'' section (which includes table entry corrections).

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Alabama and federally effective prior to October 1, 2017. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews:

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this notification of administrative change 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);
- 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 rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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).

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Alabama SIP compilations previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) of the CAA is not available.

List of Subjects in 40 CFR Part 52

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

Dated: January 29, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

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 B—Alabama

■ 2. In § 52.50, paragraphs (b), (c) and (d) are revised to read as follows:

§ 52.50 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to October 1, 2017, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after October 1, 2017, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1).

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street SW, Atlanta, GA 30303. To obtain the material, please call (404) 562–9022. You may inspect the material with an EPA approval date prior to October 1, 2017, for Alabama at the National Archives and Records Administration. For information on the availability of this material at NARA go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) EPA Approved Alabama Regulations.

EPA-APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter No. 335–3–1 General Provision				
Section 335–3–1–.01	Purpose	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–1–.02	Definitions	5/19/2017	10/13/2017, 82 FR 47631.	
Section 335–3–1–.03	Ambient Air Quality Standards	10/13/1998	3/01/1999; 64 FR 9918.	
Section 335–3–1–.04	Monitoring, Records, and Reporting.	10/15/1996	6/06/1997; 62 FR 30991.	
Section 335–3–1–.05	Sampling and Testing Methods	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–1–.06	Compliance Schedule	10/15/1996	6/06/1997; 62 FR 30991.	
Section 335–3–1–.07	Maintenance and Malfunctioning of Equipment; Reporting.	10/15/1989	3/19/1990; 55 FR 10062.	
Section 335–3–1–.08	Prohibition of Air Pollution	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–1–.09	Variances	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–1–.10	Circumvention	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–1–.11	Severability	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–1–.12	Bubble Provision	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–1–.13	Credible Evidence	4/13/1999	11/3/1999; 64 FR 59633.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–1–.14	Emissions Reporting Requirements Relating to Budgets for NO_X Emissions.	4/6/2001	7/16/2001; 66 FR 36921.	
Section 335–3–1–.15	Emissions Inventory Reporting Requirements.	4/3/2003	4/24/2003; 68 FR 20077.	
Chapter No. 335–3–2 Air Pollution Emergency				
Section 335–3–2–.01	Air Pollution Emergency	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.02	Episode Criteria	8/10/2000	12/8/2000; 65 FR 76940.	
Section 335–3–2–.03	Special Episode Criteria	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.04	Emission Reduction Plans	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.05	Two Contaminant Episode	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.06	General Episodes	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.07	Local Episodes	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–2–.08	Other Sources	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–2–.09	Other Authority Not Affected	6/22/1989	3/19/1990; 55 FR 10062.	
Chapter No. 335–3–3 Control of Open Burning and Incineration				
Section 335–3–3–.01	Open Burning	1/22/2008	9/15/2008; 73 FR 53134.	
Section 335–3–3–.02	Incinerators	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–3–.03	Incineration of Wood, Peanut, and Cotton Ginning Waste.	8/10/2000	12/8/2000; 65 FR 76938.	
Chapter No. 335–3–4 Control of Particulate Emissions				
Section 335–3–4–.01	Visible Emissions	9/30/2008	10/15/2008; 73 FR 60957.	
Section 335–3–4–.02	Fugitive Dust and Fugitive Emissions.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.03	Fuel Burning Equipment	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.04	Process Industries—General	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.05	Small Foundry Cupola	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–4–.06	Cotton Gins	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–4–.07	Kraft Pulp Mills	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.08	Wood Waste Boilers	6/9/2017	10/13/2017; 82 FR 47631.	
Section 335–3–4–.09	Coke Ovens	8/10/2000	12/8/2000; 65 FR 76940.	
Section 335–3–4–.10	Primary Aluminum Plants	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–4–.11	Cement Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.12	Xylene Oxidation Process	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–4–.13	Sintering Plants	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–4–.14	Grain Elevators	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.15	Secondary Lead Smelters	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–4–.17	Steel Mills Located in Etowah County.	10/15/1996	6/6/1997; 62 FR 30991.	
Chapter No. 335–3–5 Control of Sulfur Compound Emissions				
Section 335–3–5–.01	Fuel Combustions	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–5–.02	Sulfuric Acid Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–5–.03	Petroleum Production	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–5–.04	Kraft Pulp Mills	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–5–.05	Process Industries—General	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–5–.06	State Clean Air Interstate Rule (CAIR) SO_2 Trading Program General Provisions.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.06	TR SO_2 Trading Program—Purpose and Definitions.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.06 are included in the approved SIP.
Section 335–3–5–.07	CAIR Designated Representative for CAIR SO_2 Sources.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.07	TR SO_2 Trading Program—Applicability.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.07 are included in the approved SIP.
Section 335–3–5–.08	Permits	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.08	TR SO_2 Trading Program—Retired Unit Exemption.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.08 are included in the approved SIP.
Section 335–3–5–.09	TR SO_2 Trading Program—Standard Requirements.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.10	TR SO_2 Trading Program—computation of Time.	11/24/2015	8/31/2016, 81 FR 59869.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–5–.11	CAIR SO_2 Allowance Tracking System.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.11	Administrative Appeal Procedures.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.11 are included in the approved SIP.
Section 335–3–5–.12	CAIR SO_2 Allowance Transfers	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.12	SO_2 Trading Budgets and Variability Limits.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.12 are included in the approved SIP.
Section 335–3–5–.13	Monitoring and Reporting	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.13	TR SO_2 Allowance Allocations	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.13 are included in the approved SIP.
Section 335–3–5–.14	CAIR SO_2 Opt-in Units	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–5–.14	Authorization of Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–5–.14 are included in the approved SIP.
Section 335–3–5–.15	Responsibilities of Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.16	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.17	Certificate of Representation	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.18	Objections Concerning Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.19	Delegation by Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.21	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.22	Recordation of TR SO_2 Allowance Allocations and Auction Results.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.23	Submission of TR SO_2 Allowance Transfers.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.24	Recordation of TR SO_2 Allowance Transfers.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.25	Compliance with TR SO_2 Emissions Limitation.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.26	Compliance with TR SO_2 Assurance Provisions.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.27	Banking	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.28	Account Error	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.29	Administrator's Action on Submissions.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.31	General Monitoring, Recordkeeping, and Reporting Requirements.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.32	Initial Monitoring System Certification and Recertification Procedures.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.33	Monitoring System Out-of-Control Periods.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.34	Notifications Concerning Monitoring.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.35	Recordkeeping and Reporting ..	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–5–.36	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements.	11/24/2015	8/31/2016, 81 FR 59869.	
Chapter No. 335–3–6 Control of Organic Emissions				
Section 335–3–6–.01	Applicability	10/15/1996	6/6/1997; 62 FR 30991.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–6–.02	VOC Water Separation	4/15/1987	9/27/1993; 58 FR 50262.	
Section 335–3–6–.03	Loading and Storage of VOC ...	4/15/1987	9/27/1993; 58 FR 50262.	
Section 335–3–6–.04	Fixed–Roof Petroleum Liquid Storage Vessels.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.05	Bulk Gasoline Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.06	Bulk Gasoline Terminals	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–6–.07	Gasoline Dispensing Facilities—Stage I.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.08	Petroleum Refinery Sources	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.09	Pumps and Compressors	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.10	Ethylene Producing Plants	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.11	Surface Coating	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.12	Solvent Metal Cleaning	10/15/1996	06/6/1997; 62 FR 30991.	
Section 335–3–6–.13	Cutback Asphalt	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.14	Petition for Alternative Controls	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.15	Compliance Schedules	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.16	Test Methods and Procedures	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–6–.17	Manufacture of Pneumatic Tires.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.18	Manufacture of Synthesized Pharmaceutical Products.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.20	Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.21	Leaks from Petroleum Refinery Equipment.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.22	Graphic Arts	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.23	Petroleum Liquid Storage in External Floating Roof Tanks.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.24	Applicability	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.25	VOC Water Separation	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.26	Loading and Storage of VOC ...	4/15/1987	9/27/1993; 58 FR 50262.	
Section 335–3–6–.27	Fixed-Roof Petroleum Liquid Storage Vessels.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.28	Bulk Gasoline Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.29	Gasoline Terminals	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.30	Gasoline Dispensing Facilities Stage 1.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.31	Petroleum Refinery Sources	4/15/1987	9/27/1993; 58 FR 50262.	
Section 335–3–6–.32	Surface Coating	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.33	Solvent Metal Cleaning	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.34	Cutback Asphalt	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.35	Petition for Alternative Controls	4/15/1987	9/27/1993; 58 FR 50262.	
Section 335–3–6–.36	Compliances Schedules	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.37	Test Methods and Procedures	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.38	Manufacture of Pneumatic Tires.	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–6–.39	Manufacture of Synthesized Pharmaceutical Products.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.41	Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.42	Leaks from Petroleum Refinery Equipment.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.43	Graphic Arts	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.44	Petroleum Liquid Storage in External Floating Roof Tanks.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.45	Large Petroleum Dry Cleaners	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.46	Aerospace Assembly and Component and Component Coatings Operation.	6/22/1989	6/6/1997; 62 FR 30991.	
Section 335–3–6–.47	Leaks from Coke by-Product Recovery Plant Equipment.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.48	Emissions from Coke by-Product Recovery Plant Coke Oven Gas Bleeder.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.49	Manufacture of Laminated Countertops.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–6–.50	Paint Manufacture	10/15/1996	6/6/1997; 62 FR 30991.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–6–.53	List of EPA Approved and Equivalent Test Methods and Procedures for the Purpose of Determining VOC Emissions.	10/15/1996	6/6/1997; 62 FR 30991.	
Chapter No. 335–3–7 Carbon Monoxide Emissions				
Section 335–3–7–.01	Metals Productions	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–7–.02	Petroleum Processes	6/22/1989	3/19/1990; 55 FR 10062.	
Chapter No. 335–3–8 Control of Nitrogen Oxides Emissions				
Section 335–3–8–.01	Standards for Portland Cement Kilns.	4/6/2001	7/17/2001; 66 FR 36919.	
Section 335–3–8–.02	Nitric Acid Manufacturing	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–8–.03	NO_X Emissions from Electric Utility Generating Units.	10/24/2000	11/7/2001; 66 FR 56223.	
Section 335–3–8–.04	Standards for Stationary Reciprocating Internal Combustion Engines.	3/22/2005	12/28/2005; 70 FR 76694.	
Section 335–3–8–.05	NO_X Budget Trading Program ..	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.06	Authorized Account Representative for NO_X Budget Sources.	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.07	Permits	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.07	TR NO_X Annual Trading Program—Purpose and Definitions.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.07 are included in the approved SIP.
Section 335–3–8–.08	Compliance Certification	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.08	TR NO_X Annual Trading Program—Applicability.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.08 are included in the approved SIP.
Section 335–3–8–.09	NO_X Allowance Allocations	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.09	TR NO_X Annual Trading Program—Retired Unit Exemption.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.09 are included in the approved SIP.
Section 335–3–8–.10	NO_X Allowance Tracking System.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.10	TR NO_X Annual Trading Program—Standard Requirements.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.10 are included in the approved SIP.
Section 335–3–8–.11	NO_X Allowance Transfers	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.11	TR NO_X Annual Trading Program—Computation of Time.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.11 are included in the approved SIP.
Section 335–3–8–.12	Monitoring and Reporting	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.12	Administrative Appeal Procedures.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.12 are included in the approved SIP.
Section 335–3–8–.13	Individual Unit Opt–ins	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.13	NO_X Annual Trading Budgets and Variability Limits.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.13 are included in the approved SIP.
Section 335–3–8–.14	New Combustion Sources	4/6/2001	7/16/2001; 66 FR 36919.	
Section 335–3–8–.14	TR NO_X Annual Allowance Allocations.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.14 are included in the approved SIP.
Section 335–3–8–.16	CAIR NO_X Annual Budget Trading Program.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.16	Authorization of Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.16 are included in the approved SIP.
Section 335–3–8–.17	CAIR Designated Representative for CAIR NO_X Sources.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.17	Responsibilities of Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.17 are included in the approved SIP.
Section 335–3–8–.18	CAIR Permits	4/3/2007	10/1/2007; 72 FR 55659.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–8–.18	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.18 are included in the approved SIP.
Section 335–3–8–.19	Certificate of Representation	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.20	CAIR NO_X Allowance Allocations.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.20	Objections Concerning Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.20 are included in the approved SIP.
Section 335–3–8–.21	CAIR NO_X Allowance Tracking System.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.21	Delegation by Designated Representative and Alternate Designated Representative.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.21 are included in the approved SIP.
Section 335–3–8–.23	CAIR Monitoring and Reporting	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.23	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.23 are included in the approved SIP.
Section 335–3–8–.24	CAIR NO_X Opt-in Units	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.24	Recordation of TR NO_X Annual Allowance Allocations and Auction Results.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.24 are included in the approved SIP.
Section 335–3–8–.25	CAIR NO_X Ozone Season Trading Program.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.25	Submission of TR NO_X Annual Allowance Transfers.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.25 are included in the approved SIP.
Section 335–3–8–.26	CAIR Designated Representative for CAIR NO_X Ozone Season Sources.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.26	Recordation of TR NO_X Annual Allowance Transfers.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.26 are included in the approved SIP.
Section 335–3–8–.27	CAIR NO_X Ozone Season Permits.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.27	Compliance with TR NO_X Annual Emissions Limitation.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.27 are included in the approved SIP.
Section 335–3–8–.28	Compliance with TR NO_X Annual Assurance Provisions.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.29	CAIR NO_X Ozone Season Allowance Allocations.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.29	Banking	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.29 are included in the approved SIP.
Section 335–3–8–.30	CAIR NO_X Ozone Season Allowance Tracking System.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.30	Account Error	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.30 are included in the approved SIP.
Section 335–3–8–.31	Administrator's Action on Submissions.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.32	CAIR NO_X Ozone Season Monitoring and Reporting.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.33	CAIR NO_X Ozone Season Opt-in Units.	4/3/2007	10/1/2007; 72 FR 55659.	
Section 335–3–8–.33	General Monitoring, Recordkeeping, and Reporting Requirements.	11/24/2015	8/31/2016, 81 FR 59869	Both sections of 335–3–8–.33 are included in the approved SIP.
Section 335–3–8–.34	Initial Monitoring System Certification and Recertification Procedures.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.35	Monitoring System Out-of-Control Periods.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.36	Notifications Concerning Monitoring.	11/24/2015	8/31/2016, 81 FR 59869.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–8–.37	Recordkeeping and Reporting ..	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.38	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements.	11/24/2015	8/31/2016, 81 FR 59869.	
Section 335–3–8–.39	TR NO_X Ozone Season Group 2 Trading Program—Purpose and Definitions.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.40	TR NO_X Ozone Season Group 2 Trading Program—Applicability.	11/24/2015	10/6/2017, 82 FR 46674.	
Section 335–3–8–.41	TR NO_X Ozone Season Group 2 Trading Program—Retired Unit Exemption.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.42	TR NO_X Ozone Season Group 2 Trading Program—Standard Requirements.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.43	TR NO_X Ozone Season Group 2 Trading Program—Computation of Time.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.44	Administrative Appeal Procedures.	11/24/2015	10/6/2017, 82 FR 46674.	
Section 335–3–8–.45	NO_X Ozone Season Group 2 Trading Budgets and Variability Limits.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.46	TR NO_X Ozone Season Group 2 Allowance Allocations.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.48	Authorization of Designated Representative and Alternate Designated Representative.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.49	Responsibilities of Designated Representative and Alternate Designated Representative.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.50	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.51	Certificate of Representation	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.52	Objections Concerning Designated Representative and Alternate Designated Representative.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.53	Delegation by Designated Representative and Alternate Designated Representative.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.55	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.56	Recordation of TR NO_X Ozone Season Group 2 Allowance Allocations and Auction Results.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.57	Submission of TR NO_X Ozone Season Group 2 Allowance Transfers.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.58	Recordation of TR NO_X Ozone Season Group 2 Allowance Transfers.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.59	Compliance with TR NO_X Ozone Season Group 2 Emissions Limitation.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.60	Compliance with TR NO_X Ozone Season Group 2 Assurance Provisions.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.61	Banking	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.62	TR NO_X Ozone Season Group 2 Trading Program—Account Error.	6/9/2017	10/6/2017, 82 FR 46674.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–8–.63	TR NO_X Ozone Season Group 2 Trading Program—Administrator's Action on Submissions.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.65	General Monitoring, Recordkeeping, and Reporting Requirements.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.66	Initial Monitoring System Certification and Recertification Procedures.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.67	Monitoring System Out-of-Control Periods.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.68	Notifications Concerning Monitoring.	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.69	Recordkeeping and Reporting ..	6/9/2017	10/6/2017, 82 FR 46674.	
Section 335–3–8–.70	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements.	6/9/2017	10/6/2017, 82 FR 46674.	
Chapter No. 335–3–9 Control of Emissions from Motor Vehicles				
Section 335–3–9–.01	Visible Emission Restriction for Motor Vehicles.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–9–.02	Ignition System and Engine Speed.	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–9–.03	Crankcase Ventilation Systems	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–9–.04	Exhaust Emission Control Systems.	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–9–.05	Evaporative Loss Control Systems.	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–9–.06	Other Prohibited Acts	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–9–.07	Effective Date	10/15/1996	6/6/1997; 62 FR 30991.	
Chapter No. 335–3–12 Continuous Monitoring Requirements for Existing Sources				
Section 335–3–12–.01 ...	General	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–12–.02 ...	Emission Monitoring and Reporting Requirements.	2/17/1998	9/14/1998; 63 FR 49005.	
Section 335–3–12–.03 ...	Monitoring System Malfunction	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–12–.04 ...	Alternate Monitoring and Reporting Requirements.	6/22/1989	3/19/1990; 55 FR 10062.	
Section 335–3–12–.05 ...	Exemptions and Extensions	6/22/1989	3/19/1990; 55 FR 10062.	
Chapter No. 335–3–13 Control of Fluoride Emissions				
Section 335–3–13–.01 ...	General	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–13–.02 ...	Superphosphoric Acid Plants ...	10/15/1996	06/6/1997; 62 FR 30991.	
Section 335–3–13–.03 ...	Diammonium Phosphate Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–13–.04 ...	Triple Superphosphoric Plants	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–13–.05 ...	Granular Triple Superphosphoric Storage Facilities.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–13–.06 ...	Wet Process Phosphoric Acid Plants.	10/15/1996	6/6/1997; 62 FR 30991.	
Chapter No. 335–3–14 Air Permits				
Section 335–3–14–.01 ...	General Provisions	2/17/1998	9/14/1998; 63 FR 49005.	
Section 335–3–14–.02 ...	Permit Procedures	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–14–.03 ...	Standards for Granting Permits	5/23/2011	9/26/2012; 77 FR 59100..	
Section 335–3–14–.04 ...	Air Permits Authorizing Construction in Clean Air Areas (Prevention of Significant Deterioration (PSD)).	11/25/20147	10/10/2017; 82 FR 469214.	

EPA-APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335–3–14–.05 ...	Air Permits Authorizing Construction in or Near Nonattainment Areas.	5/23/2011	1/11/2016; 81 FR 1124	With the exception of: The portion of 335–3–14–.05(1)(k) stating "excluding ethanol production facilities that produce ethanol by natural fermentation"; and 335–3–14–.05(2)(c)3 (addressing fugitive emission increases and decreases). Also with the exception of the state-withdrawn elements: 335–3–14–.05(1)(h) (the actual-to-potential test for projects that only involve existing emissions units); the last sentence at 335–3–14–.05(3)(g), stating "Interpollutant offsets shall be determined based upon the following ratios"; and the NNSR interpollutant ratios at 335–3–14–.05(3)(g)1–4.
Chapter No. 335–3–15 Synthetic Minor Operating Permits				
Section 335–3–15–.01 ...	Definitions	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–15–.02 ...	General Provisions	8/10/2000	12/8/2000; 65 FR 76938.	
Section 335–3–15–.03 ...	Applicability	11/23/1993	10/20/1994; 59 FR 52916.	
Section 335–3–15–.04 ...	Synthetic Minor Operating Permit Requirements.	10/15/1996	6/6/1997; 62 FR 30991.	
Section 335–3–15–.05 ...	Public Participation	10/15/1996	6/6/1997; 62 FR 30991.	
Chapter No. 335–3–17 Conformity of Federal Actions to State Implementation Plans				
Section 335–3–17.01	Transportation Conformity	5/28/2013	10/12/2017; 82 FR 47383.	
Section 335–3–17–.02 ...	General Conformity	5/23/2011	9/26/2012; 77 FR 59100.	

(d) EPA approved Alabama source specific requirements.

EPA APPROVED ALABAMA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Lafarge Cement Kiln	AB70004_1_01	2/6/2008	7/30/2009; 74 FR 37945 ..	Certain provisions of the permit.
Lehigh Cement Kiln	4–07–0290–03	2/6/2008	7/30/2009, 74 FR 37945 ..	Certain provisions of the permit.

* * * * *

[FR Doc. 2018–06367 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0266; FRL–9975–79—Region 1]

Air Plan Approval; New Hampshire; Approval of Recordkeeping and Reporting Requirements and Single Source Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. The revisions establish recordkeeping and reporting obligations for sources of air pollution. Additionally, we are approving an order limiting emissions of volatile organic compounds from a facility in the State. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on April 30, 2018.

ADDRESSES: EPA has established a docket for this action under Docket

Identification No. EPA–R01–OAR–2017–0266. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Environmental Engineer, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109–3912; (617) 918–1046; *mcconnell.robert@epa.gov*.

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

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I. Background and Purpose
II. Response to Comments
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I. Background and Purpose

On November 14, 2017 (82 FR 52683), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of New Hampshire. The NPRM proposed approval of a revised single source order limiting emissions of volatile organic compounds (VOCs) from Sturm Ruger & Company, and a revised state regulation identified as Env–A 900, Owner or Operator Recordkeeping and Reporting Obligations. During the public comment period we received four comment letters. Two of the comment letters did not contain information that was specific or germane to our proposed actions for New Hampshire. One comment letter noted that approving New Hampshire's SIP revisions was ''a bad idea,'' but did not explain why or how New Hampshire's SIP revisions should be changed. One letter did contain relevant adverse comments and those comments are responded to below. In light of these relevant adverse comments, on January 11, 2018 (83 FR 1302) we published a withdrawal of the direct final rule we published in conjunction with our November 14, 2017 NPRM (82 FR 52664).

II. Response to Comments

Comment

A comment was received indicating that EPA should not approve the ''reasonably available control technology'' (RACT) order for Sturm Ruger & Company for the following reasons. First, the commenter notes that Table 1 of the order illustrates that the company is able to meet a more stringent emission limit for topcoats than the order requires, and therefore the order should not be approved because this emission limit does not represent the lowest emission limit the source can meet for that coating. Additionally, the commenter notes that EPA should not approve sections of the order that involve SIP-approved rules because doing so is redundant, and may create conflicting requirements if the state changes the SIP-approved rule at some point in the future.

Response

With regard to the commenter's first point, we note that the RACT order that we are approving into the New Hampshire SIP, Order ARD–03–001 issued to Sturm Ruger & Company, is divided into four parts as follows: Section A, Introduction; Section B, Parties; Section C, Statement of Fact and Law; and Section D, Order. Section D, Order, contains the RACT requirements New Hampshire has tailored to the facility. Table 1, which the commenter alludes to as being indicative that the order contains insufficient requirements for RACT because the emission limit contained within it does not represent the lowest emission limit the source can meet for that coating, is found within Section C, Statement of Fact and Law, and the volatile organic compound (VOC) limits cited within it are from a state regulation previously approved into the New Hampshire State Implementation Plan (SIP).[1] Section C is provided as informative background as to what air pollution control regulations the source is subject to. Table 1 of Section C indicates that the source at issue in this SIP action uses coatings with VOC contents that are lower than allowed by the State's regulation, which illustrates that the source is in compliance with those existing state requirements. New Hampshire adopted the regulation in question, Env–A 1213, Wood Furniture, Burial Caskets, and Gunstock Coatings, to meet, in part, its obligation to ensure that RACT is required at major, and some non-major, sources of VOC emissions. EPA approved the State's regulation as meeting RACT on March 10, 1998 (63 FR 11600). EPA is not taking any action on those previously-approved SIP provisions in this action. The fact that the source has found coatings with VOC content limits that are lower than required by the State's regulation does not dictate that New Hampshire revise its regulation to make it more stringent; rather, as noted previously, it indicates that the source is in compliance with the State's RACT requirements for such facilities. The commenter's assertion that the levels shown in Table 1 can't be RACT because it is not the lowest emission limit the source can meet appear to confuse RACT, which requires ''reasonably available control technology,'' with the requirements of a more rigorous regulatory tool of ''lowest achievable emission rate'' (LAER). LAER, as defined at 40 CFR 51.165(a)(1)(xiii), could in some instances require a more stringent level of control than RACT.

In response to the commenter's second point regarding the Sturm Ruger & Company order, we do agree that some portions of Section D of the order are currently part of the New Hampshire SIP, and are therefore duplicative and not needed within the order. We have included in the Docket for this action a version of the State's order that excludes the portions of Section D of the order that are duplicative of existing, SIP-approved requirements, and are incorporating that version into the NH SIP. A copy of the version of RACT Order ARD–03–001, as amended February 2, 2017, that we are approving into the New Hampshire SIP has been placed into the Docket for this rulemaking.

Comment

A comment was received requesting that EPA not approve New Hampshire's recordkeeping and reporting rule, Env–A 900, until the state clarifies the applicability section of the rule. The commenter asserted that, as currently structured, the rule would apply to many small sources, including individual users of consumer products, and is therefore far too burdensome. The

[1] Table 1 of the order contains an outdated citation; it cites ''Env–A–1204.27 and 1204.28(a)(3), which are currently part of the ''definitions'' section of New Hampshire's VOC regulations. The current citations are as follows: For topcoats, Env–A 1213.03(a); for sealers, Env–A 1213.03(b); for strippable booth coatings, Env–A 1213.04(a)(3).

commenter cites Env–A 902.01 and 903.01 as examples of the asserted broad reach of the rule's authority.

Response

The applicability criteria of New Hampshire's Env–A 900 differ by section of the regulation, and are structured such that they would not apply to the small entities noted by the commenter. The provisions at Env–A 902.01 are not applicability provisions; rather, they provide the record retention and record availability requirements for sources that are subject to the rule. Env–A 903.01 does contain applicability criteria. For example, Env–A 903.01(a) provides applicability criteria as follows: ''Except as provided in (b),[2] below, this part shall apply to any stationary source, area source, or device that *is subject to Env–A 600*'' (underlined emphasis added). Env–A 600 is applicable to sources required to obtain a permit from the New Hampshire Department of Environmental Services (NH DES), and there are various, specific applicability criteria within that regulation identifying who needs to do so. For example, Env–A 607, Temporary Permits, applies to the sources identified within Env–A 607.01, including those noted in paragraph (a) of that section: external combustion devices with a heat input of greater than or equal to 10 million British Thermal Units (BTUs) per hour burning gas, liquid propane, distillate fuel, or any combination of these fuels. Env–A 607.01 continues with specific applicability criteria for other types of equipment, and in no case would apply to the small entities noted by the commenter. In addition, Env–A 900, section 904.01 provides applicability criteria for equipment that has ''. . . actual VOC emissions greater than or equal to 10 tons in any calendar year or that is subject to Env–A 1200 'VOC RACT'. . . .'' Here, as within Env–A 600, the specific applicability criteria of New Hampshire's regulations preclude their application to the small entities contemplated by the commenter, and no part of the regulation we are approving, Env–A 900, provides the state with such authority.

III. Final Action

EPA is approving portions of New Hampshire's revised regulation Env–A 900, Owner or Operator Recordkeeping and Reporting Obligations, and certain parts of the RACT Order ARD–03–001 issued to Sturm Ruger & Company, as revisions to the New Hampshire SIP. This rule, which responds to the adverse comments received, finalizes our proposed approval of these SIP revisions.

IV. 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 portions of Env–A 900, Owner or Operator Recordkeeping and Reporting Obligations, and portions of Order ARD–03–001, as amended February 2, 2017, as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information.

V. 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 Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 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).)

[2] Paragraph (b) of Env–A 903.01 lists several specific source types that are exempt from the section's requirements.

List of Subjects in 40 CFR Part 52

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

Dated: March 20, 2018.

Alexandra Dapolito Dunn,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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 EE—New Hampshire

■ 2. Amend § 52.1520 by:

■ a. In paragraph (c), amend the table by revising the entry ''Env–A 900''; and

■ b. In paragraph (d), amend the table by:

■ i. Removing the two entries entitled ''Sturm, Ruger & Company''; and

■ ii. Adding a new entry entitled ''Sturm Ruger & Company'' at the end of the table.

The revisions and additions read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date [1]	Explanations
*	*	*	*	*
Env–A 900	Owner or Operator Obligations	7/18/2015	3/30/2018, [Insert **Federal Register** citation].	Approved sections Env–A 901 through 911, except for the following sections withdrawn by the State and which are not part of the approved SIP: Env–A 907.01(d) and (e); 907.02(a)(1), (d)(1) a. and c., (d)(2), and (e); 907.03; 911.04(b) and (c); 911.05.
*	*	*	*	*

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(d) * * *

EPA-APPROVED NEW HAMPSHIRE SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date [2]	Additional explanations/§ 52.1535 citation
*	*	*	*	*
Sturm Ruger & Company.	ARD–03–001	2/2/2017	3/30/2018, [Insert **Federal Register** citation].	VOC RACT Order, as amended February 2, 2017, except sections D.1, and introductory clauses to sections D.2, D.3.b, D.5.a.i and b.i.

[2] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

[FR Doc. 2018–06381 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0660, EPA–HQ–OPP–2015–0720, EPA–HQ–OPP–2015–0723; FRL–9974–70]

N,N-Dimethyl 9-Decenamide; N,N-Dimethyldodecanamide; N,N-Dimethyltetradecanamide; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of *N,N*-dimethyl 9-decenamide (CAS Reg No. 1356964–77–6); *N,N*-dimethyldodecanamide (CAS Reg No. 3007–53–2); and *N,N*-dimethyltetradecanamide (CAS Reg No. 3015–65–4) when used as inert ingredients (surfactant, solvent) on growing crops and raw agricultural commodities after harvest, with a limitation that the concentration of the inert ingredient is at a concentration not

to exceed 20% by weight in a pesticide formulation. Technology Sciences Group on behalf of Stepan Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide when used in accordance with the established limitations.

DATES: This regulation is effective March 30, 2018. Objections and requests for hearings must be received on or before May 29, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0660, EPA–HQ–OPP–2015–0720 and EPA–HQ–OPP–2015–0723 are available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0660, EPA–HQ–OPP–2015–0720 and EPA–HQ–OPP–2015–0723 are in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 29, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0660, EPA–HQ–OPP–2015–0720 and EPA–HQ–OPP–2015–0723 are, by one of the following methods:

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

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

II. Petition for Exemption

In the **Federal Register** of November 23, 2015 (80 FR 72941) (FRL–9936–73), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of pesticide petitions IN–10791, IN–10805, and IN–10806 by Technology Sciences Group, (1150 18th Street NW, Suite 1000 Washington, DC 20036) on behalf of Stepan Company (22 West Frontage Road, Northfield, Illinois 60093). The petitions requested that 40 CFR 180.910 be amended by establishing exemptions from the requirement of a tolerance for residues of *N,N*-dimethyl 9-decenamide (CAS Reg No. 1356964–77–6) (IN–10791); *N,N*-dimethyldodecanamide (CAS Reg No. 3007–53–2) (IN–10806); and *N,N*-dimethyltetradecanamide (CAS Reg No. 3015–65–4) (IN–10805) when used as inert ingredients (surfactant/solvent) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest. That document referenced summaries of the petitions prepared by Technology Sciences Group on behalf of Stepan Company, the petitioner, which are available in the corresponding dockets, *http://www.regulations.gov.* A comment was received on the notice of filing. EPA's response to this comment is discussed in Unit V.C.

Based upon review of the data supporting the petitions, EPA has limited the maximum concentration of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide to not more than 20% by weight in pesticide formulations. The reason for this change is explained in Unit V.B. below.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing

agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide and *N,N*-dimethyltetradecanamide as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

N,N-dimethyl 9-decenamide is very similar in structure to *N,N*-dimethyldecanamide (differing only in the presence of a single double bond), and to *N,N*-dimethyloctanamide (differeing only in alkyl group carbon chain length and the presence of a terminal double bond). *N,N*-dimethyldodecanamide is very similar in structure to *N,N*-dimethyldecanamide and *N,N*-dimethyloctanamide, differing only in alkyl group carbon chain length. Similarly, *N,N*-dimethyltetradecanamide is very similar in structure to *N,N*-dimethyldecanamide and *N,N*-dimethyloctanamide, differing only in alkyl group carbon chain length. Based upon these close structural similarities, *N,N*-dimethyldecanamide and *N,N*-dimethyloctanamide are considered suitable surrogates to characterize toxicity due to exposure to *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide.

N,N-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide are not sensitizers. Based on the acute toxicity data on surrogate chemicals *N,N*-dimethyldecanamide and *N,N*-dimethyloctanamide, they are expected to be of low oral acute toxicity; the lethal dose, (LD_{50}) in rats is 1,770 milligrams/kilogram (mg/kg). The acute dermal LD_{50} is greater than 400 mg/kg and the acute inhalation lethal concentration, LC_{50} is greater than 3.55 milligrams/liter (mg/L). They are expected to be a severe irritant to the skin and corrosive to the eyes.

Following subchronic exposure in the diet of the rat, toxicity is manifested as an increased incidence of basophilic regenerative tubules in the renal cortex as well as a slight increase in the amount of protein excreted in the urine at 10,000 parts per million (ppm) (787.6 mg/kg/day). The no-observed-adverse effect level (NOAEL) is 2,000 ppm (136.8 mg/kg/day). In the 6-weeks toxicity study in dogs via gavage, decreased food consumption was seen at 1,000 mg/kg/day, the highest dose tested. The NOAEL was 500 mg/kg/day.

No fetal susceptibility is observed in developmental studies in rats or rabbits. In rats, maternal and developmental toxicity are observed at 450 mg/kg/day. In rats, maternal toxicity is manifested as clinical signs, food consumption and increased post-implantation loss. Developmental toxicity is manifested as decreased fetal body weight and increased incidence of skeletal malformations/variations. In the rabbit, neither maternal nor developmental toxicity is observed at dose levels up to 1,000 mg/kg/day.

In a 5-day repeat dose inhalation toxicity study in rats (nose only, 6-hour exposure per day), marginally reduced body weight gains and goblet cell hyperplasia in the nasal and paranasal cavities were seen at 521.2 mg/m^3 (approximately 426.8 mg/kg/day), the highest dose tested. The NOAEL is 111.2 mg/m^3).

N,N-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide are negative for gene mutations and clastogenicity in the Ames test and the micronucleus assay, respectively.

A Derek Nexus structural alert analysis was conducted with *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide and indicated no structural alerts for carcinogenicity or mutagenicity. Therefore, *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide are not expected to be carcinogenic.

No neurotoxicity or immunotoxicity studies are available for review with *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide. However, evidence of potential neurotoxicity or immunotoxicity was not observed in the submitted studies.

Based on the chemical structure and known mammalian enzymatic activities, *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide are expected to undergo carboxyamide hydrolysis by amidase enzymes that have broad substrate specificity, resulting in the corresponding carboxylic acid with a fatty acid structure.

B. Toxicological Points of Departure/ Levels of Concern

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

The chronic reference dose (cRfD) as well as all dermal exposure scenarios, was based on the 90-day toxicity study in the rat. In this study, the LOAEL was 10,000 ppm (equivalent to 787.6 mg/kg/day) based on an increased incidence of basophilic regenerative tubules in the renal cortex as well as a slight increase in the amount of protein excreted in the urine. The NOAEL was 2,000 ppm (equivalent to 136.8 mg/kg/day). This represents the lowest NOAEL in the most sensitive species in the toxicity database. The standard uncertainty factors were applied to account for interspecies (10x) and intraspecies (10x) variations. The additional uncertainty factor was reduced to 3x to account for extrapolation from subchronic to chronic exposures scenarios because the kidney effects were reversible and observed in male rats only. Additionally, in the dog following 6 weeks of oral exposure, no signs of toxicity were observed up to 500 mg/kg/day and the only sign of toxicity (decreased food consumption) was observed at the limit dose of 1,000 mg/kg/day. The 5-day inhalation toxicity study in rats was not selected for inhalation exposure assessment because oral end point and inhalation end points yielded comparable NOAEL. In addition, the nasal effects seen in this study is primarily due to irritation and marginally decreased in reduced body weight would have observed in the oral study. A dermal absorption factor of 85% was applied based on a dermal penetration study in rats and an *in vitro* dermal absorption study with human skin. The default value of 100% absorption was used for the inhalation absorption factor. The resultant chronic population adjusted dose (cPAD) is 0.456 mg/kg/day. The MOEs for short-term and intermediate-term occupational and residential exposures are 100.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide in food as follows:

Dietary exposure (food and drinking water) to *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide can occur following ingestion of foods with residues from treated crops. Because no adverse effects attributable to a single exposure of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; or *N,N*-dimethyltetradecanamide are seen in the toxicity databases, an acute dietary risk assessment is not necessary. For the chronic dietary risk assessment, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID™, Version 3.16, and food consumption information from the U.S. Department of Agriculture's (USDA's) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, no residue data were submitted for *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; or *N,N*-dimethyltetradecanamide. In the absence of specific residue data, EPA has developed an approach which uses surrogate information to derive upper bound exposure estimates for the subject inert ingredient. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high use insecticides, herbicides, and fungicides. One hundred percent crop treated was assumed, default processing factors, and tolerance-level residues for all foods and use limitations of not more than 20% in pesticide formulations. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts,'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide, a conservative drinking water concentration value of 100 ppb based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

N,N-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide may be used as inert ingredients in products that are registered for specific uses that may result in residential exposure, such as pesticides used in and around the home. The Agency conducted a conservative assessment of potential residential exposure by assessing *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide in pesticide formulations (outdoor scenarios) and in disinfectant-type uses (indoor scenarios). The Agency's assessment of

adult residential exposure combines high-end dermal and inhalation handler exposure from liquids/trigger sprayer/home garden and indoor hard surface, wiping with a high-end post application dermal exposure from contact with treated lawns. The Agency's assessment of children's residential exposure includes total post-application exposures associated with total exposures associated with contact with treated lawns and surfaces (dermal and hand-to-mouth exposures).

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

EPA has not found *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide to share a common mechanism of toxicity with any other substances, and *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The toxicity database for *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide contains subchronic and developmental toxicity studies conducted with surrogate chemicals. Increased fetal susceptibility is not observed in either of the developmental toxicity studies in rats or rabbits. In rats, maternal (clinical signs, food consumption and increased post-implantation loss) and developmental (fetal body weight, increased incidence of skeletal malformations/variations) toxicity were observed at 450 mg/kg/day. In the rabbit, neither maternal nor developmental toxicity was observed up to 1,000 mg/kg/day. Reproduction toxicity studies were not available; however, increased post-implantation loss is observed at 450 mg/kg/day in the developmental toxicity study in rats. The established cRfD will be protective of the observed effect. In addition, the Agency used conservative exposure estimates, with 100 percent crop treated, tolerance-level residues, conservative drinking water modeling numbers, and a conservative assessment of potential residential exposure for infants and children. Based on the adequacy of the toxicity database, the conservative nature of the exposure assessment, and the lack of concern for prenatal and postnatal sensitivity, the Agency has concluded that there is reliable data to determine that infants and children will be safe if the FQPA SF of 10x is reduced to 1x for short and intermediate-term exposure and 3 x for chronic exposure assessment.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide are not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide from food and water will utilize 62.3% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

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

N,N-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide may be used as inert ingredients in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide.

Using the exposure assumptions described above for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 680 for both adult males and females. EPA has concluded the combined short-term aggregated food, water, and residential pesticide exposures result in an aggregate MOE of 359 for children. Because EPA's level of concern for *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; and *N,N*-dimethyltetradecanamide is a MOE of 100 or below, these MOEs are not of concern.

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

N,N-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide may be used as inert ingredients in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to *N,N*-dimethyl 9-decenamide, *N,N*-

dimethyldodecanamide, and *N,N*-dimethyltetradecanamide.

Using the exposure assumptions described above for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs of 1475 for adult males and females. EPA has concluded the combined intermediate-term aggregated food, water, and residential exposures result in an aggregate MOE of 394 for children. Because EPA's level of concern for *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of structural alerts in a DEREK structural alert analysis and the lack of mutagenicity, *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide and *N,N*-dimethyltetradecanamide in or on any food commodities. EPA is establishing limitations on the amount of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide and *N,N*-dimethyltetradecanamide that may be used in pesticide formulations applied to growing crops. These limitations will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for use on growing crops or raw agricultural commodities after harvest for sale or distribution that exceeds 20% by weight of *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide unless additional data are submitted that demonstrate a higher concentration would be safe.

B. Revisions to Petitioned-For Tolerances

Based upon an evaluation of the data included in the petition, EPA is establishing an exemption from the requirement of a tolerance for residues of *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide,and *N,N*-dimethyltetradecanamide when used in pesticide formulations as inert ingredients (surfactant/solvent), not to exceed 20% by weight of the formulation, instead of the unlimited use requested. Because unlimited use of *N,N*-dimethyl 9-decenamide; *N,N*-dimethyldodecanamide; or *N,N*-dimethyltetradecanamide resulted in aggregate risks of concern, EPA is establishing a 20% limitation in formulation to support the safety finding of these tolerance exemptions. The concern for unlimited use of theses inert ingredients is documented on page 4 of the Agency's risk assessment documents ''*N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations,'' which can be found at *http://www.regulations.gov in in docket ID number* EPA–HQ–OPP–2015–0660, EPA–HQ–OPP–2015–0720 and EPA–HQ–OPP–2015–0723, respectively.

C. Response to Comments

The comment was received from a private citizen who opposed the authorization to sell any pesticide that leaves a residue on food. The Agency recognizes that some individuals believe that no residue of pesticides should be allowed. However, under the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) EPA is authorized to establish pesticide tolerances or exemptions where persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by the statute. EPA has evaluated all the available data and concluded that there is a reasonable certainty of no harm from the limited use of *N,N*-dimethyl 9-decenamide, *N,N*-dimethyldodecanamide, and *N,N*-dimethyltetradecanamide as inert ingredients in pesticide formulations. The commenter has not provided any information supporting a conclusion that such exposure will not be safe.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for residues of *N,N*-dimethyl 9-decenamide (CAS Reg No. 1356964–77–6), *N,N*-dimethyldodecanamide (CAS Reg No. 3007–53–2), and N,N-dimethyltetradecanamide (CAS Reg No. 3015–65–4) when used as inert ingredients (surfactant, solvent) at a maximum concentration not to exceed 20% by weight in any pesticide formulation applied to growing crops or raw agricultural commodities after harvest.

VII. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress

in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 12, 2018.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, add alphabetically the inert ingredients to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	* * *	*
N,N-Dimethyl 9-decenamide (CAS Reg. No. 1356964–77–6).	Not to exceed 20% by weight of pesticide formulation ..	Surfactant, solvent
N,N-Dimethyldodecanamide (CAS Reg. No. 3007–53–2)	Not to exceed 20% by weight of pesticide formulation ..	Surfactant, solvent
* * *	* * *	*
N,N-Dimethyltetradecanamide (CAS Reg. No. 3015–65–4).	Not to exceed 20% by weight of pesticide formulation ..	Surfactant, solvent
* * *	* * *	*

[FR Doc. 2018–06108 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–6078–N]

Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items; Update to the Master List of Items Frequently Subject to Unnecessary Utilization

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Master list deletions.

SUMMARY: This document announces the deletion of four Healthcare Common Procedure Coding System (HCPCS) codes from the Master List of Items Frequently Subject to Unnecessary Utilization that could be potentially subject to Prior Authorization as a condition of payment.

DATES: This action is applicable on April 30, 2018.

FOR FURTHER INFORMATION CONTACT:

Emily Calvert, (410) 786–4277.

Andre Damonze, (410) 786–1795.

SUPPLEMENTARY INFORMATION:

I. Background

In the December 30, 2015 final rule (80 FR 81674) titled ''Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies,'' we implemented section 1834(a)(15) of the Social Security Act (the Act) by establishing an initial Master List (called the Master List of Items Frequently Subject to Unnecessary Utilization) of certain DMEPOS that the Secretary determined, on the basis of prior payment experience, are frequently subject to unnecessary utilization and by establishing a prior authorization process for these items. The Master List includes items that meet the following criteria:

- Appear on the DMEPOS Fee Schedule list.
- Have an average purchase fee of $1,000 or greater (adjusted annually for inflation) or an average monthly rental fee schedule of $100 or greater (adjusted annually for inflation). (These dollar amounts are referred to as the ''payment threshold''.)
- Meet either of the following criteria:

++ Identified in a Government Accountability Office (GAO) or Department of Health and Human Services Office of Inspector General (OIG) report that is national in scope and published in 2007 or later as having a high rate of fraud or unnecessary utilization.

++ Listed in the 2011 or later Comprehensive Error Rate Testing (CERT) program's Annual Medicare Fee-For-Service (FFS) Improper Payment Rate Report DME and/or DMEPOS Service Specific Report(s).

The rule described the maintenance process of the Master List as follows:

- The Master List is self-updating annually. That is, items on the DMEPOS Fee Schedule that meet the ''payment threshold'' are added to the list when

the item is listed in a future OIG or GAO report of a national scope or listed in a future CERT DME and/or DMEPOS Service Specific Report(s).

- Items remain on the Master List for 10 years from the date the item was added to the Master List.
- Items are updated on the Master List when the Healthcare Common Procedure Coding System (HCPCS) codes representing an item have been discontinued and cross-walked to an equivalent item.
- Items are removed from the list sooner than 10 years if the purchase amount drops below the ''payment threshold''.
- Items that age off the Master List because they have been on the list for 10 years can remain on or be added back to the Master List if a subsequent GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) identifies the item to be frequently subject to unnecessary utilization.
- Items already on the Master List that are identified by a GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) will remain on the list for 10 years from the publication date of the new report(s).
- We will notify the public annually of any additions and deletions from the Master List by posting the notification in the **Federal Register** and on the CMS Prior Authorization website.

II. Provisions of the Document

In the December 30, 2015 final rule (80 FR 81674), we stated that we would notify the public annually of any additions and deletions from the Master List by posting the notification in the **Federal Register** and on the CMS Prior Authorization website.

This document is to provide the annual update to the Master List of Items Frequently Subject to Unnecessary Utilization.

As noted previously, we adjust the ''payment threshold'' each year for inflation. More specifically, we stated in the preamble to the December 2015 final rule (80 FR 81679) that we will apply the same percentage adjustment to the ''payment threshold'' as we do to the DMEPOS fee schedule. In accordance with section 1834(a)(14) of the Act, certain DMEPOS fee schedule amounts are updated annually by the percentage increase in the consumer price index for all urban consumers (United States city average) or CPI–U for the 12-month period ending June 30 of the previous year, adjusted by the change in the economy-wide productivity equal to the 10-year moving average of changes in annual economy-wide private non-farm business multifactor productivity (MFP). We use this same methodology to adjust the Master List Payment Threshold for inflation.

For calendar year (CY) 2017, the MFP adjustment is 0.3 percent and the CPI–U percentage increase is 1 percent. Thus, the 1 percentage increase in the CPI–U is reduced by the 0.3 percentage increase in the MFP resulting in a net increase of 0.7 percent to be used as the update factor. We applied the 0.7 percent update factor to the average purchase fee of $1,000, resulting in a CY 2017 adjusted ''payment threshold'' of $1,007 ($1,000 × 1.007). We also applied the 0.7 percent update factor to the average monthly rental fee of $100, resulting in an adjusted ''payment threshold'' of $100.70 ($100 × 1.007). Rounding this figure to the nearest whole dollar amount resulted in a CY 2017 adjusted monthly rental fee threshold amount of $101.

For CY 2018, the MFP adjustment is 0.5 percent and the CPI–U percentage increase is 1.6 percent. Thus, the 1.6 percentage increase in the CPI–U is reduced by the 0.5 percentage increase in the MFP resulting in a net increase of 1.1 percent to be used as the update factor. We applied the 1.1 percent update factor to the CY 2017 average purchase fee of $1,007, resulting in a CY 2018 adjusted ''payment threshold'' of $1,018.07 ($1,007 × 1.011). Rounding this figure to the nearest whole dollar amount resulted in a CY 2018 adjusted ''payment threshold'' amount of $1,018. We also applied the update factor of 1.1 percent to the CY 2017 average monthly rental fee of $101, resulting in an adjusted ''payment threshold'' of $102.11 ($101 × 1.011). Rounding this figure to the nearest whole dollar amount resulted in a CY 2018 adjusted monthly rental fee threshold of $102.

This update does not reflect any additions because there are no new items that meet the updated ''payment threshold'' that are listed in an OIG or GAO report of a national scope or a CERT DME and/or DMEPOS Service Specific Report(s). The following four HCPCS codes are removed from the Master List of Items Frequently Subject to Unnecessary Utilization because they no longer have a DMEPOS Fee Schedule price of $1,018 or greater or an average monthly rental fee schedule of $102 or greater:

HCPCS	Description
E0260	Hospital bed semi-electric (head and foot adjustment) with any type side rails with mattress.
E0601	Continuous Airway Pressure (CPAP) Device.
E1390	Oxygen Concentrator.
K0004	High strength, lightweight wheelchair.

The full updated list is also available in the download section of the following CMS website: *https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/DMEPOS/Prior-Authorization-Process-for-Certain-Durable-Medical-Equipment-Prosthetic-Orthotics-Supplies-Items.html.*

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Statement

We have examined the impact of this action as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

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). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This document does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this action will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. Currently, that threshold is approximately $148 million. This action will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this action does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017 and requires that the costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.'' OMB's interim guidance, issued on April 5, 2017, *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-21-OMB.pdf,* explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs.'' It has been determined that this document is not a ''significant regulatory action'' and thus does not trigger the aforementioned requirements of Executive Order 13771.

In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

Dated: February 28, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–06552 Filed 3–29–18; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74, 76, and 78

[MB Docket No. 17–231; FCC 18–16]

Maintenance of Copies of FCC Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) eliminates rules that require certain broadcast and cable entities to maintain paper copies of the Commission's regulations. As set forth below, we conclude that eliminating these requirements, which apply to low power TV, TV and FM translators, TV and FM booster stations, cable television relay station (CARS) licensees, and certain cable operators, will advance the Commission's goal of reducing outdated regulations and unnecessary regulatory burdens that can impede competition and innovation in media markets.

DATES: Effective March 30, 2018.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Jonathan Mark, *Jonathan.Mark@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–3634. Direct press inquiries to Janice Wise at (202) 418–8165.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (Order), FCC 18–16, adopted and released on February 20, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *http://fjallfoss.fcc.gov/edocs_public/* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://fjallfoss.fcc.gov/ecfs2/.* (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

I. Report and Order

1. In this Order, we eliminate rules that require certain broadcast and cable entities to maintain paper copies of the Commission's regulations. As part of our initiative to modernize our media regulations, we issued a Notice of Proposed Rulemaking (NPRM) proposing to eliminate requirements that regulatees maintain copies of certain portions of the Code of Federal Regulations (CFR). We received unanimous support for this proposal. As set forth below, we conclude that eliminating these requirements, which apply to low power TV, TV and FM translators, TV and FM booster stations, cable television relay station (CARS) licensees, and certain cable operators, will advance the Commission's goal of reducing outdated regulations and unnecessary regulatory burdens that can impede competition and innovation in media markets.

2. We adopt the proposal to eliminate the requirement, set forth in § 74.769 of our rules, that licensees or permittees of

low power TV, TV translators, and TV booster stations maintain ''a current copy of Volume I and Volume III of the Commission's rules.'' We also adopt the proposal to eliminate the requirement in § 74.1269 of our rules that licensees and permittees of FM translator and FM booster stations maintain ''a current copy of Volumes I (parts 0, 1, 2 and 17) and III (parts 73 and 74) of the Commission's rules.'' As we noted in the NPRM, the Commission adopted these requirements more than 40 years ago as part of its regulation of then recently established broadcast translator services. We agree with NAB that, ''given licensees' ability today to immediately access FCC rules via the internet, requiring broadcasters to retain hard copies of the rules is no longer necessary.'' Indeed, the electronic version of the CFR available on the internet is often more current than the printed version, which is published only once a year. Removing this requirement also would help small broadcasters in particular by enabling them to cut unnecessary costs.

3. Additionally, as proposed in the NPRM, we eliminate the requirement in § 76.1714(a) that cable operators serving 1,000 or more subscribers maintain a current copy of part 76 of the Commission's rules and, if subject to the Emergency Alert System (EAS) rules contained in part 11, an EAS Operating Handbook. As noted in the NPRM, we recognize the public safety benefits of keeping the EAS Handbook in close proximity, but we see no need to duplicate the requirement in section 11.15—which this order does not impact—that a copy of the handbook ''be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions.'' We agree with NCTA that this ''requirement wastes resources and is unjustified today given that the materials are readily available for free to anyone with access to the internet.'' Moreover, because the most up-to-date version of the Commission's rules is accessible via the internet, a requirement to keep a hard copy of part 76 of the Commission's rules has outlived its usefulness.

4. We also eliminate from §§ 76.1714(c) and 78.67 of the Commission's rules the requirement that CARS licensees maintain a current copy of part 78 of the Commission's rules and, in cases where aeronautical obstruction markings of antennas are required, a current copy of part 17. The Commission adopted these rules several decades ago as part of a comprehensive regulatory framework to govern then-nascent cable television service. We agree with ACA and other commenters that, because the Commission's rules are now easily accessible via the internet, requirements to keep hard copies of those rules have outlived their purpose.

5. For these reasons, we find that these pre-internet era rules requiring certain broadcast and cable entities to keep hard copies of Commission rules are outdated and impose an unnecessary burden on regulates. As such, we find that removing them is in the public interest. At the same time, we note that our action today does not eliminate the portions of §§ 74.769, 74.1269, 76.1714, and 78.67 that obligate the subject broadcast and cable entities to be familiar with the rules governing their respective operations.

II. Procedural Matters

A. Final Paperwork Reduction Act Analysis

6. This document does not contain any new or revised information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, therefore, it does not contain any new or modified ''information burden for small business concerns with fewer than 25 employees'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4).

B. Congressional Review Act

7. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

C. Final Regulatory Flexibility Analysis

8. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM) in MB Docket 17–231. The Commission sought written public comments on proposals in the NPRM, including comment on the IRFA. The Commission received no comments on the IRFA, although some commenters discussed the effect of the proposals on smaller entities, as discussed below. The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

9. *Need for, and Objectives of, the Report and Order.* The Report and Order (Order) stems from a Public Notice issued by the Commission in May 2017, launching an initiative to modernize the Commission's media regulations. The parties that filed comments in the proceeding unanimously agree that the recordkeeping requirements at issue are outdated and unnecessary and should be eliminated. The Order adopts the NPRM's proposal to eliminate provisions of the Commission's rules that obligate certain broadcasters and cable entities to maintain paper copies of Commission rules.

10. Specifically, the Order eliminates: (i) The requirement that licensees or permittees of low power TV, TV translator, and TV booster stations maintain a copy of Volume I and Volume III of the Commission's rules; (ii) the requirement that licensees or permittees of FM translator and FM booster stations maintain a copy of Volumes I (parts 0, 1, 2 and 17) and III (parts 73 and 74) of the Commission's rules; (iii) the requirement that certain cable operators maintain a copy of part 76 of the Commission's rules and, if subject to the Emergency Alert System (EAS) rules contained in part 11 of such rules, an EAS Operating Handbook; and (iv) the requirements that cable television relay station (CARS) licensees maintain a copy of part 76 of the Commission's rules and, in cases where aeronautical obstruction markings of antennas are required, part 17 of such rules. The Order finds that eliminating these recordkeeping requirements will remove an outdated and unnecessary regulatory burden that may impede competition and innovation in media markets.

11. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* No comments were filed in response to the IRFA.

12. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.[1] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

13. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted in the

[1] 5 U.S.C. 604(a)(3).

Order.[2] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[3] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[4] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[5] Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

14. *Television Broadcasting*. This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound.'' These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of $25,000,000 or less, 25 had annual receipts between $25,000,000 and $49,999,999, and 70 had annual receipts of $50,000,000 or more. Based on this data, we estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

15. In addition, the Commission has estimated the number of licensed commercial television stations to be 1,384. Of this total, 1,264 stations had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017. Such entities, therefore, qualify as small entities under the SBA definition. The Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 394. The Commission, however, does not compile and does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

16. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations[6] must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules would apply does not exclude any television station from the definition of a small business on this basis and therefore could be over-inclusive.

17. There are also 1,968 LPTV stations, 417 Class A stations, and 3,776 TV translator stations. Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

18. Radio Stations. This economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public.'' The SBA has created the following small business size standard for this category: those having $38.5 million or less in annual receipts. Census data for 2012 shows that 2,849 firms in this category operated in that year. Of this number, 2,806 firms had annual receipts of less than $25,000,000, and 43 firms had annual receipts of $25,000,000 or more. Because the Census has no additional classifications that could serve as a basis for determining the number of stations whose receipts exceeded $38.5 million in that year, we conclude that the majority of television broadcast stations were small under the applicable SBA size standard.

19. Apart from the U.S. Census, the Commission has estimated the number of licensed commercial AM radio stations to be 4,486 stations[7] and the number of commercial FM radio stations to be 6,755, for a total number of 11,241. Of this total, 9,898 stations had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) in October 2014. In addition, the Commission has estimated the number of noncommercial educational FM radio stations to be 4,111. NCE stations are non-profit, and therefore considered to be small entities. Therefore, we estimate that the majority of radio broadcast stations are small entities.

20. Low Power FM Stations. The same SBA definition that applies to radio stations would apply to low power FM stations. As noted above, the SBA has created the following small business size standard for this category: Those having $38.5 million or less in annual receipts. The Commission has estimated the number of licensed low power FM stations to be 1,966. In addition, as of June 30, 2017, there were a total of 7,453 FM translator and FM booster stations. Given the nature of these services, we will presume that these licensees qualify as small entities under the SBA definition.

21. We note again, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations[8] must be included. Because we do not include or aggregate revenues from affiliated companies in determining whether an entity meets the applicable revenue threshold, our estimate of the number of small radio broadcast stations affected is likely overstated. In addition, as noted above, one element of the definition of ''small business'' is that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio broadcast station is dominant in its field of operation. Accordingly, our estimate

[2] 5 U.S.C. 603(b)(3).

[3] 5 U.S.C. 601(6).

[4] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[5] 15 U.S.C. 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission's statistical account of television stations may be over-inclusive.

[6] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.''

[7] This number is derived from subtracting the total number of noncommercial educational stations (204) from the total number of licensed AM stations (4690).

[8] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.''

of small radio stations potentially affected by the proposed rules includes those that could be dominant in their field of operation. For this reason, such estimate likely is over-inclusive.

22. Cable Companies and Systems (Rate Regulation). The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide.[9] In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers.[10] Industry data indicate that there are currently 4,300 active cable systems in the United States.[11] Of this total, 3,550 cable systems have fewer than 15,000 subscribers, and 750 systems have 15,000 or more subscribers.[12] Thus, we estimate that most cable systems are small entities.

23. Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250 million.'' [13] There are approximately 52,107,104 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 521,071 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but six incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million.[14] Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

24. We also note that there currently are 182 cable antenna relay service (CARS) licensees.[15] The Commission, however, neither requests nor collects information on whether CARS licensees are affiliated with entities whose gross annual revenues exceed $250 million. Although some CARS licensees may be affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of CARS licensees that would qualify as small cable operators under the definition in the Communications Act.

25. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* The Report and Order eliminates rules that require certain broadcast and cable entities to maintain paper copies of sections of the Commission's regulations. Accordingly, the *Report and Order* does not impose any new reporting, recordkeeping, or other compliance requirements.

26. Because no commenter provided information specifically quantifying the costs and administrative burdens of complying with the existing recordkeeping requirements, we cannot precisely estimate the impact on small entities of eliminating them. The rule revisions adopted in the Order will afford all affected Commission regulatees, including small entities, greater flexibility in the manner by which they access and stay familiar with Commission rules governing their services. Additionally, as NAB notes, removing this obligation will also help small entities in particular to cut unnecessary costs related to maintaining updated paper copies of Commission rules.[16] No party in the proceeding has opposed the proposals set forth in the NPRM. We thus find it reasonable to conclude that the benefits of eliminating the rules at issue outweigh any costs.

27. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[17]

28. The Report and Order eliminates the obligation, imposed on certain broadcasters and cable regulatees, to maintain paper copies of Commission rules. Eliminating these requirements is intended to modernize the Commission's regulations and reduce costs and recordkeeping burdens for affected entities, include small entities. Under the revised rules, affected entities no longer will need to expend time and resources maintaining and updating hard copies of Commission rules, but rather, will be able to stay familiar with Commission rules by accessing those rules online. As noted, no party has opposed the rule revisions we adopt in the Order. Thus, we anticipate that affected small entities will benefit from such revisions.

29. *Report to Congress.* The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[18] In addition, the Commission will send a copy of the *Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

30. *It is ordered* that, pursuant to the authority found in sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), this Report and Order is *hereby adopted*.

31. *It is further ordered* that, pursuant to the authority found in sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), the Commission's rules *are amended* as set forth in Rules Appendix A of the Report and Order, effective as of the date of publication of a summary in the **Federal Register**.[19]

32. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to

[9] 47 CFR 76.901(e).

[10] 47 CFR 76.901(c).

[11] August 24, 2017 Report from the Media Bureau based on data contained in the Commission's Cable Operations and Licensing System (COALS).

[12] *Id.*

[13] 47 U.S.C. 543(m)(2); see 47 CFR 76.901(f) & nn.1–3.

[14] The Commission receives such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator.

[15] August 24, 2017 report from Media Bureau staff based on data contained in the Commission's Cable Operations and Licensing System (COALS).

[16] NAB Comments at 2.

[17] 5 U.S.C. 603(c)(1)–(c)(4).

[18] *See* 5 U.S.C. 801(a)(1)(A).

[19] These rules serve to ''reliev[e] a restriction.'' 5 U.S.C. 553(d)(1).

the Chief Counsel for Advocacy of the Small Business Administration.

33. *It is further ordered* that the Commission *shall send* a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

34. *It is further ordered* that, should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 17–231 shall be *terminated* and its docket closed.

List of Subjects

47 CFR Part 74

Education, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Part 76

Administrative practice and procedure, Cable television, Reporting and recordkeeping requirements.

47 CFR Part 78

Cable television, Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 74, 76 and 78 as follows:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 2. Revise § 74.769 to read as follows:

§ 74.769 Familiarity with FCC rules.

Each licensee or permittee of a station authorized under this subpart shall be familiar with those rules relating to stations authorized under this subpart. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Publishing Office, Washington, DC 20401, or accessed online at *https://www.ecfr.gov* or *https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.*

■ 3. Amend § 74.787 by revising paragraph (a)(5)(viii) to read as follows:

§ 74.787 Digital licensing.

(a) * * *

(5) * * *

(viii) The following sections are applicable to analog-to-digital and digital-to-digital replacement television translator stations:

Applicable Rule Sections

§ 73.1030 Notifications concerning interference to radio astronomy, research and receiving installations.
§ 74.703 Interference.
§ 74.709 Land mobile station protection.
§ 74.734 Attended and unattended operation.
§ 74.735 Power Limitations.
§ 74.751 Modification of transmission systems.
§ 74.763 Time of Operation.
§ 74.765 Posting of station and operator licenses.
§ 74.769 Familiarity with FCC rules.
§ 74.780 Broadcast regulations applicable to translators, low power, and booster stations (except § 73.653—Operation of TV aural and visual transmitters and § 73.1201—Station identification).
§ 74.781 Station records.
§ 74.784 Rebroadcasts.

* * * * *

■ 4. Revise § 74.789 to read as follows:

§ 74.789 Broadcast regulations applicable to digital low power television and television translator stations.

The following sections are applicable to digital low power television and television translator stations:

§ 73.1030 Notifications concerning interference to radio astronomy, research and receiving installations.
§ 74.600 Eligibility for license.
§ 74.703 Interference.
§ 74.709 Land mobile station protection.
§ 74.732 Eligibility and licensing requirements.
§ 74.734 Attended and unattended operation.
§ 74.735 Power limitations.
§ 74.751 Modification of transmission systems.
§ 74.763 Time of operation.
§ 74.765 Posting of station and operator licenses.
§ 74.769 Familiarity with FCC rules.
§ 74.780 Broadcast regulations applicable to translators, low power, and booster stations (except § 73.653—Operation of TV aural and visual transmitters and § 73.1201—Station identification).
§ 74.781 Station records.
§ 74.784 Rebroadcasts.

■ 5. Revise § 74.1269 to read as follows:

§ 74.1269 Familiarity with FCC rules.

Each licensee or permittee of a station authorized under this subpart shall be familiar with those rules relating to stations authorized under this subpart. Copies of the Commission's Rules may be obtained from the Superintendent of Documents, Government Publishing Office, Washington, DC 20401, or accessed online at *https://www.ecfr.gov* or *https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.*

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 6. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572 and 573.

■ 7. Amend § 76.1700 by revising paragraph (d) to read as follows:

§ 76.1700 Records to be maintained by cable system operators.

* * * * *

(d) *Exceptions to the public inspection file requirements.* The operator of every cable television system having fewer than 1,000 subscribers is exempt from the online public file and from the public record requirements contained in § 76.1701 (political file); § 76.1702 (EEO records available for public inspection); § 76.1703 (commercial records for children's programming); § 76.1704 (proof-of-performance test data); § 76.1706 (signal leakage logs and repair records); § 76.1714 (Familiarity with FCC rules); and § 76.1715 (sponsorship identification).

* * * * *

■ 8. Amend § 76.1714 by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 76.1714 Familiarity with FCC rules.

(a) The operator of a cable television system is expected to be familiar with the rules governing cable television systems and, if subject to the Emergency Alert System (EAS) rules contained in part 11 of this chapter, the EAS rules. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Publishing Office, Washington, DC 20401, at nominal cost, or accessed online at *https://www.ecfr.gov* or *https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.* Copies of the EAS Operating Handbook may be accessed online at *https://www.fcc.gov/general/eas-test-reporting-system.*

* * * * *

(c) Both the licensee of a cable television relay station (CARS) and the

operator or operators responsible for the proper operation of the station are expected to be familiar with the rules governing cable television relay stations. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Publishing Office, Washington, DC 20401, at nominal cost, or accessed online at *https://www.ecfr.gov* or *https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.*

PART 78—CABLE TELEVISION RELAY SERVICE

■ 9. The authority citation for part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

■ 10. Revise § 78.67 to read as follows:

§ 78.67 Familiarity with FCC rules.

Both the licensee of a cable television relay station (CARS) and the operator or operators responsible for the proper operation of the station are expected to be familiar with the rules governing CARS stations. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Publishing Office, Washington, DC 20401, at nominal cost, or accessed online at *https://www.ecfr.gov* or *https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.*

[FR Doc. 2018–06029 Filed 3–29–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2017–0087; FXMB12610700000–189–FF07M01000]

RIN 1018–BC70

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2018 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is establishing migratory bird subsistence harvest regulations in Alaska for the 2018 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking establishes region-specific regulations that go into effect on April 2, 2018.

DATES: The amendments to subpart C of 50 CFR part 92 are effective April 2, 2018. The amendments to subpart D of 50 CFR part 92 are effective April 2, 2018, through August 31, 2018.

FOR FURTHER INFORMATION CONTACT: Donna Dewhurst, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Why is this rulemaking necessary?

This rulemaking is necessary because, by law, the migratory bird harvest season is closed unless opened by the Secretary of the Interior, and the regulations governing subsistence harvest of migratory birds in Alaska are subject to public review and annual approval. This rule establishes regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer of 2018. This rule also sets forth a list of migratory bird season openings and closures in Alaska by region.

How do I find the history of these regulations?

Background information, including past events leading to this rulemaking, accomplishments since the Migratory Bird Treaties with Canada and Mexico were amended, and a history, were originally addressed in the **Federal Register** on August 16, 2002 (67 FR 53511) and most recently on April 4, 2017 (82 FR 16298).

Recent **Federal Register** documents and all final rules setting forth the annual harvest regulations are available at *http://www.fws.gov/alaska/ambcc/regulations.htm* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

What is the process for issuing regulations for the subsistence harvest of migratory birds in Alaska?

The U.S. Fish and Wildlife Service is establishing migratory bird subsistence-harvest regulations in Alaska for the 2018 season. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives.

The Alaska Migratory Bird Co-management Council (Co-management Council) held meetings on April 5–6, 2017, to develop recommendations for changes that would take effect during the 2018 harvest season. The Co-management Council recommended no changes for the 2018 regulations.

On February 1, 2018, we published in the **Federal Register** a proposed rule (83 FR 4623) to amend 50 CFR part 92 to propose regulations for the 2018 spring and summer subsistence harvest of migratory birds in Alaska at subpart D, and to amend subpart C. We accepted public comments on the proposed rule for 30 days, ending March 5, 2018. A summary of the comments we received, and our responses to them, is provided below, under Summary of Comments and Responses.

This Final Rule

This final rule contains no changes from the proposed regulation amendments published on February 1, 2018 (83 FR 4623).

Who is eligible to hunt under these regulations?

Eligibility to harvest under the regulations established in 2003 was limited to permanent residents, regardless of race, in villages located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, and in areas north and west of the Alaska Range (50 CFR 92.5). These geographical restrictions opened the initial migratory bird subsistence harvest to about 13 percent of Alaska residents. High-populated, roaded areas such as Anchorage, the Matanuska-Susitna and Fairbanks North Star boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska were excluded from eligible subsistence harvest areas.

In response to petitions requesting inclusion in the harvest in 2004, we added 13 additional communities consistent with the criteria set forth at 50 CFR 92.5(c). These communities were Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina, Tatitlek, Chenega, Port Graham, Nanwalek, Tyonek, and Hoonah, with a combined population of 2,766. In 2005, we added three

additional communities for glaucous-winged gull egg gathering only in response to petitions requesting inclusion. These southeastern communities were Craig, Hydaburg, and Yakutat, with a combined population of 2,459, according to the latest census information at that time.

In 2007, we enacted the Alaska Department of Fish and Game's request to expand the Fairbanks North Star Borough excluded area to include the Central Interior area. This action excluded the following communities from participation in this harvest: Big Delta/Fort Greely, Healy, McKinley Park/Village, and Ferry, with a combined population of 2,812.

In 2012, we received a request from the Native Village of Eyak to include Cordova, Alaska, for a limited season that would legalize the traditional gathering of gull eggs and the hunting of waterfowl during spring. This request resulted in a new, limited harvest of spring waterfowl and gull eggs starting in 2014.

Amendments to Subpart C

Under subpart C, General Regulations Governing Subsistence Harvest, we are amending § 92.22, the list of birds open to subsistence harvest, by adding emperor goose (*Chen canagica*) and by amending cackling goose to allow egg gathering. These changes were originally made in the 2017 regulations (82 FR 16298; April 4, 2017), but were mistakenly set to expire August 31, 2017. We intended these changes to subpart C to be permanent as emperor goose hunting would be based on the total bird index; therefore, we are setting them forth again in this rule to make them permanent. The Service, Alaska Department and Fish and Game, and the Native Caucus agreed to an emperor goose management plan designed to allow a sustainable subsistence harvest concurrent with population protection. If the emperor goose population falls below the level for which subsistence harvest is allowed, the emperor goose subsistence harvest season will be closed and the species removed from the list of permanent species allowed for harvest.

How would the Service ensure that the subsistence migratory bird harvest complies with the Migratory Bird Treaty Act, and would not threaten the conservation of endangered and threatened species?

We have monitored subsistence harvest for the past 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon-Kuskokwim Delta. In recent years, more intensive surveys combined with outreach efforts focused on species identification have been added to improve the accuracy of information gathered from regions still reporting some subsistence harvest of listed or candidate species.

Based on our monitoring of the migratory bird species and populations taken for subsistence, we find that this rule will provide for the preservation and maintenance of migratory bird stocks as required by the Migratory Bird Treaty Act (Act; 16 U.S.C. 703 *et seq.*). The Act's 16 U.S.C. 712(1) provision states that the Service, ''is authorized to issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.'' Communication and coordination between the Service, the Co-management Council, and the Pacific Flyway Council have allowed us to set harvest regulations to ensure the long-term viability of the migratory bird stocks. In addition, Alaska migratory bird subsistence harvest rates have continued to decline since the inception of the subsistence-harvest program, reducing concerns about the program's consistency with the preservation and maintenance of stocks of migratory birds.

As for the ensuring the conservation of Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) listed species, spectacled eiders (*Somateria fischeri*) and the Alaska-breeding population of Steller's eiders (*Polysticta stelleri*) are listed as threatened species. Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Both species are closed to hunting, although harvest surveys and Service documentation indicate both species are taken in several regions of Alaska. We have determined that this rule complies with the ESA (see Endangered Species Act Consideration discussion, below).

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that: (1) Regulations continue to protect threatened species, (2) measures to address documented threats are implemented, and (3) the subsistence community and other conservation partners commit to working together. With these dual objectives in mind, the Service, working with North Slope partners, developed measures in 2009 to further reduce the potential for shooting mortality or injury of closed species. These conservation measures included: (1) Increased waterfowl hunter outreach and community awareness through partnering with the North Slope Migratory Bird Task Force; and (2) continued enforcement of the migratory bird regulations that are protective of listed eiders.

This rule continues to focus on the North Slope from Utqiagvik (formerly known as Barrow) to Point Hope because Steller's eiders from the listed Alaska breeding population are known to breed and migrate there, and harvest survey data and direct observations indicate take during subsistence harvest has occurred there. These regulations are designed to address several ongoing eider-management needs by clarifying for subsistence users that (1) Service law enforcement personnel have authority to verify species of birds possessed by hunters, and (2) it is illegal to possess any species of bird closed to harvest. This rule also describes how the Service's existing authority of emergency closure will be implemented, if necessary, to protect Steller's eiders. We are always willing to discuss regulations with our partners on the North Slope to ensure protection of closed species while providing subsistence hunters an opportunity to maintain the culture and traditional migratory bird harvest of the community. These regulations pertaining to bag checks and possession of illegal birds are deemed necessary to monitor take of closed eider species during the subsistence hunt.

In collaboration with North Slope partners, a number of conservation efforts have been implemented to raise awareness and educate hunters in and around Utqiagvik on Steller's eider conservation via the local bird outreach festival, meetings, radio shows, signs, school visits, and one-on-one contacts. Limited intermittent monitoring on the North Slope, focused primarily at Utqiagvik, found no evidence that listed eiders were shot in 2009 through 2012; one Steller's eider and one spectacled eider were found shot during the summer of 2013; one Steller's eider was found shot in 2014; and no listed eiders were found shot in 2015 through 2017. Elsewhere in Alaska, one spectacled eider that appeared to have been shot was found dead on the Yukon-Kuskokwim Delta in 2015. The Service acknowledges progress made with the

other eider conservation measures, including partnering with the North Slope Migratory Bird Task Force, for increased waterfowl-hunter awareness, continued enforcement of the regulations, and in-season verification of the harvest. To reduce the threat of shooting mortality of threatened eiders, we continue to work with North Slope partners to conduct education and outreach. In addition, the emergency-closure authority provides another level of assurance if an unexpected number of Steller's eiders are killed by shooting (50 CFR 92.21 and 50 CFR 92.32).

The longstanding general emergency-closure provision at 50 CFR 92.21 specifies that the harvest may be closed or temporarily suspended upon finding that a continuation of the regulation allowing the harvest would pose an imminent threat to the conservation of any migratory bird population. With regard to Steller's eiders, the regulations at 50 CFR 92.32, carried over from the past 7 years, clarify that we would take action under 50 CFR 92.21 as is necessary to prevent further take of Steller's eiders, and that action could include temporary or long-term closures of the harvest in all or a portion of the geographic area open to harvest. When and if mortality of threatened eiders is documented, we would evaluate each mortality event by criteria such as cause, quantity, sex, age, location, and date. We would consult with the Co-management Council when we are considering an emergency closure. If we determine that an emergency closure is necessary, we would design it to minimize its impact on the subsistence harvest.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to ''review other programs administered by him and utilize such programs in furtherance of the purposes of the Act'' and to ''insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. * * *'' We conducted an intra-agency consultation with the Service's Fairbanks Fish and Wildlife Field Office on this harvest as it will be managed in accordance with this final rule and the conservation measures. The consultation was completed with a biological opinion dated March 2, 2018, that concluded the final rule and conservation measures are not likely to jeopardize the continued existence of Steller's and spectacled eiders or result in the destruction or adverse modification of designated critical habitat.

Summary of Comments and Responses

On February 1, 2018, we published in the **Federal Register** a proposed rule (83 FR 4623) to amend 50 CFR part 92 to establish regulations in Alaska for the 2018 subsistence season. We accepted public comments on the proposed rule for 30 days, ending March 5, 2018. We posted an announcement of the comment-period dates for the proposed rule, as well as the rule itself and related historical documents, on the Co-management Council's internet homepage. By facsimile (fax), we issued a press bulletin, announcing our request for public comments and the pertinent deadlines for such comments, to the media Statewide in Alaska. Additionally, we made all relevant documents available on *http://www.regulations.gov.* In response to the proposed rule, the Service received eight comments, but five of these did not address topics specific to our proposed rule. The three on-topic comments we received are below by topic. The comments are addressed below by topic.

Comment (1): We received one general comment that expressed opposition to the concept of allowing subsistence hunting of migratory birds in Alaska on the grounds that it sanctions the murdering of birds for food.

Service Response: For centuries, indigenous inhabitants of Alaska have harvested migratory birds for subsistence purposes during the spring and summer months. The Canada and Mexico migratory bird treaties were amended for the express purpose of allowing subsistence hunting for migratory birds during the spring and summer. The amendments indicate that the Service should issue regulations allowing such hunting as provided in the Migratory Bird Treaty Act; see 16 U.S.C. 712(1). See also Statutory Authority, below, for more details.

Comment (2): We received one general comment on the need for agencies to develop regulations in a manner consistent with the principles of Executive Order (E.O.) 13563.

Service Response: This rule complies with both E.O. 13563 and E.O. 12866. Details of our compliance are discussed under *Regulatory Planning and Review (Executive Orders 12866 and 13563),* below.

Comment (3): We received one comment opposing the addition of emperor geese, which the commenter refers to as a near threatened species, to subsistence hunting. The commenter also expressed concern over the lack of bag limits for hunting emperor geese, as the species is vulnerable to overharvest due to aspects of its natural history.

Service Response: Emperor geese were opened to subsistence harvest starting in April 2017; however, the new regulations were mistakenly set to expire August 31, 2017 (see 82 FR 16298; April 4, 2017). In this rule, we are publishing the same changes we made to the list of birds open for harvest in April 2017 to make them permanent, including the addition of emperor goose to the list. In the April 4, 2017 final rule, we provided justification for opening emperor geese to subsistence harvest, and to make this change permanent based on the total bird index. In summary, in September 2016, a Co-management Council emperor goose management plan was signed as a companion document to the 2016 revision of the Pacific Flyway management plan for the emperor goose. The Co-management Council's plan for the emperor goose establishes a population objective of 34,000 bird consistent with the population abundance achieved in 2016 (34,109) after about 30 years of hunting season closures. This equates to a total range-wide population size of about 177,000 geese based on current model estimates. The Co-management Council's plan allows for a customary and traditional subsistence harvest (*i.e.,* no bag limits) when the Yukon-Kuskokwim Delta Coastal Zone Survey index equals or exceeds 28,000 geese, which equates to a total range-wide population size of about 145,000 geese. Should the population index decline below 28,000 geese, harvest restrictions will be considered to reduce the probability for a subsequent closed season. The harvest season will be closed if the population index declines below 23,000 emperor geese, which equates to a total range-wide population size of about 120,000 geese. The population index thresholds for hunting season restrictions (28,000) and closure (23,000) represent 82 percent and 68 percent of the population objective (34,000), respectively. The Alaska Native Caucus opposed bag limits during the spring-summer subsistence season. The Service, together with the Alaska Department of Fish and Game and the Co-management Council's Native Caucus, agreed to a harvest strategy that incorporated customary and traditional subsistence practices (*i.e.,* no bag limits) but ensured the protection of the emperor goose population. The 2016 emperor goose population index was

34,109 (95% Confidence Interval = 29,229 − 38,989). The 2017 emperor goose population index was 30,087 (95% Confidence Interval = 26,108 − 34,066). The term of this harvest strategy is 5 years with agreement of an annual review during the first three years (2017–2019) following implementation to assess all data including population survey information, harvest survey data, and other relevant information to determine the need for conservation measures. Therefore, we are not making any changes to this rule in response to this comment.

Statutory Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to ''issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.''

Effective Date of This Rule

The amendments to subparts C and D of 50 CFR part 92 will take effect on April 2, 2018 (see **DATES**, above). If there were a delay in the effective date of these regulations after this final rulemaking, subsistence hunters would not be able to take full advantage of their subsistence hunting opportunities. We therefore find that ''good cause'' exists justifying the earlier start date, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703 *et seq.*).

Required Determinations

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of Executive Order 13771 (82 FR 9339, February 3, 2017) because this rule establishes annual harvest limits related to routine hunting or fishing.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

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

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This rule legalizes a pre-existing subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

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

(a) Will not have an annual effect on the economy of $100 million or more. It legalizes and regulates a traditional subsistence activity. It will not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that will be regulated under this rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this rule derives from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this rule will lead to a disproportionate distribution of benefits.

(b) Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This rule does not deal with traded commodities and, therefore, will not have an impact on prices for consumers.

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule deals with the harvesting of wildlife for personal consumption. It will not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, State, or tribal governments or private entities. The rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Co-management Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a notice of decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The Alaska Department of Fish and Game also incurs expenses for travel to Co-management Council and regional management body meetings. In addition, the State of Alaska would be required to provide technical staff support to each of the regional management bodies and to the Co-management Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the Alaska Department of Fish and Game to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this rule will not have significant

takings implications. This rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this rule on the State of Alaska in the *Unfunded Mandates Reform Act* section, above. We worked with the State of Alaska to develop these regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments,'' and Department of Interior policy on Consultation with Indian Tribes (December 1, 2011), we sent letters via electronic mail to all 229 Alaska Federally recognized Indian tribes. Consistent with Congressional direction (Pub. L. 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we also sent letters to approximately 200 Alaska Native corporations and other tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the 2018 migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved our collection of information associated with:

- Voluntary annual household surveys that we use to determine levels of subsistence take (OMB Control Number 1018–0124, expires October 31, 2019).
- Permits associated with subsistence hunting (OMB Control Number 1018–0075, expires June 30, 2019).
- Emperor Goose Spring Subsistence Harvest Survey (to include number of geese harvested, age, sex, and mass of birds harvested associated) (OMB Control Number 1090–0011, expires August 31, 2018).

National Environmental Policy Act Consideration (42 U.S.C. 4321 et seq.)

The annual regulations and options are considered in an October 2017 environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2018 Spring/Summer Harvest.'' Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov.*

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. Further, this rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a Statement of Energy Effects is not required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, we amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

Subpart C—General Regulations Governing Subsistence Harvest

■ 2. Amend § 92.22 by:
■ a. Redesignating paragraph (a)(3) as paragraph (a)(4);
■ b. Adding a new paragraph (a)(3); and
■ c. Revising paragraph (a)(6).

The addition and revision read as follows:

§ 92.22 Subsistence migratory bird species.

* * * * *

(a) * * *

(3) Emperor goose (*Chen canagica*).

* * * * *

(6) Canada goose, subspecies cackling goose.

* * * * *

Subpart D—Annual Regulations Governing Subsistence Harvest

■ 3. Amend subpart D by adding § 92.31 to read as follows:

§ 92.31 Region-specific regulations.

The 2018 season dates for the eligible subsistence-harvest areas are as follows:

(a) *Aleutian/Pribilof Islands Region.*

(1) Northern Unit (Pribilof Islands):

(i) Season: April 2–June 30.

(ii) Closure: July 1–August 31.

(2) Central Unit (Aleutian Region's eastern boundary on the Alaska Peninsula westward to and including Unalaska Island):

(i) Season: April 2–June 15 and July 16–August 31.

(ii) Closure: June 16–July 15.

(iii) Special Black Brant Season Closure: August 16–August 31, only in Izembek and Moffet lagoons.

(iv) Special Tundra Swan Closure: All hunting and egg gathering closed in Game Management Units 9(D) and 10.

(3) Western Unit (Umnak Island west to and including Attu Island):

(i) Season: April 2–July 15 and August 16–August 31.

(ii) Closure: July 16–August 15.

(b) *Yukon/Kuskokwim Delta Region.*

(1) Season: April 2–August 31.

(2) Closure: 30-day closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. This 30-day period will occur between June 1 and August 15 of each year. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(3) Special Black Brant and Cackling Canada Goose Season Hunting Closure: From the period when egg laying begins until young birds are fledged. Closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(c) *Bristol Bay Region.*

(1) Season: April 2–June 14 and July 16–August 31 (general season); April 2–July 15 for seabird egg gathering only.

(2) Closure: June 15–July 15 (general season); July 16–August 31 (seabird egg gathering).

(d) *Bering Strait/Norton Sound Region.*

(1) Stebbins/St. Michael Area (Point Romanof to Canal Point):

(i) Season: April 15–June 14 and July 16–August 31.

(ii) Closure: June 15–July 15.

(2) Remainder of the region:

(i) Season: April 2–June 14 and July 16–August 31 for waterfowl; April 2–July 19 and August 21–August 31 for all other birds.

(ii) Closure: June 15–July 15 for waterfowl; July 20–August 20 for all other birds.

(e) *Kodiak Archipelago Region,* except for the Kodiak Island roaded area, which is closed to the harvesting of migratory birds and their eggs. The closed area consists of all lands and waters (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest.

(1) Season: April 2–June 30 and July 31–August 31 for seabirds; April 2–June 20 and July 22–August 31 for all other birds.

(2) Closure: July 1–July 30 for seabirds; June 21–July 21 for all other birds.

(f) *Northwest Arctic Region.*

(1) Season: April 2–June 14 and July 16–August 31 (hunting in general); waterfowl egg gathering April 2–June 14 only; seabird egg gathering May 20–July 12 only; hunting molting/non-nesting waterfowl July 1–July 15 only.

(2) Closure: June 15–July 15, except for the taking of seabird eggs and molting/non-nesting waterfowl as provided in paragraph (f)(1) of this section.

(g) *North Slope Region.*

(1) Southern Unit (Southwestern North Slope regional boundary east to Peard Bay, everything west of the longitude line 158°30′ W and south of the latitude line 70°45′ N to the west bank of the Ikpikpuk River, and everything south of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 29 and July 30–August 31 for seabirds; April 2–June 19 and July 20–August 31 for all other birds.

(ii) Closure: June 30–July 29 for seabirds; June 20–July 19 for all other birds.

(iii) Special Black Brant Hunting Opening: From June 20–July 5. The open area consists of the coastline, from mean high water line outward to include open water, from Nokotlek Point east to longitude line 158°30′ W. This includes Peard Bay, Kugrua Bay, and Wainwright Inlet, but not the Kuk and Kugrua river drainages.

(2) Northern Unit (At Peard Bay, everything east of the longitude line 158°30′ W and north of the latitude line 70°45′ N to west bank of the Ikpikpuk River, and everything north of the latitude line 69°45′ N between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 6 and July 7–August 31 for king and common eiders; April 2–June 15 and July 16–August 31 for all other birds.

(ii) Closure: June 7–July 6 for king and common eiders; June 16–July 15 for all other birds.

(3) Eastern Unit (East of eastern bank of the Sagavanirktok River):

(i) Season: April 2–June 19 and July 20–August 31.

(ii) Closure: June 20–July 19.

(4) All Units: yellow-billed loons. Annually, up to 20 yellow-billed loons total for the region inadvertently entangled in subsistence fishing nets in the North Slope Region may be kept for subsistence use.

(5) North Coastal Zone (Cape Thompson north to Point Hope and east along the Arctic Ocean coastline around Point Barrow to Ross Point, including Iko Bay, and 5 miles inland).

(i) No person may at any time, by any means, or in any manner, possess or have in custody any migratory bird or part thereof, taken in violation of subparts C and D of this part.

(ii) Upon request from a Service law enforcement officer, hunters taking, attempting to take, or transporting migratory birds taken during the subsistence harvest season must present them to the officer for species identification.

(h) *Interior Region.*

(1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

(i) *Upper Copper River Region* (Harvest Area: Game Management Units 11 and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 15–May 26 and June 27–August 31.

(2) Closure: May 27–June 26.

(3) The Copper River Basin communities listed above also documented traditional use harvesting birds in Game Management Unit 12, making them eligible to hunt in this unit using the seasons specified in paragraph (h) of this section.

(j) *Gulf of Alaska Region.*

(1) Prince William Sound Area West (Harvest area: Game Management Unit 6[D]), (Eligible Chugach communities: Chenega Bay, Tatitlek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(2) Prince William Sound Area East (Harvest area: Game Management Units 6[B]and [C]—Barrier Islands between Strawberry Channel and Softtuk Bar), (Eligible Chugach communities: Cordova, Tatitlek, and Chenega Bay):

(i) Season: April 2–April 30 (hunting); May 1–May 31 (gull egg gathering).

(ii) Closure: May 1–August 31 (hunting); April 2–30 and June 1–August 31 (gull egg gathering).

(iii) Species Open for Hunting: Greater white-fronted goose; snow goose; gadwall; Eurasian and American wigeon; blue-winged and green-winged teal; mallard; northern shoveler; northern pintail; canvasback; redhead; ring-necked duck; greater and lesser scaup; king and common eider;

harlequin duck; surf, white-winged, and black scoter; long-tailed duck; bufflehead; common and Barrow's goldeneye; hooded, common, and red-breasted merganser; and sandhill crane. Species open for egg gathering: Glaucous-winged, herring, and mew gulls.

(iv) Use of Boats/All-Terrain Vehicles: No hunting from motorized vehicles or any form of watercraft.

(v) Special Registration: All hunters or egg gatherers must possess an annual permit, which is available from the Cordova offices of the Native Village of Eyak and the U. S. Forest Service.

(3) Kachemak Bay Area (Harvest area: Game Management Unit 15[C] South of a line connecting the tip of Homer Spit to the mouth of Fox River) (Eligible Chugach Communities: Port Graham, Nanwalek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(k) *Cook Inlet* (Harvest area: Portions of Game Management Unit 16[B] as specified below) (Eligible communities: Tyonek only):

(1) Season: April 2–May 31—That portion of Game Management Unit 16(B) south of the Skwentna River and west of the Yentna River, and August 1–31—That portion of Game Management Unit 16(B) south of the Beluga River, Beluga Lake, and the Triumvirate Glacier.

(2) Closure: June 1–July 31.

(l) *Southeast Alaska.*

(1) Community of Hoonah (Harvest area: National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting (50 CFR part 100.3(a)):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(2) Communities of Craig and Hydaburg (Harvest area: Small islands and adjacent shoreline of western Prince of Wales Island from Point Baker to Cape Chacon, but also including Coronation and Warren islands):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(3) Community of Yakutat (Harvest area: Icy Bay (Icy Cape to Point Riou), and coastal lands and islands bordering the Gulf of Alaska from Point Manby southeast to and including Dry Bay):

(i) Season: Glaucous-winged gull egg gathering: May 15–June 30.

(ii) Closure: July 1–August 31.

■ 4. Amend subpart D by adding § 92.32 to read as follows:

§ 92.32 Emergency regulations to protect Steller's eiders.

Upon finding that continuation of these subsistence regulations would pose an imminent threat to the conservation of threatened Steller's eiders *(Polysticta stelleri),* the U.S. Fish and Wildlife Service Alaska Regional Director, in consultation with the Co-management Council, will immediately under § 92.21 take action as is necessary to prevent further take. Regulation changes implemented could range from a temporary closure of duck hunting in a small geographic area to large-scale regional or statewide long-term closures of all subsistence migratory bird hunting. These closures or temporary suspensions will remain in effect until the Regional Director, in consultation with the Co-management Council, determines that the potential for additional Steller's eiders to be taken no longer exists.

Dated: March 23, 2018.

Jason Larrabee,

Principal Deputy Assistant Secretary, Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 2018–06435 Filed 3–29–18; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 83, No. 62
Friday, March 30, 2018

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1006

[AMS–DA–17–0068; AO–18–0008]

Milk in the Florida Marketing Area; Decision on Proposed Amendments to Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to adopt, on an emergency basis, amendments to the Florida Federal milk marketing order (FMMO) that would implement a temporary assessment on Class I milk. Revenues collected through the assessment would be disbursed to handlers and producers who incurred extraordinary marketing losses and expenses due to Hurricane Irma, which caused considerable market disruptions in September 2017.

DATES: March 30, 2018.

FOR FURTHER INFORMATION CONTACT: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, USDA/AMS/Dairy Program, Stop 0231—Room 2963, 1400 Independence Avenue SW, Washington, DC 20250–0231; phone: (202) 720–7311; email: *Erin.Taylor@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule, in accordance with 7 CFR 900.13a, is the Secretary's final decision in this proceeding and proposes the issuance of a marketing order as defined in 7 CFR 900.2(j).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and is therefore excluded from the requirements of Executive Order 12866.

This proposed rule is not considered an Executive Order 13771 regulatory action because it does not meet the definition of a ''regulation'' or ''rule'' under Executive Order 12866.

The proposed amendments have been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. If adopted, the proposed rule will not preempt any state or local law, regulations, or policies, unless they present an irreconcilable conflict with this rule.

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674 and 7253), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the AMAA, any handler subject to a marketing order may request modification or exemption from such order by filing with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, USDA would rule on the petition. The AMAA provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review USDA's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this proposed action on small entities and has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities.

For the purpose of the RFA, a dairy farm is considered a small business if it has an annual gross revenue of less than $750,000. Dairy product manufacturers are considered small businesses based on the number of people they employ. Small fluid milk and ice cream manufacturers are defined as having 1,000 or fewer employees. Small butter and dry or condensed dairy product manufacturers are defined as having 750 or fewer employees. Small cheese manufacturers are defined as having 1,250 or fewer employees. Manufacturing plants that are part of larger companies operating multiple plants with total numbers of employees that exceed the threshold for small businesses will be considered large businesses, even if the local plant has fewer employees than the threshold number.

AMS estimates that 248 dairy farms produced milk pooled on the Florida FMMO in 2017. One hundred forty-one farms delivered milk to Florida pool plants fewer than 100 days during 2017, and of those, 66 pooled less than 48,000 pounds of milk on the order during the entire year. AMS estimates 107 farms (248 minus 141) were part of the ''normal'' Florida milk supply last year. Nineteen of those farms had less than $750,000 in gross milk sales, based upon estimated 2017 production and a weighted average uniform price of $20.98 per cwt.

Considering all 248 farms that had producer milk on the Florida FMMO, AMS estimates that 101 farms had less than $750,000 in gross milk sales, no matter where all of their production was pooled, and would be considered small businesses.

Interested persons were invited to present evidence at the hearing on the possible regulatory impact of the proposals on small businesses. Four witnesses testified at the hearing, each representing one or all of the proponent cooperatives. Each of the witnesses indicated their cooperatives include dairy farmer members who would be considered small businesses.

AMS data indicates that six dairy farmer cooperatives, in their capacity as handlers, pooled producer milk on the Florida FMMO in 2017. AMS estimates that two of those cooperative handlers have fewer than 500 employees and would be considered small businesses. Thirty-eight processing plants received producer milk in 2017, of which AMS estimates that 13 would be considered small businesses. Two of the 13 small businesses are fully regulated distributing plants on the Florida FMMO. The remaining 11 small business are nonpool or exempt plants.

The proposed amendments recommended in this final decision will provide temporary reimbursement to handlers (cooperative associations and proprietary handlers) who incurred

extraordinary losses in connection with Hurricane Irma in September 2017. The proposed amendments were requested by Southeast Milk, Inc.; Dairy Farmers of America, Inc.; Premier Milk, Inc.; Maryland and Virginia Milk Producers Cooperative Association, Inc.; and Lone Star Milk Producers, Inc. The dairy farmer members of these five cooperatives supply the majority of the milk pooled under the Florida FMMO. The proposed amendments would implement, for a 7-month period beginning with the first month the amendments would be effective, a temporary assessment on Class I milk pooled on the Florida FMMO at a rate not to exceed $0.09 per hundredweight (cwt). The amount generated through the temporary assessment would be disbursed during the 7-month period starting the month after the amendments become effective to qualifying handlers who incurred extraordinary losses and expenses as a result of the hurricane.

Hurricane Irma disrupted the orderly flow of milk movements within the Florida marketing area between September 6, 2017, and September 15, 2017. Handlers in Florida experienced disruptions in moving and marketing bulk milk to supply the Class I (fluid milk) needs of the marketing area.

One of the functions of the FMMO program is to provide for the orderly exchange of milk between the dairy farmer and the handler (first buyer) to ensure the Class I needs of the market are met. The record evidence clearly shows that the movements of bulk milk in the Florida marketing area were disrupted because of the hurricane. As well, handlers experienced losses due to selling milk at distressed prices or dumping milk that could not be delivered to its usual destination. Accordingly, the adoption of the proposed amendments would provide financial relief to qualifying handlers who incurred additional marketing expenses and losses for bulk milk movements that were disrupted as a result of Hurricane Irma.

The proposed amendments would reimburse handlers for marketing expenses and losses in four categories: Transportation costs to deliver loads to other than their normal receiving plants; lost location value due to selling milk in lower location value zones; milk dumped at farms or on tankers, and skim milk dumped at plants; and distressed milk sales. Reimbursement would be funded through an assessment on Class I milk at a maximum rate of $0.09 per cwt. Record evidence indicates that this would increase the consumer price of milk by less than $0.01 per gallon during the 7-month proposed assessment period.

Handlers in the Florida marketing area would not be at a competitive disadvantage due to the temporary assessment because of its uniform application to all Class I milk. Additionally, any handler, regardless of size, who experienced a qualifying marketing expense or loss would be eligible to receive reimbursement. Dairy farmer blend prices would not be impacted by the proposed amendments because the assessment is not funded through the marketwide pool. Dairy farmer cooperatives who pooled milk on the Florida order, and therefore qualified as the pooling handler, would also be eligible for reimbursement. In those instances, producers are receiving relief as the money is returned to their dairy farmer-owned cooperative. Accordingly, the adoption of the proposed amendments would not significantly impact producers or handlers of any size, due to the limited implementation period and the minimal impact to the Class I milk price.

A review of reporting requirements was completed in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). As such, the information collection requirements related to this final decision do not require clearance by the Office of Management and Budget (OMB) beyond the currently approved information collection [0581–0032]. The information necessary to qualify for reimbursement, as proposed in this decision, has already been submitted through the monthly handler receipts and utilization form (INSERT FORM #), or is part of the normal business records that are inspected during routine FMMO audits.

The primary sources of information that would be required for application for reimbursements are documents currently generated in customary business transactions. These documents include—but are not limited to—invoices, receiving records, bulk milk manifests, hauling bills, and contracts. These documents are routinely inspected by the market administrator during handler audits. Thus no new information would be collected as a result of the amendments.

Prior Documents in This Proceeding

Notification of Hearing: Issued December 6, 2017; published December 11, 2017 (82 FR 58135).

Supplemental Notice of Hearing: Issued December 7, 2017; published December 11, 2017 (82 FR 58135).

Secretary's Decision

Notice is hereby given of the filing with the Hearing Clerk of this final decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Florida marketing area. This decision is issued pursuant to the provisions of the AMAA and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900). The tentative marketing agreement and order are authorized under 7 U.S.C. 608c.

The proposed amendments set forth below are based on the record of a public hearing held in Tampa, Florida, December 12 through 14, 2017, pursuant to a notification of hearing issued December 6, 2017, and published December 11, 2017 (82 FR 58135).

The material issues on the record of this proceeding relate to:

1. Temporary Class I assessment for reimbursement of extraordinary expenses and losses resulting from Hurricane Irma; and

2. Determination of whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions.

Overview of Proposal

Proposal 1 was submitted by an association of cooperative dairy producers who operate in the Florida milk marketing area. The proponents include Southeast Marketing, Inc.; Dairy Farmers of America, Inc.; Premier Milk, Inc.; Maryland and Virginia Producers Cooperative Association, Inc.; and Lone Star Milk Producers, Inc. (hereinafter referred to as ''Cooperatives''). According to the hearing record, the proponents together market in excess of 90 percent of the milk pooled on the Florida FMMO.

Proposal 1 would provide for emergency relief for Florida dairy handlers and producers for extraordinary marketing expenses and losses incurred September 6 through 15, 2017, as a result of Hurricane Irma. Proposal 1 would amend the Florida FMMO by providing for a temporary increase of $0.09 per cwt on Class I milk to fund reimbursements for eligible reimbursement claims. The proposal would provide for reimbursements related to: Transportation costs to deliver milk to plants other than the normal receiving plant; lost location value due to selling milk in lower location value zones; milk dumped at farms or on tankers, and skim milk dumped at plants; and distressed milk sales.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Temporary reimbursement for extraordinary expenses and losses resulting from Hurricane Irma.* At issue in this proceeding is the consideration of proposed amendments to the Florida FMMO to provide reimbursement to qualifying handlers (handlers and dairy farmer-owned cooperative associations in their capacity as handlers) for certain categories of extraordinary losses and expenses due to market disruptions caused by Hurricane Irma in September 2017. This decision finds that reimbursement through a temporary assessment ($0.09 per cwt) on Class I milk is appropriate.

A witness appearing on behalf of the Cooperatives testified in support of Proposal 1. The witness explained that normal milk movements in the Florida marketing area were disrupted as a result of Hurricane Irma, and that producers and handlers resorted to extraordinary measures to find alternative market outlets for milk that could not be delivered and processed at its normal destination. According to the witness, providing regulatory relief through a temporary assessment on Class I milk, as proposed, would ensure that all affected Class I handlers can be reimbursed for eligible claims.

The Cooperative witness stated that Proposal 1 would provide reimbursement across four categories to handlers who experienced extraordinary marketing expenses and losses. The witness categorized the costs as extra transportation costs for hauling milk to more distant plants; revenue lost due to the difference in location value as a result of delivering milk to more distant plants; revenue lost on milk that was dumped due to plant unavailability or logistical delays; and revenue lost on sales of milk to unregulated manufacturing plants at distressed milk prices.

In regards to transportation cost reimbursement, the Cooperative witness clarified Proposal 1 only seeks reimbursement for transportation costs in excess of what handlers would have normally paid if the hurricane had not forced them to find alternative market outlets. The witness explained the modification also would allow handlers to receive hauling cost reimbursement for milk rerouted to plants outside of Florida, even if the milk was not pooled on the Florida FMMO in September 2017. Proposed language would also impose a $3.75 per loaded mile upper limit on transportation cost reimbursement. The witness explained the $3.75 limit was based upon the proponents' industry experience and reflects current hauling rates for bulk milk.

The Cooperative witness explained that Proposal 1 seeks reimbursement for revenue lost due to receiving a lower location value than the milk would have normally received. The witness also modified Proposal 1 to allow milk rerouted to plants outside of the Florida milk marketing area to be eligible for location value reimbursement, even if the milk was not pooled on the Florida FMMO. The witness explained there were instances where milk normally associated with the Florida marketing area was rerouted to alternative plants and pooled on another FMMO. The witness said the modification would allow the handler to recoup the lost location value despite the milk not being pooled on the Florida FMMO. As with transportation costs, reimbursement would apply to the difference between the location value handlers would have normally received and the location value they actually received.

The Cooperative witness also clarified they are only seeking a net reimbursement, on a load-by-load basis, between losses in location value and any savings or losses on transportation costs. In this way, the witness explained, proponents would not receive reimbursement in excess of the actual cost incurred as a result of the hurricane.

The Cooperative witness explained that Proposal 1 also seeks reimbursement for milk dumped on farms, in tankers, or skim milk dumped at plants at the lowest classified value for the month. According to the witness, there are documented cases where milk was dumped at the farm because roads were impassable or tanker trucks or drivers were unavailable to haul the milk. In other cases, milk was dumped from tankers when no plants were available to receive it, or delivered to plants that were able to skim off and market the butterfat, but the skim milk had to be dumped. The witness noted that there may be loads of dumped milk that were not reported in a handlers' September 2017 Report of Receipts and Utilization, and asked that the Market Administrator allow handlers to revise their reports to reflect these dumped loads, although such a provision had not been included in the original proposal.

The last reimbursement category, said the Cooperative witness, is reimbursement for distressed milk sales. The witness modified the original proposal and testified that proponents are now seeking reimbursement for distressed milk sales equal to the difference between the announced price applicable to the milk at its classified use value and the actual price received for the distressed milk moved to nonpool plants. The witness explained that the purpose of this modification was to seek reimbursement on distressed milk sales at the milk's actual classified use value, as opposed to the lowest classified value, which in September 2017 was Class IV. The witness said reimbursing handlers for the actual classified use value ensures handlers are made whole based on how the milk was actually used. The witness clarified that reimbursement for distressed milk sales should not be limited to pooled milk.

The Cooperative witness explained the proposed reimbursement categories would be funded through a temporary assessment on Class I milk at a maximum rate of $0.09 per cwt per month for a limited period determined appropriate by USDA. The witness stated $0.09 per cwt was the rate USDA allowed previously to fund reimbursements following losses due to Hurricanes Charley, Frances, Ivan, and Jeanne in 2004. According to the witness, $0.09 per cwt generated necessary funds without causing market disruptions.

The witness said that in the Cooperatives' proposal, the Market Administrator would determine and announce the temporary assessment on Class I milk for each month the provisions are in effect. As the witness explained, during each applicable month, the Market Administrator would pay out verified eligible costs and losses, up to the amount of funds collected under the assessment for that month, uniformly prorating reimbursements if the eligible claims exceed funds available for the month. The witness testified that if the total dollars collected across all months exceed the total eligible claims, the Market Administrator should reduce the temporary assessment in the final month so as to not collect excess funds.

The Cooperative witness testified that because Class I prices are announced in advance of the month, there is a possibility that in the last month of the reimbursement period there could be a difference between the amount of money generated and the amount needed to pay final claim reimbursements. According to the witness, if the additional funds exceed the final costs, the extra funds could be added to the marketwide pool and

distributed to producers, or they could be returned pro rata to the handlers. If funds from the assessment are less than the total eligible claims due to handlers, the Market Administrator could prorate available funds for reimbursement.

The same witness later appeared on behalf of Lone Star Milk Producers, Inc. (Lone Star), in support of Proposal 1. Lone Star is a dairy farmer-owned cooperative that markets milk on behalf of more than 100 producers located in the Florida, Southeast, and Southwest FMMO areas. Lone Star is one of the Cooperative proponents of Proposal 1. The witness testified that the majority of Lone Star producers who market milk on the Florida FMMO would qualify as small businesses. The witness testified to the expenses and losses Lone Star incurred as a result of disorderly milk movements caused by Hurricane Irma.

According to the witness, Lone Star represents a small volume of milk relative to other marketers of milk in the Florida marketing area, but its members' pay prices were significantly impacted due to hurricane-related costs associated with rerouting milk. The witness testified that Lone Star was able to quantify its losses attributable to the storm because in September, all of Lone Star's milk marketed in Florida would have normally gone to its only customer in the Florida milk marketing area.

The witness testified that Lone Star actually saved on transportation costs, but experienced losses in location value of approximately $1.80 per cwt, compared to their normal milk marketings for September. The witness said Lone Star's losses in location value exceed transportation savings, and that they would seek reimbursement for only the difference. The witness also identified an $8,800 loss for one load of dumped milk and $22,000 in losses for distressed milk sales to unregulated plants. The witness summarized Lone Star's net losses, after offsetting savings in hauling costs, as more than $38,000 on milk normally pooled on the Florida order but which was rerouted or dumped.

The Lone Star witness testified regarding how USDA should view reimbursement for dumped milk and distressed milk sales. If, the witness explained, USDA determined that dumped milk was eligible for reimbursement at the lowest classified value in September 2017, but determined distressed milk sales were not eligible for reimbursement, handlers would effectively be penalized for finding an alternative market. The witness testified that if dumped milk was eligible for reimbursement but distressed milk sales were not, this might incentivize handlers to elect to dump milk in future natural disasters instead of trying to find an alternative market outlet. The witness concluded by expressing Lone Star's support for the proposed amendments as an emergency action and urged USDA to omit issuance of a recommended decision.

A witness testified in support of Proposal 1 on behalf of Southeast Milk, Inc. (SMI). SMI is a dairy-farmer owned cooperative representing approximately 150 dairy farmers located throughout the Southeast, of which 64 are located in Florida. Approximately 70 percent of SMI's milk production is located in the state of Florida, accounting for a significant portion of the milk pooled on the Florida FMMO each month. SMI is one of the proponent cooperatives of Proposal 1. According to the witness, the Small Business Administration would classify approximately 10 percent of all SMI producers as small businesses.

The SMI witness presented testimony regarding the Florida market conditions attributable to Hurricane Irma. The witness testified that the hurricane caused every plant in Florida to shut down between one and five days and, of the eight plants where SMI delivers, the average closure lasted 3.15 days.

The SMI witness also cited data released by the Florida Department of Agriculture and Consumer Services (FDACS) reporting tropical storm conditions in each of Florida's 67 counties. According to the FDACS data, estimated agriculture losses from Hurricane Irma were in excess of $2.5 billion, exceeding those of Hurricanes Charley and Frances in 2004. According to the FDACS information presented, Hurricane Irma was the largest, most powerful hurricane ever recorded on the Atlantic Ocean, making landfall in South Florida as a category three hurricane. FDACS data estimates the value of lost production in the Florida dairy sector to be at least $7.5 million. This estimate, the witness said, does not account for the losses for which the Cooperatives are seeking reimbursement through Proposal 1, but focuses on losses such as on-farm structure damage.

The SMI witness noted USDA declared 19 Florida counties Primary Natural Disaster Areas, with another 25 counties eligible for Federal assistance. The witness testified that 57 (or 87 percent) of SMI's 64 Florida dairy farms are located in counties declared disaster areas, and these farms produce approximately 91 percent of SMI's Florida milk production. According to the witness, some of SMI's southern Florida producers reported a 25 percent reduction in their daily milk production as a result of the stress to the milking herd. For the month of September, the witness stated that SMI members' production reports show a decrease of 3 percent, or 4 million pounds, as compared to September 2016. The witness noted that the loss in production will impact farmers for months to come.

The SMI witness testified that more than 15 million people were without power as a result of the storm and cited state agency reports indicating that on September 13, two days after the storm had passed, nearly 3.8 million customers still had no power. The witness explained that power outages meant that plants were unable to process milk, grocery stores were unable to store milk, and customers were unable to purchase milk, leaving dairy farmers with no market for their milk for multiple days.

In addition to the disruption caused by power outages, the SMI witness described fuel shortages that impacted farmers who rely on fuel to run on-farm generators. Without power or fuel to run generators, many farmers were unable to milk cows or keep bulk tanks cold. Farmers that were able to run generators had difficulty getting milk tankers to pick up their milk and deliver to plants in time for the milk to be pasteurized in accordance with health and sanitation standards. These factors, along with processing plant and road closures, led SMI producers to dump over 2 million pounds of milk on the farm or from tankers during and after the storm. SMI estimates the value lost due to dumped milk at approximately $328,000.

The witness testified SMI also incurred losses from milk sold at distressed prices. According to the witness, SMI estimates the lost value of selling milk that normally services the Class I market to a cheese processor at distressed prices to be at around $73,000, and an additional $19,300 loss on the same milk due to the difference in location value. The witness noted that these losses do not include the additional transportation costs SMI incurred shipping the milk out of the marketing area. According to the witness, dairy farmers will continue to see reduced mailbox prices for months to come as a result of the milk dumped and the milk sold at distressed prices.

The SMI witness explained that when electric power was restored and plants began to reopen, demand for fluid milk was extremely high. The witness noted that SMI experienced additional disorder and expenses as they worked to fill the pipeline. The witness said the

demand to restock the Florida market significantly impacted milk movements through September 15.

A witness testified on behalf of Premier Milk, Inc. (Premier), in support of Proposal 1. Premier is a dairy farmer-owned cooperative that markets nearly all of its members' milk on the Florida FMMO, with occasional sales on the Southeast FMMO. Premier is one of the proponent cooperatives of Proposal 1. In September 2017, Premier marketed milk on behalf of fifteen producers in the Florida FMMO, five of which are considered small businesses.

During September 2017, the witness said Premier shipped almost all of its members' milk to a dairy processor in Orange City, Florida. The witness explained Premier began experiencing delays delivering milk between September 7 and September 9 due to heavily congested roads resulting from pre-storm evacuations. According to the witness, the processor then announced it would close its plant on September 9 and would not process milk until the power was fully restored, which did not occur until September 13. The witness testified Premier took steps to minimize losses and avoid dumping milk, and was able to reroute some of its milk to a cheese plant in Alabama; however driver availability became an issue. According to the witness, Premier also worked with a small local processor to skim butterfat from some of its loads and dump the skim milk.

Ultimately, the witness testified, Premier's marketing losses had a significant impact on producer pay prices. The witness stated that reduced pay, in combination with farm losses due to structural damage and lost production, meant some of Premier's members had not been able to pay all their bills during the months after the hurricane.

The witness estimated Premier's total losses to be approximately $106,000: Losses for dumped milk at $32,000; net losses for distressed milk sales due to location value loss and freight costs at $33,000; and losses due to selling butterfat and dumping skim milk at $41,000. Premier urged USDA to expedite decision making regarding the proposed amendments in order to relieve some of the financial stress dairy farmers continue to be faced with after Hurricane Irma.

A witness representing Dairy Farmers of America, Inc. (DFA), testified in support of Proposal 1. DFA is a dairy farmer-owned cooperative marketing milk on all FMMOs except Arizona. According to the witness, 1,367 member farms service the cooperative's operational area that includes the Florida market, of which 10 farms are associated with the Florida FMMO during a typical month. The witness stated that none of its Florida farms would be considered small businesses. DFA is one of the proponent cooperatives of Proposal 1.

The DFA witness explained its members suffered marketing losses from Hurricane Irma and were seeking emergency relief in the form of reimbursement through the provisions of Proposal 1, as modified at the hearing. The DFA witness reiterated Proposal 1's intent to only seek compensation for net market losses resulting from the hurricane's disruption. The witness testified that DFA supports implementing the temporary maximum $0.09 per cwt assessment on Class I milk until all eligible claims are paid.

The DFA witness highlighted Market Administrator data that demonstrated changes in daily milk deliveries before, during and after the storm. The witness also referenced additional Market Administrator data showing a substantial amount of milk dumped on farms in September 2017, a practice that is highly unusual during a normal marketing month.

The DFA witness estimated the cooperative's losses due to the hurricane at approximately $150,000. Similar to earlier witnesses, the witness described DFA's efforts to minimize marketing losses. The witness said although DFA tried to meet the demand for extra milk prior to the storm, movements were difficult and costly because of highway congestion and the lack of available drivers. The witness explained that only three of the 75 loads of milk DFA would have normally delivered to Florida marketing area processors between September 9 and 13 went to their usual destinations; the rest were rerouted elsewhere, in most cases to pool plants and non-pool plants in neighboring marketing areas. The witness testified that DFA found an alternative market for almost all of its milk, but in doing so, tanker loads traveled longer distances and were sold at lower values than if they had been delivered to Florida plants. The witness noted that such extensive market disruption was historically unprecedented, even during emergency plant closures due to power or water loss.

The DFA witness stated that at the rate of $0.09 per cwt, the impact of the proposed temporary assessment on consumers would be less than $0.01 per gallon. According to the witness, providing for reimbursements through the proposed amendments to the Florida FMMO supports orderly marketing, as it recognizes the extraordinary nature of the hurricane's impact, and ensures the impact on milk producers, processors, sellers, and consumers is shared equally by the entire affected market. Finally, the witness urged USDA to expedite the rulemaking process necessary to make a determination in this matter.

The Cooperatives submitted a post-hearing brief reiterating the effects Hurricane Irma had on milk marketing conditions in Florida. The brief highlighted the unprecedented nature of the hurricane, noting the simultaneous closure of all processing plants in the state, extensive milk dumping, and resulting depressed producer pay prices. The brief noted the lack of opposition from any interested and impacted industry participants to substantiate the case for expedited relief. The Cooperatives' brief stated that the AMAA provides the authority for the adoption of Proposal 1 on an emergency basis.

The Cooperatives' brief stressed that Hurricane Irma impacted the entire state of Florida, emphasizing that historically, hurricanes in Florida have severely impacted a portion of the state but left other portions intact, allowing the dairy industry to mitigate market disruptions. Hurricane Irma, however, caused all fluid milk processing plants to simultaneously close from one to five days. The brief estimated that during the 10-day period from September 6 through September 15, 2017, more than 20 million pounds of milk that was part of the normal Florida milk supply had to find an alternative market outlet.

The Cooperatives' brief summarized the marketing expenses and losses for which handlers are seeking reimbursement, organized by four categories: Extra transportation expenses; lost location value; revenue lost due to dumped milk; and revenue lost due to distressed milk sales to unregulated manufacturing plants. The brief explained the differences between the proposal as published in the Notice of Hearing and the modified proposal submitted at the hearing. The Cooperatives wrote that the modifications were made following further review of actual milk movements and data, as well as adapting the proposal to account for the regulatory impact of Florida FMMO diversion limits.

Regarding transportation costs, the Cooperative brief clarified their intention to reimburse handlers for only the transportation costs of milk that exceed what the handler would have paid had there been no hurricane. The brief also explained that after reviewing data on milk movements, the

Cooperatives realized that some milk was delivered to plants fully regulated on another FMMO, and therefore the milk was pooled on the other FMMO. Under the language submitted in the Notice of Hearing, this milk would have been excluded from receiving reimbursement for additional transportation costs because the milk was not pooled on the Florida order. As the order limits the pooling of diversions to nonpool plants based on volumes delivered to pool plants, the plant closures that resulted from the Hurricane reduced allowable diversions to nonpool plants and prevented handlers from pooling all of the normal milk supply on the Florida FMMO.

The Cooperatives' brief explained a similar modification made to the provisions seeking reimbursement for lost location value. As with transportation cost reimbursement, the proposed modifications clarify that milk rerouted to plants outside of Florida also would be eligible for location value reimbursement, even if the milk was not pooled on the Florida FMMO in September 2017.

The Cooperatives brief reviewed the proposed reimbursement for dumped milk and distressed milk sales, and clarified that reimbursement for distressed milk sales should be equal to the actual classified use value of the milk rather than the lowest classified use value for the month of September 2017.

The Cooperatives brief emphasized the necessity of obtaining regulatory relief by outlining the difficulties, in absence of a regulatory scheme, associated with ensuring all Class I milk is assessed and all Class I handlers are treated uniformly. In addition, the brief restated hearing testimony noting there is no market process for repooling reimbursable costs and no market arbiter to administer a private surcharge and repooling program.

Dean Foods Company (Dean), while not present at the hearing, submitted a post-hearing brief in support of Proposal 1. Dean is a dairy processor that owns and operates three distributing plants fully regulated by the Florida FMMO. To supply its Florida distributing plants, Dean relies on milk from both cooperatives and independent producers. Dean's brief expressed support for exercising emergency rulemaking authority and instituting a temporary $0.09 per cwt assessment on Class I milk to fund reimbursement. The brief highlighted Dean Foods' support for the proposed assessment to the extent that it funds reimbursement only for losses sustained due to Hurricane Irma. According to Dean, funds generated above the amount necessary to pay reimbursement claims should be returned to Class I handlers on a pro rata basis.

The Cooperatives are seeking regulatory relief though a temporary assessment on Class I milk to provide financial assistance to the area's handlers and producers that experienced extraordinary marketing expenses and losses as a result of the hurricane. This decision evaluated the entire hearing record to determine whether Hurricane Irma impacted the orderly marketing conditions in the Florida FMMO marketing area to an extent that justifies regulatory relief.

The record of this proceeding clearly demonstrates that Hurricane Irma impacted the entire Florida marketing area. The hurricane's track went through the entire state, resulting in significant road closures and widespread, prolonged electrical outages. The electrical outages caused not only extensive plant closures for extended periods of time, but also grocery store closures, which resulted in lost Class I sales in the retail sector and a trickle-down impact through the entire milk supply chain. The record of the proceeding indicates that this extraordinary market situation left dairy farmers with limited—and in some cases no—market outlets in the marketing area for several days. Proponents stressed that the storm disrupted dairy plant operations and retail marketing, but producers could not stop their cows from producing milk. This market reality, the proponents emphasized, left pooling handlers with few options for marketing milk, and many incurred significant losses despite their best efforts to balance the milk supply of the entire marketing area.

The record contains extensive evidence detailing the difficulties of marketing milk September 6 through September 15, 2017, the time period in which Hurricane Irma impacted the market, according to proponents. While Hurricane Irma first hit the state approximately September 10, 2017, disruptions to the milk supply were experienced both days before and after landfall. The record shows that during that time period the Cooperatives, in their capacity as the pooling handlers of their members' milk, were forced to transport milk long distances to find alternative outlets. As a last resort, witnesses said they were forced to dump milk, if no alternative outlet could be found. These losses were borne by the cooperatives, and the record indicates they have no viable method for recouping those losses. Detailed record testimony also shows that the losses borne by producers have directly impacted the cash flows of their dairy farm operations.

The record contains detailed information regarding the extraordinary losses for which the proponents are seeking reimbursement through this proceeding. Record evidence provided shows total losses for the Cooperatives are estimated to exceed $700,000 for the four categories of reimbursement, excluding additional transportation costs that at the time of the hearing had yet to be quantified by all witnesses.

The AMAA provides authority for payments to handlers for services of marketwide benefit.[1] These payments are authorized to come from marketwide pool monies before a producer blend price is computed. The record of this proceeding contains substantial evidence that from September 6 through 15, 2017, the Florida dairy market was completely disrupted due to Hurricane Irma and Florida handlers did their best to market and balance the area's milk supply. The record reveals that, in performing this marketwide service, handlers incurred marketing expenses and losses solely attributable to the market situation created by Hurricane Irma. Further, the record demonstrates that handlers have no market process for recouping these marketing expenses and losses.

Accordingly this decision finds a temporary assessment of $0.09 per cwt on Class I milk is justified to provide reimbursement to handlers for demonstrated extraordinary costs incurred September 6 through 15, 2017, that fall into the four identified general categories. The hearing record reflects that the assessment would have an impact of less than $0.01 per gallon on milk consumers in the Florida marketing area. The assessment would only be collected during the 7-month period starting in the initial month the assessment would become effective. Assessment funds would be collected by the market administrator and distributed to qualifying handlers who incurred costs in the four identified categories, and who provide proof satisfactory to the market administrator that costs are eligible for reimbursement.

This decision finds it appropriate that handlers be required to submit all claim requests to the market administrator during the first month the assessment would become effective. This would provide handlers adequate time to assemble and submit necessary records, and give the market administrator

[1] 7 U.S.C. 608c(5)(J).

sufficient time to determine the total amount of eligible claims and adjust the assessment accordingly in the last month, ensuring that, as accurately as possible, only the necessary funds are collected.

For all claims submitted to the market administrator, documents substantiating the claims may include, but are not limited to, invoices, receiving records, bulk milk manifests, hauling billings, transaction records and contract agreements. Handlers would not be eligible to obtain reimbursement through these temporary provisions if they have applied for or received reimbursement through insurance claims or through any State, Federal, or other programs for the same losses.

Transportation Costs: This decision finds that handlers should be reimbursed for transportation expenses in excess of costs associated with customary shipping routes for milk that would have been considered part of the regular producer milk supply of the order, but was delivered to plants outside of the marketing area from September 6 through 15, 2017. Extensive record testimony was provided describing how Hurricane Irma caused significant road closures and lengthy plant closings that forced handlers to reroute a large number of milk tankers from their customary shipping destinations within the marketing area to alternative outlets outside of the marketing area. In many, but not all, cases described, the transportation costs associated with these alterative outlets were more expensive.

This decision finds it reasonable to reimburse handlers for the increase in transportation costs for each eligible load over what would be considered transportation costs during normal market conditions. Record evidence demonstrates that handlers faced unprecedented challenges and additional transportation costs and it is reasonable to provide these handlers with limited reimbursement for additional transportation costs incurred. Limiting transportation cost reimbursement to only the increase in transportation costs due to the hurricane will ensure that handlers are not being reimbursed for costs associated with marketing milk under normal market conditions.

This decision finds that while the milk on eligible loads did not have to be pooled as producer milk on the Florida FMMO during September 2017 to be eligible for reimbursement, proof must be provided to the market administrator that milk on those loads would have been part of the normal producer milk supply of the Florida FMMO. This decision finds a reasonable reimbursement rate on eligible loads should be the lesser of actual demonstrated transportation expenses or $3.75 per loaded mile. Record evidence supports $3.75 per loaded mile as an appropriate maximum reimbursement rate, based on the proponents' industry knowledge of current bulk milk transportation costs. Further, reimbursement should only be granted for the transportation costs incurred in excess of what the handlers would have paid during normal marketing conditions. This decision finds that milk rerouted from pool distributing plants to plants outside of the marketing area, milk transported off the farm but then dumped from milk tankers, and skim milk dumped after the butterfat was removed at a plant would be eligible for transportation cost reimbursement.

The record testimony reflects that the Florida FMMO diversion limitations, combined with milk deliveries to alternative outlets, caused some milk normally pooled on the Florida FMMO to instead be pooled on another FMMO. Much of the milk was delivered to plants in the Southeast and Appalachian marketing areas and may have been pooled on those respective orders. The Southeast and Appalachian order provisions provide for transportation credits on supplemental milk supplies sourced from outside of those combined marketing areas. Therefore, there could be instances where milk normally associated with the Florida FMMO was instead pooled on the Southeast or Appalachian order and may have received a transportation credit. This decision finds that transportation credits received on loads eligible for transportation cost reimbursement through this proceeding would have the transportation credits received netted out of any final transportation cost reimbursement due to the requesting handler.

Lost Location Value: This decision finds that handlers should be reimbursed for lost location value on milk that would have normally been delivered to fluid milk plants within the marketing area but was instead rerouted to plants outside of the marketing area because of Hurricane Irma. The location value of milk is the Class I differential associated with plant of first receipt. The FMMO system has a coordinated national set of Class I differentials that set a Class I differential level for each county in the contiguous United States.[2]

[2] 7 CFR 1000.52 as adjusted by §§ 1005.51(b), 1006.51(b), and 1007.51(b).

The hearing record shows that from September 6 through 15, 2017, there were many instances where the only available market outlet for milk that would have normally been delivered to plants inside the Florida marketing area was to plants outside of the state. Record evidence indicates that during the hurricane, milk was delivered to plants in lower location value zones outside of the marketing area, and as a result, producers received a lower location value than they otherwise would have if that milk had been delivered to its normal market outlet. For example, the record indicates that milk was delivered to a plant located outside of Florida in the $3.40 per cwt zone, instead of its normal plant located within the state of Florida in the $5.40 per cwt zone. The change in plant of first receipt reduced the location value of that milk by $2.00 per cwt.

Record evidence estimates the Cooperatives incurred a total loss in location value of $30,000. The record supports claims that producers would have normally received the additional location value had it not been for disruptions caused by Hurricane Irma, which forced handlers to deliver milk to alternative locations.

Record testimony indicates that in some instances, while loads that were rerouted to a plant outside the marketing area did receive a lower location value, the transportation cost to move some of those loads was actually less than if the milk was delivered to its normal outlet. In those instances, this decision finds that the reimbursement owed to the handlers should be the net value when considering both change in location value and change in transportation costs, on a load-by-load basis.

Dumped Milk: This decision finds that handlers should be reimbursed, at the lowest classified use value for September 2017, for milk dumped on farms, milk dumped from tankers after being moved off farms, or skim milk dumped at plants due to Hurricane Irma. The record evidence contains detailed information regarding the market conditions associated with Hurricane Irma. The hurricane's far reaching impact across the entire state caused road closings and electrical outages that necessitated the dumping of milk because there were no available market outlets. In some cases, producers dumped milk on their farms because road closures prevented trucks from picking up milk. In other instances, handlers that normally pick up farm milk and assemble tanker loads for plant deliveries at an assembly point had to dump milk from milk tankers because of

limited available plant processing capacity. Record testimony also described situations where handlers were able to find a market outlet for butterfat. In those situations handlers delivered farm milk to plants where the butterfat was removed for sale and the skim milk was dumped at the plants.

The record indicates that the market administrator allowed pooling handlers to pool the dumped milk. The milk was classified as ''other use'' milk and assigned a Class IV value (the lowest classified value for September 2017), and the pooling handler received a payment from the pool equal to the difference between the order's uniform blend price for the month and the Class IV price. The proposal for consideration at this hearing would reimburse pooling handlers for the lost Class IV value, essentially making the pooling handler whole. Record evidence estimates the Cooperatives dumped milk at a total value of $368,000.

Record evidence clearly indicates the hurricane was an extraordinary weather event, and despite the best efforts from pooling handlers, not all milk could find a market outlet, which led to unusual milk dumping situations. This decision finds that pooling handlers should be reimbursed for the lost value of dumped milk that was reported to the market administrator and reflected on their September 2017 Receipts and Utilization report. Handlers had 22 days between the end of the time period they assert the market was impacted by Hurricane Irma (September 15, 2017) and when September pool handler reports were due to the market administrator (October 7, 2017). Milk not reported as dumped milk on the September 2017 Receipts and Utilization report would not be eligible for reimbursement.

Distressed Milk: This decision finds handlers who sold milk at distressed prices due to Hurricane Irma should be reimbursed for the difference between the end-use classified value and the price the handler actually received for the milk. The hearing record indicates that in an effort to find an alternative outlet for the regular milk supply of the Florida market, pooling handlers sold milk to nonpool manufacturing plants outside of the marketing area at prices below its classified use value. Pooling handlers testified that selling milk at distressed prices was better than the alternative of dumping the milk and receiving no compensation from the market. Proposal 1, as amended at the hearing, seeks reimbursement for the difference between the classified use value of the milk had it been pooled, and the actual price received for the milk. This reimbursement rate would be based on the actual price received and the end product utilization, and would be verified through documentation submitted to the market administrator. Record testimony estimates the Cooperatives incurred an aggregate loss on distressed milk sales of $168,000.

This decision finds that reimbursement for distressed milk sales at the milks end-use classification is justified. Similar to the requirements for other cost reimbursement categories recognized in this decision, handlers of distressed milk loads would need to submit documentation to the market administrator demonstrating that while the milk may or may not have been pooled on the Florida order that month, the milk was part of the normal milk supply of the Florida marketing area.

2. *Determination of whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions.*

Record evidence supports the adoption of Proposal 1, as modified at the hearing and in this decision, on an emergency basis due to Hurricane Irma's significant impact on the orderly marketing conditions of the entire Florida marketing area between September 6 and September 15, 2017. The proposed amendments to the Florida FMMO would provide reimbursement to handlers (handlers and dairy-farmer-owned cooperative associations in their capacity as handlers) who incurred marketing expenses and losses in the four categories previously discussed through a maximum 7-month $0.09 per cwt assessment on Class I milk.

The Rules of Practice and Procedure governing FMMO rulemaking proceedings allow the Department to omit issuing a recommended decision should such omission be found warranted on the basis of the hearing record.[3]

Record evidence clearly indicates that the marketing of bulk milk for the entire Florida marketing area was significantly impacted due to Hurricane Irma. Such evidence includes official disaster declarations, reports of processing plant closures and suspended operations, widespread and prolonged electrical outages, road closures that required the rerouting of milk or dumping of milk with no market outlet, and the direct impact on producers' cash flow in the months since the hurricane. The record indicates that no market mechanism is available to provide uniform relief to all handlers and producers who incurred the marketing expenses and losses that have been documented in this hearing record. Further, record evidence indicates producer pay prices are continuing to be reduced as their Cooperatives have no means for alternative financial relief.

The record shows that the timely implementation of the proposed amendments would provide much needed relief to handlers and producers who incurred this marketing expenses and losses as a direct result of Hurricane Irma. No record evidence was presented opposing the omission of a recommended decision. Accordingly, this decision finds that emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Florida FMMO was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the AMAA;

(b) The parity prices of milk as determined pursuant to section 2 of the AMAA are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions that affect market supply and demand for milk in the Florida marketing area, and the minimum prices specified in the tentative marketing agreement and order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[3] 7 CFR 900.12(d).

(c) The tentative marketing agreement and order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Marketing Agreement and Order Amending the Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Florida marketing area, which has been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered that this entire decision and the two documents annexed hereto be published in the **Federal Register**.

Determination of Producer Approval and Representative Period

August 2017 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Florida marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

List of Subjects in 7 CFR Part 1006

Milk marketing orders.

Dated: March 23, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

Order Amending the Order Regulating the Handling of Milk in the Florida Marketing Area

(This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.)

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is determined that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing area. The minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1006—MILK IN THE FLORIDA MILK MARKETING AREA

■ 1. The authority citation for 7 CFR part 1006 continues to read as follows:

Authority: 7 U.S.C. 601–674, and 7253.

■ 2. Section 1006.60 is amended by revising paragraphs (a) and (g) and adding paragraphs (h) and (i) to read as follows:

§ 1006.60 Handler's value of milk.

* * * * *

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to 7 CFR 1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts; except that for the months of____2018 through ____2018, the Class I skim milk price for this purpose shall be the Class I skim milk price as determined in 7 CFR 1000.50(b) plus $0.09 per hundredweight, and the Class I butterfat price for this purpose shall be the Class I butterfat price as determined in 7 CFR 1000.50(c) plus $0.0009 per pound. The adjustments to the Class I skim milk and butterfat prices provided herein may be reduced by the market administrator for any month if the market administrator determines that the payments yet unpaid computed pursuant to paragraphs (g)(1) through (6) of this section will be less than the amount computed pursuant to paragraph (h) of this section. The adjustments to the Class I skim milk and butterfat prices provided herein during the months of____ 2018 through____ 2018 shall be announced along with the prices announced in 7 CFR 1000.53(b);

* * * * *

(g) For transactions occurring during the period of September 6, 2017, through September 15, 2017, for handlers who have submitted proof satisfactory to the market administrator no later than____, 2018, to determine eligibility for reimbursement of hurricane-imposed costs, subtract an amount equal to:

(1) The additional cost of transportation on loads of milk rerouted from pool distributing plants to plants outside the state of Florida as a result of Hurricane Irma, and the additional cost of transportation on loads of milk moved and then dumped. The reimbursement of transportation costs pursuant to this section shall be the actual demonstrated cost of such transportation of bulk milk or the miles of transportation on such loads of bulk milk multiplied by $3.75 per loaded mile, whichever is less;

(2) The lost location value on loads of milk rerouted to plants outside the state of Florida as a result of Hurricane Irma. The lost location value shall be the difference per hundredweight between the value specified in 7 CFR 1000.52, adjusted by § 1006.51(b), at the location of the plant where the milk would have normally been received and the value specified in 7 CFR 1000.52, as adjusted by 7 CFR 1005.51(b) and 1007.51(b), at the location of the plant to which the milk was rerouted;

(3) The value per hundredweight at the lowest classified price for the month of September 2017 for milk dumped at the farm and classified as other use milk pursuant to 7 CFR 1000.40(e) as a result of Hurricane Irma;

(4) The value per hundredweight at the lowest classified price for the month of September 2017 for milk dumped

from milk tankers after being moved off-farm and classified as other use milk pursuant to 7 CFR 1000.40(e) as a result of Hurricane Irma;

(5) The value per hundredweight at the lowest classified price for the month of September 2017 for skim portion of milk dumped and classified as other use milk pursuant to 7 CFR 1000.40(e) as a result of Hurricane Irma; and

(6) The difference between the announced class price applicable to the milk as classified by the market administrator for the month of September 2017 and the actual price received for milk delivered to nonpool plants outside the state of Florida as a result of Hurricane Irma.

(h) The total amount of payment to all handlers under paragraph (g) of this section shall be limited for each month to an amount determined by multiplying the total Class I producer milk for all handlers pursuant to 7 CFR 1000.44(c) times $0.09 per hundredweight.

(i) If the cost of payments computed pursuant to paragraphs (g)(1) through (6) of this section exceeds the amount computed pursuant to paragraph (h) of this section, the market administrator shall prorate such payments to each handler based on each handler's proportion of transportation and other use milk costs submitted pursuant to paragraphs (g)(1) through (6). Costs submitted pursuant to paragraphs (g)(1) thought (6) which are not paid as a result of such a proration shall be paid in subsequent months until all costs incurred and documented through (g)(1) through (6) have been paid.

[This marketing agreement will not appear in the Code of Federal Regulations.]

Marketing Agreement Regulating the Handling of Milk in the Florida Marketing Area

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof, as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ 1006.1 to 1006.86, all inclusive, of the order regulating the handling of milk in the Florida marketing area (7 CFR part 1006), which is annexed hereto; and

II. The following provision:

§ 1006.87—Record of milk handled and authorization to correct typographical errors.

(a) Record of milk handled. The undersigned certifies that he/she handled during the month of [insert representative period], _____ hundredweight of milk covered by this marketing agreement.

(b) Authorization to correct typographical errors. The undersigned hereby authorizes the Deputy Administrator, or Acting Deputy Administrator, Dairy Programs, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ 1006.87 Effective Date. This marketing agreement shall become effective upon the execution of a counterpart thereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In Witness Whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

Signature

By (Name) _____

(Title) _____

(Address) _____

(Seal)

Attest

[FR Doc. 2018–06286 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Document Number AMS–SC–16–0115]

Peanut Promotion, Research, and Information Order; Change in Assessment Rate Computation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on changing the assessment rate computation under the Agricultural Marketing Service's (AMS) regulations regarding a national research and promotion program for U.S. peanuts. This proposal would change the basis for assessment under the regulations from value to volume (per ton). Two rates of assessment would be established instead of using a formula currently specified in the regulations. This proposal would also update the definition for ''fiscal year'' specified in the regulations to reflect current practices.

DATES: Comments must be received by April 30, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, Stop 0244, 1400 Independence Avenue SW, Room 1406–S, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal affecting 7 CFR part 1216 is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act)(7 U.S.C. 7411–7425).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing

Regulation and Controlling Regulatory Costs''' (February 2, 2017).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this proposed regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on changing the assessment rate computation under the Peanut Promotion, Research, and Information Order. Part 1216 is administered by the Board with oversight by USDA. This proposal would change the basis for assessment under the program from value to volume (per ton). Two rates of assessment would be established instead of using a formula currently specified in the part. The assessment rates would be $3.55 per ton for Segregation 1 peanuts and $1.25 per ton for lower quality Segregation 2 and 3 peanuts. This action was unanimously recommended by the National Peanut Board (Board) and would help facilitate program operations by providing a more predictable revenue stream for the Board. This proposal would also update the definition for fiscal year specified in the part to reflect current practices.

The peanut program took effect in 1999. Under the regulations, the Board administers a nationally-coordinated program of promotion, research, and information designed to strengthen the position of peanuts in the market place and to develop, maintain, and expand the demand for U.S. peanuts.

Section 1216.48(m) provides authority for the Board to recommend to the Secretary amendments to the regulations as the Board considers appropriate.

Section 1216.51 specifies that the funds necessary to pay for programs and other authorized costs shall be acquired by levying assessments upon producers in a manner prescribed by the Secretary. The assessments are collected by first handlers from producers and remitted to the Board no later than 60 days after the last day of the month in which the peanuts were marketed. Paragraph (c) of that section states that assessments shall be levied based on *value* at a rate of one percent of the price paid for all farmers stock peanuts sold. As defined in § 1216.9, ''farmers stock peanuts'' means picked or threshed peanuts produced in the United States which have not been changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the condition in which picked or threshed peanuts are customarily marketed by producers, plus any loose shelled kernels that are removed before they are marketed.

For producers who place their peanuts in a USDA loan program,[1] assessments are levied at a rate of one percent of the loan value. The loan value is equivalent to the national loan rate for peanuts established by Congress and currently averages $355 per ton.[2] (The rate will vary depending upon the quality of the peanuts.) For peanuts placed under loan, USDA deducts from the loan paid to the producer one percent of the loan value and remits this to the Board. This computes to an average assessment rate of $3.55 per ton. (This rate will also vary depending upon the quality of the peanuts).

Over the past three years (2014–2016), about $8.6 million in assessments has been collected under the program annually. Assessments collections totaled $7,284,050[3] in 2014, $8,811,444[4] in 2015, and $9,670,889[5] in 2016.

In recent years, the Board has discussed the merits of modifying the formula for calculating assessments in order to receive a more predictable revenue stream for the program. A reduction in value (producer price or the loan rate) could reduce Board revenue to the point where the Board would have to drastically curtail its promotional and research activities. Producer prices declined 24 percent from 2013–2016 while production increased. According to USDA's National Agricultural Statistics Service (NASS), the producer price was $0.249 per pound (or $498 per ton) in 2013[6] and $0.189 (or $378 per ton) in 2016.[7] Production in 2013 was 4.174 billion pounds[8] and 5.685 billion pounds in 2016.[9] For 2017, production is estimated at 7.429 billion pounds, up 31 percent from 2016.[10]

Board Recommendation

Thus, the Board met on April 4, 2017, and unanimously recommended changing the basis for assessment under the program from value to volume (per ton). Two rates of assessments would be established for farmers stock peanuts, depending upon their quality as defined in the Minimum Quality and Handling Standards for Domestic and Imported

[1] USDA's Farm Service Agency administers a marketing assistance program for peanuts on behalf of the Commodity Credit Corporation. Under this program, producers may apply for a loan which allows them to store their production and pledge the peanuts as collateral instead of selling them immediately after the fall harvest. *https://www.fsa.usda.gov/programs-and-services/price-support/commodity-loans/non-recourse-loans/peanut-program/index.*

[2] *https://www.fsa.usda.gov/news-room/news-releases/2017/nr_20170707_rel_0074.*

[3] National Peanut Board, Financial Statements with Independent Auditor's Report and Supplementary Information, October 31, 2014, Brooks, McGinnis & Company, LLC, p. 14.

[4] National Peanut Board, Financial Statements with Independent Auditor's Report and Supplementary Information, October 31, 2015, Brooks, McGinnis & Company, LLC, p. 12.

[5] National Peanut Board, Financial Statements with Independent Auditor's Report and Supplementary Information, October 31, 2016, Brooks, McGinnis & Company, LLC, p. 14.

[6] USDA Crop Values Summary 2014, February 2015, p. 8; *http://usda.mannlib.cornell.edu/usda/nass/CropValuSu//2010s/2015/CropValuSu-02-24-2015_correction.pdf.*

[7] USDA, Crop Values Summary 2016, February 2017, p. 7; *http://usda.mannlib.cornell.edu/usda/nass/CropValuSu//2010s/2017/CropValuSu-02-24-2017_revision.pdf.*

[8] USDA, Crop Production Summary 2013, January 2014, p. 79; *http://usda.mannlib.cornell.edu/usda/nass/CropProdSu//2010s/2014/CropProdSu-01-10-2014.pdf.*

[9] USDA, Crop Production Summary 2016, February 2017, p. 101; *http://usda.mannlib.cornell.edu/usda/current/CropProdSu/CropProdSu-01-12-2017.pdf.*

[10] USDA Crop Production, August 10, 2017, p. 31; *https://www.usda.gov/nass/PUBS/TODAYRPT/crop0817.pdf.*

Peanuts Marketed in the United States (Standards) codified in 7 CFR part 996.[11] The assessment rates would be $3.55 per ton for Segregation 1 peanuts and $1.25 per ton for lower quality Segregation 2 and 3 peanuts. (Section 517(d) of the 1996 Act provides authority for a board to recommend to the Secretary one or more rates of assessment under a program (7 U.S.C. 7416)).

Pursuant to § 996.13(b) of the Standards, ''Segregation 1 peanuts'' means farmers stock peanuts with not more than 3.49 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.* Pursuant to § 996.13(c), ''Segregation 2 peanuts'' means farmers stock peanuts with more than 3.49 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.* Pursuant to § 996.13(d), ''Segregation 3 peanuts'' means farmers stock peanuts with visible *Aspergillus flavus.*

This action would help facilitate program operations by providing a more predictable revenue stream for the Board to carry out its mission. Section 1216.51 is proposed to be revised accordingly.

This proposal would reference § 996.13(b), (c) and (d) of the Standards which define the terms Segregation 1 peanuts, Segregation 2 peanuts, and Segregation 3 peanuts, respectively.

Further, this proposal would revise § 1216.11 regarding the term 'fiscal year' from the 12-month period beginning August 1 of any year and ending July 31 of the following year to the 12-month period beginning November 1 of any year and ending October 31 of the following year to reflect current industry practices. That section also defines the term crop year to mean the same as fiscal year. The term crop year is not referenced elsewhere in part 1216 and is thus not necessary. This proposal would remove that term from § 1216.11. Section 1216.11 is proposed to be revised accordingly.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (handlers) as those having annual receipts of no more than $7.5 million.

According to the Board, there are approximately 7,600 producers and 33 handlers of peanuts covered under the program.

Most producers would be classified as small businesses under the criteria established by the SBA. USDA's NASS reports that the farm value of the peanuts produced in the top 11 States in 2016 was $1.077 billion.[12] Dividing the 2016 crop value by 7,600 producers yields an average peanut sales per producer estimate of approximately $142,000. This is well below the threshold level of $750,000 in annual sales, indicating that most peanut producers would be classified by the SBA as small businesses.

Dividing the 2016 crop value by 33 handlers yields an average peanut crop value per handler of about $33 million. This is many times larger than the $7.5 million SBA threshold and is thus an indication that most of the handlers would not be classified as small businesses.

U.S. peanut production from the 11 major peanut-producing States in 2016 was 5.685 billion pounds.[13] Georgia was the largest producer (49 percent of U.S. production), followed by Alabama (11 percent), Texas (10 percent), Florida (10 percent), South Carolina (6 percent), North Carolina (6 percent), Mississippi (3 percent), Arkansas (2 percent), Virginia (1 percent), Oklahoma (1 percent) and New Mexico (less than 1 percent). According to the 2012 Census of Agriculture,[14] small amounts of peanuts were also grown in seven other States.

If the number of peanut producers (7,600) is divided into total 2016 U.S. production (5.685 billion pounds), the resulting average peanut production per producer is approximately 748,000 pounds.

This proposal would revise § 1216.51 to change the basis for assessment from value to volume (per ton). The program is administered by the Board with oversight by USDA. Two rates of assessment would be established instead of using a formula currently specified in the regulations. The assessment rates would be $3.55 per ton for Segregation 1 peanuts and $1.25 per ton for lower quality Segregation 2 and 3 peanuts. This action was unanimously recommended by the Board and would help facilitate program operations by providing a more predictable revenue stream for the Board. Authority for this action is provided in § 1216.48(m) and section 517 of the 1996 Act. This proposal would also update the definition for fiscal year specified in § 1216.11 to reflect current practices. That section provides authority for the Board, with approval of the Secretary, to change the fiscal year.

Regarding the economic impact of this proposed rule on affected entities, this action would change the basis of assessment from value to volume (per ton). The rates of assessment recommended by the Board are comparable to the rates that have been in effect since the inception of the program.[15] While assessments impose additional costs on producers, the costs are minimal and uniform on all. The costs would also be offset by the benefits derived from the operation of the program. (The update to § 1216.11 regarding the fiscal year is administrative in nature.)

Regarding the impact of the peanut program on the industry as a whole, the program has been successful in helping to build demand and improve producer returns. A 2014 economic study shows that the program helped to increase demand by 15 percent from 2007–2013, and that each dollar invested in Board activities over the period returned $8.87 to the producer.[16]

With regard to alternatives, the Board has been considering revising the assessment rate computation for a number of years. The Board considered revising the assessment rate to equal a weighted average of the value of Segregation 1, 2, and 3 peanuts as reported by the NASS for the prior year. However, this would still link the assessment rate to value. Another option would be to maintain the status quo.

[11] 7 CFR part 996 took effect in 2002 and requires U.S. and imported peanuts to meet certain quality standards (67 FR 57129; September 9, 2002).

[12] USDA, Crop Values Summary 2016, February 2017, p. 9; *http://usda.mannlib.cornell.edu/usda/nass/CropValuSu//2010s/2017/CropValuSu-02-24-2017_revision.pdf.*

[13] USDA Crop Production, August 10, 2017, p. 16; *https://www.usda.gov/nass/PUBS/TODAYRPT/crop0817.pdf.*

[14] USDA 2012 Census of Agriculture; p. 444; *https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_US/usv1.pdf.*

[15] This action would not increase the assessment rate. Therefore, a referendum is not required (see § 1216.51(j)).

[16] Kaiser, Harry, An Economic Analysis of the National Peanut Board, August 11, 2014, p. 1. The analysis is available from USDA or the Board.

After review and deliberation, the Board unanimously recommended revising the basis for assessment under the program from value to volume as described herein.

To calculate the percentage of producer revenue represented by the assessment rate, the proposed assessment rates are divided by the average producer price. The proposed assessment rates are $3.55 per ton ($0.001775 per pound) for Segregation 1 peanuts and $1.25 per ton ($0.000625 per pound) for Segregation 2 and 3 peanuts. According to NASS, the average producer price ranged from $0.193 per pound in 2015 to $0.189 per pound in 2016.[17] Thus, the proposed assessment rates as a percentage of producer price could range from 0.92 to 0.94 percent for Segregation 1 peanuts and from 0.32 to 0.33 percent for Segregation 2 and 3 peanuts.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the program have been approved previously under OMB control number 0581–0093. This proposed rule would not result in a change to the information collection and recordkeeping requirements previously approved and would impose no additional reporting and recordkeeping burden on peanut producers or first handlers.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In regard to outreach efforts, Board members have been conducting outreach to educate industry members about the need for changing the basis of assessment since January 2016. The issue has been discussed at Board meetings over the past few years. The Board has also conducted outreach to the major peanut associations and has received positive feedback. All of the Board's meetings are open to the public and interested persons are invited to participate and express their views.

AMS has performed this initial RFA regarding the impact of this proposed action on small entities and invites comments concerning potential effects of this action.

USDA has determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because this action would need to be completed by the spring of 2018 so that USDA would have sufficient time to code the assessment rates into its computer system to administer its loan program. (USDA collects the assessments for peanuts placed under loan by producers and remits the assessments to the Board.) All written comments received in response to this proposed rule will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1216 is proposed to be amended as follows:

PART 1216—PEANUT PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1216 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Revise § 1216.11 to read as follows:

§ 1216.11 Fiscal year.

Fiscal year means the 12-month period beginning with November 1 of any year and ending with October 31 of the following year, or such other period as determined by the Board and approved by the Secretary.

■ 3. In § 1261.51, revise paragraphs (c) and (d), remove paragraph (e), and redesignate paragraphs (f) through (j) as paragraphs (e) through (i) to read as follows:

§ 1216.51 Assessments.

* * * * *

(c) Such assessments shall be levied on all farmers stock peanuts sold at a rate of $3.55 per ton for Segregation 1 peanuts and $1.25 per ton for Segregation 2 peanuts and 3 peanuts, as those terms are defined in § 996.13(b)–(d) of this title.

(d) For peanuts placed under a marketing assistance loan with the Department's Commodity Credit Corporation, the Commodity Credit Corporation, or any entity determined by the Commodity Credit Corporation shall deduct and remit to the Board, from the proceeds of the loan paid to the producer, the assessment per ton as specified in paragraph (c) of this section, no more than 60 days after the last day of the month in which the peanuts were placed under a marketing assistance loan.

* * * * *

Dated: March 23, 2018.

Bruce Summers,

Acting Administrator.

[FR Doc. 2018–06283 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–02–P

[17] USDA, Crop Values Summary 2016, February 2017, p. 27; *http://usda.mannlib.cornell.edu/usda/nass/CropValuSu//2010s/2017/CropValuSu-02-24-2017_revision.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0792; Product Identifier 2017–NE–28–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for certain General Electric Company (GE) CF6–80A, CF6–80A1, CF6–80A2, CF6–80A3, CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2D1F, CF6–80C2L1F, and CF6–80C2K1F turbofan engines. This action revises the notice of proposed rulemaking (NPRM) by removing certain engine models and adding a new part number (P/N) to the applicability and by revising the references to the service information. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, we are reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal**

Register on September 7, 2017 (82 FR 42261) is reopened.

We must receive comments on this SNPRM by May 14, 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:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this SNPRM, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0792; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this SNPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0792; Product Identifier 2017–NE–28–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to GE turbofan engines, models CF6–80A, CF6–80A1, CF6–80A2, CF6–80A3, CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B1F1, CF6–80C2B1F2, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B3F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2B8F, CF6–80C2D1F, CF6–80C2L1F, and CF6–80C2K1F with high-pressure turbine (HPT) disks with part numbers and serial numbers (S/Ns) listed in Table 1 and 2 of Appendix A in GE Service Bulletin (SB) CF6–80C2 S/B 72–1562, Revision 01, dated July 28, 2017. The NPRM published in the **Federal Register** on September 7, 2017 (82 FR 42261). The NPRM was prompted by an uncontained failure of an HPT stage 2 disk that resulted in a fire. The NPRM proposed to require ultrasonic inspection (UI) of HPT stage 1 and 2 disks.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we determined the need to remove certain engine models and to add a new part number to the applicability of this AD. We determined the need to revise references to the service information in this AD because, since the publication of the NPRM, GE published the list of affected HPT S/Ns in two separate SBs applicable to the CF6–80A and CF6–80C2 engines.

Comments

We gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change Definition

MTU Maintenance Hannover, Lufthansa Technik AG, and GE requested modification of the definition of ''piece part exposure.'' They reasoned a modification of the definition would prevent unintended inspections on disks.

We agree. Modification of the definition of ''piece part exposure'' will clarify the intent of when the inspections are to be accomplished. We changed the Definition paragraph in this AD to clarify that ''piece-part exposure'' involves separation of the HPT disk from its mating rotor parts.

Request To Clarify the Unsafe Condition

The Boeing Company (Boeing) and GE requested we add wording identifying the HPT stage 1 or HPT stage 2 disk, as appropriate, with the associated CF6–80A and CF6–80C2 engine models in the unsafe condition paragraph of this AD. These commenters requested the change to provide clarification and avoid confusion.

We agree. We changed the Unsafe Condition paragraph in this AD as requested by the commenters.

Request To Remove Engines Models From Applicability

Boeing and GE requested we modify the applicability of this AD by removing certain GE engine models. GE commented that the affected HPT disks are not certified for use in the GE CF6–80C2B8F engine model and, therefore, this model should be removed from the AD. Boeing commented that GE CF6–80C2B3F, CF6–80C2L1F and CF6–80C2K1F engine models are not part of the Boeing 767/747 type certificate data sheet (TCDS) and, therefore, these models should be removed from the AD.

In addition, we learned from discussions with GE that GE CF6–80C2B1F1 and CF6–80C2B1F2 engine models have never been produced and therefore should be removed from this AD.

We partially agree. We disagree with removing GE CF6–80C2L1F and CF6–80C2K1F engine models from applicability. These models are present on the engine TCDS. Further, the applicable HPT disks are eligible for installation on GE engine models CF6–80C2L1F and CF6–80C2K1F and these engine models may be exposed to the applicable HPT disks during an engine overhaul.

We agree with removing the GE CF6–80C2B1F1, CF6–80C2B1F2, CF6–80C2B3F, and CF6–80C2B8F engine models from the applicability section of this AD because these engine models were never produced or the applicable HPT disks in this AD are not eligible for installation in these engine models. We

removed the GE CF6–80C2B1F1, CF6–80C2B1F2, CF6–80C2B3F, and CF6–80C2B8F engine models from this AD.

Revision to Part Numbers in Applicability

GE further commented that it had added HPT Stage 1 disk P/N 2047M32G06 to the Effectivity paragraph of the GE SB CF6–80C2 S/B 72–1562. This is a field rework part number that is created from P/N 1531M84G08 and the serial number is not changed by the re-work procedure. GE noted that operators could have re-worked one or more of affected HPT disks, P/N 1531M84G08, into HPT disks, P/N 2047M32G06. Therefore, GE added this P/N to the SB.

We considered this comment and determined the need to add P/N 2047M32G06 to the applicability of this AD. We are issuing this SNPRM to allow the public the opportunity to comment on this change.

Request To Change Service Information

Boeing, Delta Air Lines, and GE requested inclusion of GE SB CF6–80A SB 72–0869 R01, dated October 19, 2017, in the applicability section of this AD.

We agree. Since the publication of the NPRM, GE has published the list of affected HPT S/Ns in two SBs applicable to the CF6–80A and CF6–80C2 engine models. We are issuing this SNPRM to allow the public the opportunity to comment on this change.

Request To Change Service Information

Delta Air Lines and GE requested an update to the latest revision of GE CF6–80C2 SB 72–1562.

We agree. We revised the reference to GE CF6–80C2 SB 72–1562 to include Revision 3, dated January 10, 2018. We are issuing this SNPRM to allow the public the opportunity to comment on this change.

Request To Change Costs of Compliance

FedEx Express requested revising the Costs of Compliance paragraph to provide a better estimate of costs associated with the HPT stage 1 and 2 disk inspections as well as to account for repetitive inspections. FedEx Express commented that the ''Estimated Costs'' table in the NPRM indicates 10 work-hours to perform the UI of each HPT disk. FedEx Express commented that this calculation does not appear to consider an engine with both a Stage 1 and a Stage 2 HPT Disk affected by GE SB 72–1562. FedEx Express indicated that it has learned from GE that 10 work-hours is the expected inspection time per disk (either Stage 1 or Stage 2), not per engine. Therefore, an inspection of engines with two affected disks would require 20 work-hours per shop visit. Further, this cost estimate only takes into account the initial inspection and does not reflect that the proposed action is to be performed at every ''piece-part exposure.''

We disagree. Our estimate in the NPRM was based on an estimated population of 640 installed disks. Therefore, our labor estimate of 10 hours per disk and our total cost estimate remain accurate. We only account for initial inspections in our cost estimates. Repetitive inspection costs are not included. We, however, did change the Cost of Compliance section of this AD to provide better clarification.

Support for the NPRM

The National Transportation Safety Board and Air Line Pilots Association supported the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed GE CF6–80C2 SB 72–1562 R03, dated January 10, 2018. The SB describes procedures for UI of HPT stage 1 and 2 disks. We also reviewed GE CF6–80A SB 72–0869 R01, dated October 19, 2017. The SB describes procedures for UI of HPT stage 2 disks. This SB information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 640 HPT disks on engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
UI of HPT disk	10 work-hours × $85 per hour = $850	$0	$850	$544,000

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation 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):

General Electric Company: Docket No. FAA–2017–0792; Product Identifier 2017–NE–28–AD.

(a) Comments Due Date

We must receive comments by May 14, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CF6–80A, CF6–80A1, CF6–80A2, CF6–80A3, CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2D1F, CF6–80C2L1F, and CF6–80C2K1F turbofan engines with high-pressure turbine (HPT) disks with serial numbers listed in Table 1 and 2 of Appendix A in GE CF6–80C2 Service Bulletin (SB) 72–1562 R03, dated January 10, 2018; and Table 1 of Appendix A in GE CF6–80A SB 72–0869 R01, dated October 19, 2017.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine/Turboprop Engine—Turbine Section.

(e) Unsafe Condition

This AD was prompted by an uncontained failure of an HPT stage 2 disk. We are issuing this AD to prevent failure of the HPT Stage 1 disk (CF6–80C2) and the HPT Stage 2 disk (CF6–80C2 and CF6–80A). The unsafe condition, if not addressed, could result in an uncontained HPT disk release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

After the effective date of this AD, perform an ultrasonic inspection (UI) for cracks in stage 1 and stage 2 HPT disks on the CF6–80C2 engine model and in stage 2 HPT disks on the CF6–80A engine model at each piece-part level exposure in accordance with the Accomplishment Instructions, paragraph 3.A.(2), in GE CF6–80C2 SB 72–1562 R03, dated January 10, 2018, or the Accomplishment Instructions, paragraph 3.A.(2) in GE CF6–80A SB 72–0869 R01, dated October 19, 2017, as applicable to the engine model.

(h) Non-Required Actions

The reporting requirements specified in the Accomplishment Instructions, paragraphs 3.A.(2)(c) and 3.A.(2)(f), of GE CF6–80C2 SB 72–1562 R03, dated January 10, 2018, are not required by this AD.

(i) Definition

For the purpose of this AD, ''piece-part exposure'' of the stage 1 or stage 2 HPT disk is separation of that HPT disk from its mating rotor parts within the HPT rotor module (thermal shield and HPT stage 1 and stage 2 disk respectively).

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Herman Mak, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

(2) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *aviation.fleetsupport@ge.com.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on March 23, 2018.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–06390 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0682; Product Identifier 2017–SW–028–AD]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson) Model R66 helicopters. This proposed AD would require replacing the tail rotor drive shaft yoke assembly and inspecting for sealant. This proposed AD is prompted by reports of tail rotor driveshaft failures. The actions of this proposed AD are intended to correct an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 29, 2018.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building

Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

• *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0682; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; or at *http://www.robinsonheli.com/servelib.htm.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT:

Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5247; email *danny.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

We propose to adopt a new AD for Robinson Model R66 helicopters, serial numbers 0003 through 0752, with a tail rotor drive shaft assembly part number (P/N) D224–3 or D224–4 installed. This proposed AD would require, within 100 hours time-in-service (TIS), replacing the forward yoke assembly of the tail rotor drive shaft unless already accomplished, visually inspecting for sealant, and applying sealant if needed to prevent seal rotation.

This proposed AD is prompted by two incidents of bearing failure that stem from a bearing assembly that included a bearing that was undersized for its housing. Consequently, the bearing was spinning at a speed that caused excessive heating of the bearing operation and led to the breakdown of the bearing's grease and ultimately seizure of the C647–16 bearing.

To correct this condition, Robinson initially specified installing a temperature recorder on the tail rotor driveshaft bearing assembly (bearing assembly) and inspecting the temperature recorder during preflight checks and during each 100-hour inspection. If the bearing was found running hot, then Robinson advised upgrading the bearing to a newer design.

Robinson later specified through R66 Service Bulletin SB–20, dated November 7, 2016, modifying the forward D224–3 and D224–4 tail rotor drive shaft assemblies by using a kit that has an improved, larger bearing that spins with less friction. The bulletin also specified inspecting whether 0.5 inch of sealant was on the junction of the black seal and bearing outer race and installing sealant if there was less than 0.5 inch of sealant. Robinson clarified R66 Service Bulletin SB–20 with R66 Service Bulletin SB–20A, dated June 6, 2017, that helicopters equipped with D224–4 tail rotor drive shaft assemblies and certain modified D224–3 assemblies do not require being upgraded with the kit.

The actions specified by this AD are intended prevent failure of the tail rotor driveshaft forward bearing and subsequent loss of helicopter control.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Related Service Information

We reviewed Robinson R66 Service Bulletin SB–14, dated June 25, 2015, which specifies installing a temperature recorder on the bearing assembly and inspecting the temperature during preflight checks and during each 100-hour inspection. If the temperature of the bearing is found running hot, then Robinson advises upgrading the bearing to a newer design (kit P/N KI–235). This service information also specifies adding a caution page to the Pilot Operating Handbook regarding the overheating bearing assemblies.

We also reviewed Robinson R66 Service Bulletin SB–20, dated November 7, 2016, and Robinson R66 Service Bulletin SB–20A, dated June 6, 2017, which specify upgrading the bearing assembly to the newer design with kit P/N KI–235 if not previously done. The service information also contains procedures for inspecting for sealant and applying sealant to the damper and hanger bearings if needed to prevent seal rotation.

Lastly, we reviewed Robinson KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015. This information provides instructions for installing the newly designed forward yoke assembly, P/N D224–5, on the tail rotor drive shaft.

Proposed AD Requirements

This proposed AD would require, within 100 hours TIS, replacing the tail rotor drive shaft forward yoke assembly, inspecting the damper and hanger bearings for sealant, and applying sealant if needed.

Differences Between This Proposed AD and the Service Information

The service information specifies replacing the forward yoke assembly and applying the sealant to the bearing seals within the next 100 flight hours or by January 31, 2017, whichever comes first. This proposed AD would not have a calendar time compliance requirement.

Costs of Compliance

We estimate that this proposed AD would affect 249 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

• Replacing the yoke assembly would require 6 work-hours and $798 for parts, for a cost of $1,308 per helicopter.

• Inspecting for and applying sealant would require 1 work-hour and $30 for parts, for a cost of $115 per helicopter.

Based on these costs, we expect a total cost of $1,423 per helicopter and $354,327 for the U.S. operator fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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, 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 to the extent that it justifies making a regulatory distinction; and

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

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

List of Subjects in 14 CFR Part 39

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

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):

Robinson Helicopter Company: Docket No. FAA–2017–0682; Directorate Identifier 2017–SW–028–AD.

(a) Applicability

This AD applies to Robinson Helicopter Company (Robinson) Model R66 helicopters, serial numbers 0003 through 0752, with a tail rotor drive shaft assembly part number (P/N) D224–3 or D224–4 tail rotor drive shaft assembly installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a tail rotor driveshaft forward bearing. This condition could result in failure of the tail rotor driveshaft and subsequent loss of helicopter control.

(c) Comments Due Date

We must receive comments by May 29, 2018.

(d) Compliance

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

(e) Required Actions

Within 100 hours TIS:

(1) Replace the tail rotor drive shaft forward yoke assembly with a yoke assembly part number D224–5, if not previously done.

(2) Remove the forward inspection plug assembly from the tailcone and either remove the B322–2 cover from the top of the third tailcone bay or, if an antenna is installed, remove the antenna and pull the circuit breaker.

(3) Visually inspect the forward and aft sides of the hanger bearing and damper bearing for sealant along the junction of the seal and bearing outer race. If the sealant is less than 0.5 inch in length, clean the area and apply a minimum 0.5 inch long bead of polysulfide fuel-resistant sealant at the junction of the seal and bearing outer race.

(f) Alternative Methods of Compliance (AMOC)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone (562) 627–5247; email *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

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

(g) Additional Information

For service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone (310) 539–0508; fax (310) 539–5198; or at *http://www.robinsonheli.com/servelib.htm.* You may review a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

Issued in Fort Worth, Texas, on March 23, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–06449 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0954; Airspace Docket No. 17–AEA–16]

Proposed Amendment of Class D and Class E Airspace; Beaver Falls, PA; and Zelienople, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet or more above the surface, at Beaver Falls, PA, as the University of Pittsburg Medical Center Beaver Valley Heliport has closed, and controlled airspace is no longer required. The geographic coordinates of the Ellwood City VORTAC, noted in the Beaver County Airport, Beaver Falls, PA, description, also would be amended in the associated Class E airspace. Also, the term Airport Facility Directory would be replaced with Chart Supplement. Additionally, this action would amend Class E airspace extending upward from 700 feet or more above the surface at Zelienople

Municipal Airport (formerly Zelienople Airport), PA, by recognizing the airport's name change and updating the airport's geographical coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before May 14, 2018.

ADDRESSES: Send comments on this proposal to: U. S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor Rm W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify the Docket No.

FAA–2017–0954; Airspace Docket No. 17–AEA–16, at the beginning of your comments. You may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed 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 E airspace at Beaver County Airport, Beaver Falls, PA, and Class E airspace at Zelienople Municipal Airport, Zelienople, PA, to support IFR operations at these airports.

Comments Invited

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

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. 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 Docket No. FAA–2017–0954; Airspace Docket No. 17–AEA–16.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet or more above the surface of removing University of Pittsburg Medical Center Beaver Valley Heliport, contained within the Beaver County Airport airspace description, as the heliport has closed. Also, the term Airport/Facility Directory would be replaced with Chart Supplement, and exclusionary language would be removed from the airspace description, in the associated Class D and E airspace.

Additionally, the geographic coordinates of the Ellwood City VORTAC would be adjusted in the associated Class E airspace to be in concert with the FAA's aeronautical database.

Finally, the Zelienople Municipal Airport, (formerly Zelienople Airport), Zelienople, PA, name change would be recognized, and the geographic coordinates of the airport would be adjusted to coincide with the FAA's aeronautical database. Exclusionary language also would be removed from the airspace description as it is not needed to describe the boundary.

Class D and 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 E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 PA D Beaver Falls, PA [Amended]

Beaver County Airport, PA
(Lat. 40°46′21″ N, long. 80°23′29″ W)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 3.9-mile radius of the Beaver County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA PA E4 Beaver Falls, PA [Amended]

Beaver County Airport, PA
(Lat. 40°46′21″ N, long. 80°23′29″ W)
Ellwood City VORTAC
(Lat. 40°49′30″ N, long. 80°12′41″ W)

That airspace extending upward from the surface within 1.3 miles each side of the Ellwood City VORTAC 248° radial extending from the 3.9-mile radius of Beaver County Airport to 1.3 miles west of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA PA E5 Beaver Falls, PA [Amended]

Beaver County Airport, PA
(Lat. 40°46′21″ N, long. 80°23′29″ W)
Ellwood City VORTAC
(Lat. 40°49′30″ N, long. 80°12′42″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Beaver County Airport, and within 1.8-miles each side of Ellwood City VORTAC 248° radial extending from the 6.4-mile radius to the VORTAC.

* * * * *

AEA PA E5 Zelienople, PA [Amended]

Zelienople Municipal Airport, PA
(Lat. 40°48′07″ N, long. 80°09′39″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Zelienople Municipal Airport.

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

Ryan W. Almasy,

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

[FR Doc. 2018–06389 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0100; EPA–R05–OAR–2017–0501; FRL–9976–10—Region 5]

Air Plan Approval; Michigan; Revisions to Volatile Organic Compound Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revised rules submitted by the State of Michigan as State Implementation Plan (SIP) revisions. The main revision specifies volatile organic compound (VOC) limits for cutback and emulsified asphalts as well as the test methods for determining the VOC content of these products. Michigan also moved the adoption by reference citations from Part 6. Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Emissions to Part 9. Emission Limitations and Prohibitions—Miscellaneous and updated references to federal test methods in several of its Part 6 rules.

DATES: Comments must be received on or before April 30, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0100 or EPA–R05–OAR–2017–0501 at *http://www.regulations.gov* or via email to *Aburano.Douglas@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: Steven Rosenthal, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052, *rosenthal.steven@epa.gov*.

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

I. What are the State rule revisions?
II. Did the State hold public hearings for these submittals?
III. What is EPA's analysis of the State's submittals?
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What are the State rule revisions?

Michigan revised its rule R 336.1618 ''Use of cutback or emulsified paving asphalt'' along with several other of its VOC rules. Cutback asphalt is asphalt that has been liquefied by blending with an organic solvent. Emulsified asphalt is asphalt that has been liquefied by mixing with water and an emulsifying agent. Both types of asphalt are used to pave or repair road surfaces. The revision to R 336.1618 clarifies VOC limits for cutback and emulsified asphalts and specifies testing requirements for determining the VOC content of these products. Michigan also revised rules R 336.1611 to R 336.1614, R 336.1619, R 336.1622, R 336.1625, R 336.1627 to R 336.1629, R 336.1632, R 336.1651, R 336.1660, and R 336.1661 for the purpose of removing adoptions by reference which have been moved to, and consolidated in, R 336.1902 ''Adoption of standards by reference.'' Revisions to R 336.1622, R 336.1627 to R 336.1629, and R 336.1632 update references to federal test methods. These revisions were submitted on August 1, 2017.

Michigan submitted a revised R 336.1902 on February 7, 2017 as part of a separate rulemaking action. Michigan subsequently replaced the February 7, 2017 submittal with a November 8, 2017 supplemental submittal for its Part 9 rules in which it requested that only the following sections of R 336.1902 be included in its SIP. R 336.1902(1)(a), (1)(b)(iii), (iv), (vii) and (viii), (1)(c) to (e), (1)(g), (1)(i) to (n), (1)(s), (2)(b), (2)(e), (2)(g), (4)(a) to (f), (4)(l), (4)(o) and (p), (5), (8) and (9). In a February 6, 2018 memo from Michigan to EPA, it clarified that R 336.1902(4)(p) is the correct version of ASTM Method E169 for inclusion into the SIP; and R 336.1902(1)(b)(i), R 336.1902(3)(a) AND R 336.1902(4)(m) should be included in the Part 9 SIP revisions submitted in February and November 2017. In a February 26, 2018 memo from Michigan to EPA it clarified that R 336.1902(1)(f) should also be included in the SIP.

II. Did the State hold public hearings for these submittals?

A public hearing on these Part 6 rule revisions was held on November 14, 2016. Only one comment was received and it was not addressed as it was not directed towards the subject rule revisions. A public hearing on the Part 9 (specifically R 336.1902) rule revisions was held on May 2, 2016 and no comments were received.

III. What is EPA's analysis of the State's submittals?

A. Rule 618—Use of Cutback or Emulsified Paving Asphalt

The current SIP-approved version of Rule 618 only applies to cutback asphalts and requires Michigan Department of Environmental Quality (MDEQ) approval for use of cutback asphalts during the ozone season. Michigan revised its rules to clarify the requirements for cutback and emulsified asphalts under Rule 618. The revisions include a VOC content limit that determines whether an asphalt product can be used during the ozone season. In its current SIP-approved rule, cutback asphalts can only be used during the ozone season with MDEQ approval and there is no requirement that the products used during ozone season have a low VOC content. The revised rule specifies a 3 percent VOC content limit to ensure that only low-emitting asphalt products are used during the ozone season. An October 4, 1979 policy memorandum titled ''Clarification for Final SIP Actions on Asphalt Regulations'' states that maximum solvent contents in the range of 5 to 7 percent are acceptable. This VOC content limitation for asphalt usage during the warmer ozone months should result in lower VOC emissions from the use of asphalt products. The revised rule also added definitions for asphalts, emulsified asphalts, as well as cutback asphalts, and specifies the test methods used to determine the VOC content of the asphalts. This rule is therefore approvable because it has an even lower VOC content than what is acceptable as RACT and is more enforceable than the existing SIP approved rule because it contains specific test methods for determining the percent VOC from both emulsified and cutback asphalt and the rule also requires that records be maintained of the manufacture, mixing, storage, use or application of any cutback or emulsified asphalt, including the VOC content of these asphalts.

B. Remaining Revisions—Incorporations by Reference

Michigan also revised rules R 336.1611 to R 336.1614, R 336.1619, R 336.1622, R 336.1625, R 336.1627 to R 336.1629, R 336.1632, R 336.1651, R 336.1660, and R 336.1661 for the purpose of removing adoptions by reference which have been moved to and consolidated in R 336.1902 ''Adoption of standards by reference.''

The following rules contain the adoption of standards by reference that have been moved from the rules listed above: R 336.1902(1)(a), (1)(b)(i), (iii), (iv), (vii) and (viii), (1)(c) to (g), (1)(i) to (n), (1)(s), (2)(b), (2)(e), (2)(g), (3)(a), (4)(a) to (f), (4)(l), (4)(m), (4)(o) and (p), (5), (8) and (9). These revisions are approvable as they merely move the location of the adoption of standards by reference.

IV. What action is EPA taking?

EPA is proposing to approve the revisions to Michigan's Part 6 Rules that were submitted on August 1, 2017, as revisions of the Michigan SIP. Specifically, we are approving R 336.1611 to R 336.1614, R 336.1618, R 336.1619, R 336.1622, R 336.1625, R 336.1627 to R 336.1629, R 336.1632, R 336.1651, R 336.1660, and R 336.1661 into the Michigan SIP.

We are also proposing to approve revisions to Michigan's Part 9 rules that were submitted on November 8, 2018 and February 6, 2018. Specifically, we are approving R 336.1902(1)(a), (1)(b)(i), (iii), (iv), (vii) and (viii), (1)(c) to (g), (1)(i) to (n), (1)(s), (2)(b), (2)(e), (2)(g), (3)(a), (4)(a) to (f), (4)(l), (4)(m), (4)(o) and (p), (5), (8) and (9).

V. Incorporation by Reference

In this 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 proposes to incorporate by reference Michigan Administrative Code R 336.1902(1)(a), R 336.1902(1)(b)(iii), (iv), (vii) and (viii), R 336.1902(1)(c) to (g), R 336.1902(1)(i) to (n), R 336.1902(1)(s), R 336.1902(2)(b), R 336.1902(2)(e), R 336.1902(2)(g), R 336.1902(4)(a) to (f), R 336.1902(4)(l), R 336.1902(4)(o) and (p), R 336.1902(5), R 336.1902(8), and R 336.1902(9), effective December 20, 2016, and Michigan Administrative Code R 336.1611, R 336.1612, R 336.1613, R 336.1614, R 336.1618, R 336.1619, R 336.1622, R 336.1625, R 336.1627, R 336.1628, R 336.1629, R 336.1632, R 336.1651, R 336.1660, and R 336.1661, effective March 29, 2017. EPA has

made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 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 Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Volatile organic compounds, and Ozone.

Dated: March 20, 2018.

Edward H. Chu,

Acting Regional Administrator, Region 5.

[FR Doc. 2018–06543 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0546; FRL–9976–16—Region 4]

Air Plan Approval; MS; Section 128 Board Requirements for Infrastructure SIPs

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the draft State Implementation Plan (SIP) submissions, submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) for parallel processing, on June 23, 2017, and February 2, 2018. Together these draft submittals address specific Clean Air Act (CAA or Act) requirements applicable to Mississippi state boards or bodies that approve CAA permits and enforcement orders. These submissions also request that EPA convert the previous partial disapproval of Mississippi's infrastructure SIPs related to the CAA state board significant portion of income requirements for the 2008 8-hour Ozone, 2008 Lead, 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 1997, 2006 and 2012 fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) to full approvals. Whenever EPA promulgates a new or revised NAAQS, the CAA requires the state to make a new SIP submission establishing that the existing SIP meets the various applicable requirements, or revising the SIP to meet those requirements. This type of SIP submission is commonly referred to as an ''infrastructure'' SIP. In this proposed action, EPA is proposing to approve the June 23, 2017, and February 2, 2018 submissions with respect to the CAA requirements applicable to state boards; and the related state board infrastructure SIP requirements for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2 and 1997, 2006 and 2012 $PM_{2.5}$, NAAQS. If this proposed approval action is finalized, EPA will no longer be required to promulgate a Federal Implementation Plan (FIP) to address the CAA state board requirements for Mississippi, as described in more detail below.

DATES: Written comments must be received on or before April 30, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0546 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9140. Ms. Ward can be reached via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is parallel processing?

Consistent with EPA regulations found at 40 CFR part 51, Appendix V, section 2.3.1, for purposes of expediting review of a SIP submittal, parallel processing allows a state to submit a plan to EPA prior to actual adoption by the state. Generally, the state submits a copy of the proposed regulation or other revisions to EPA before conducting its public hearing. EPA reviews this proposed state action, and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the **Federal Register** during the same time frame that the state is holding its public process. The state and EPA then provide for concurrent public comment periods on both the state action and Federal action.

If the revision that is finally adopted and submitted by the State is changed in aspects other than those identified in the proposed rulemaking on the parallel process submission, EPA will evaluate those changes and if necessary and appropriate, issue another notice of proposed rulemaking. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by the state and submitted formally to EPA for incorporation into the SIP.

On June 23, 2017, the State of Mississippi, through MDEQ, submitted a request for parallel processing of a draft SIP revision that the State has taken through public comment. On February 2, 2018, the State of Mississippi submitted an additional draft SIP revision that the State is taking through public comment. MDEQ requested parallel processing of both submissions so that EPA could begin to take action on its draft SIP revisions in advance of the State's submission of the final SIP revision. As stated above, the final rulemaking action by EPA will occur only after the SIP revisions have been: (1) Adopted by Mississippi, (2) submitted formally to EPA for incorporation into the SIP; and (3) evaluated by EPA, including any changes made by the State after the June 23, 2017, and February 2, 2018, draft submissions were submitted to EPA.

II. Background

By statute, states are required to have SIPs that provide for the implementation, maintenance, and enforcement of the NAAQS. States are further required to make a SIP submission meeting the applicable requirements of sections 110(a)(1) and (2) within three years after EPA promulgates a new or revised NAAQS.[1] EPA has historically referred to this type of SIP submission as an ''infrastructure SIP'' submission. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance with the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIP submissions. Section 110(a)(2) lists specific elements that states must meet for the ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's existing EPA approved SIP at the time when the state develops and submits the infrastructure SIP submission for a new or revised NAAQS.

This action pertains to one of the requirements of section 110(a)(2) that is relevant in the context of a state's development, and EPA's evaluation of, infrastructure SIP submissions. Section 110(a)(2)(E)(ii) of the CAA requires states to have SIPs that contain provisions that comply with certain specific requirements respecting State boards or bodies or heads of states agencies under CAA section 128. Section 128 of the CAA requires that states include provisions in their SIP that require that any state board or body which approves permits or enforcement orders shall have a majority of members who represent the public interest and do not receive a significant portion of their income from parties subject to such permits or enforcement orders (section 128(a)(1)); and require that the members of any such board or body, or the head of an executive agency with similar power to approve permits or enforcement orders under the CAA, shall adequately disclose potential conflicts of interest (section 128(a)(2)). Specifically, this action is limited to specific section 128 requirements applicable to state boards or bodies.

On October 11, 2012, MDEQ submitted SIP revisions for incorporation of Article 4, Section 109 of the Mississippi Constitution and portions of Mississippi Code sections 25–4–25, –27, –29, –103, –105, and –109 into its SIP to meet its section 128 and related section 110(a)(2)(E)(ii) obligations for the 1997 and 2006 $PM_{2.5}$ NAAQS. On April 8, 2013, EPA took final action to incorporate these provisions into the Mississippi SIP to meet the certain requirements of CAA sections 128 and 110(a)(2)(E)(ii). *See* 78 FR 20793.[2] In this same final action, EPA disapproved Mississippi's October 11, 2012, submission as not satisfying the significant portion of income requirement of section 128(a)(1).

Subsequently, EPA took final action to disapprove Mississippi's infrastructure SIP submissions pertaining to section 110(a)(2)(E)(ii) for failing to comply with the significant portion of income requirement of section 128(a)(1) of for the 2008 8-hour Ozone on March 2, 2015 (80 FR 11133), 2008 Lead on March 30, 2015 (80 FR 16566), 2010 NO_2 on August 16, 2016 (81 FR 63705), 2010 SO_2 on September 30, 2016 (81 FR 67171), and 2012 $PM_{2.5}$ NAAQS on December 12, 2016 (81 FR 89391).[3] Under section 110(c)(1)(B), these disapprovals started a two-year clock for the EPA to promulgate a FIP to address the deficiency.

In order to fully address the requirements of section 128, and thus the requirements of section 110(a)(2)(E)(ii), Mississippi made the June 23, 2017, and February 2, 2018, SIP submissions to revise the existing federally approved SIP and include these necessary revisions. Through this action, EPA is proposing approval of Mississippi's draft SIP revisions to incorporate into its SIP state law and regulatory provisions to meet certain state board requirements of section 128. More detail on how Mississippi's SIP revisions meet these requirements is provided below. As a result of the addition of these new SIP provisions to

[1] EPA has long noted that a literal reading of the statutory provisions of 110(a)(2) on the schedule provided in 110(a)(1) would create a conflict with the nonattainment provisions in part D of Title I of the CAA, which specifically address nonattainment area SIP requirements. See, *e.g.,* ''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 at 4. For example, section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. The provisions in section 172(b) for submission of such plans for nonattainment areas differs from the timing requirements for an infrastructure SIP submission under 110(a)(1). Thus, rather than applying all the stated requirements of section 110(a)(2) in a strict literal sense, EPA has determined that certain provisions like 110(a)(2)(I) of section 110(a)(2) are not applicable to infrastructure SIP submissions.

[2] This final action pertained to Mississippi's October 11, 2012, infrastructure SIP submission and only addressed compliance with 110(a)(2)(E)(ii) respecting CAA section 128 requirements.

[3] EPA has already approved or will consider in separate actions all other elements of Mississippi's infrastructure SIP submissions related to the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS.

meet the requirements of section 128, EPA is also proposing to approve the section 110(a)(2)(E)(ii) infrastructure element for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS. The approvals proposed herein would fully address the SIP deficiencies from EPA's prior disapprovals for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS. Thus, if we finalize this proposed approval, this will resolve the prior disapprovals for element 110(a)(2)(E)(ii) for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS, and terminate EPA's FIP obligation.

A brief background regarding the NAAQS relevant to this action is provided below. For comprehensive information on these NAAQS, please refer to the **Federal Register** rulemakings cited below.

A. 2008 8-Hour Ozone NAAQS

On March 27, 2008, EPA promulgated a revised NAAQS for ozone based on 8-hour average concentrations. EPA revised the level of the 8-hour ozone NAAQS to 0.075 parts per million. *See* 77 FR 16436. States were required to submit infrastructure SIP submissions for the 2008 8-hour Ozone NAAQS to EPA no later than March 2011.

B. 2008 Lead NAAQS

On November 12, 2008 (75 FR 81126), EPA issued a final rule to revise the Lead NAAQS. The Lead NAAQS was revised to 0.15 micrograms per cubic meter ($\mu g/m^3$). States were required to submit infrastructure SIP submissions to EPA no later than October 15, 2011, for the 2008 Lead NAAQS.

C. 2010 NO_2 NAAQS

On February 9, 2010 (75 FR 6474), EPA established a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. States were required to submit infrastructure SIP submissions for the 2010 NO_2 NAAQS to EPA no later than January 2013.

D. 2010 SO_2 NAAQS

On June 2, 2010 (75 FR 35520), EPA promulgated a revised primary SO_2 NAAQS to an hourly standard of 75 ppb based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. States were required to submit such SIPs for the 2010 1-hour SO_2 NAAQS to EPA no later than June 2, 2013.

E. 1997 and 2006 $PM_{2.5}$ NAAQS

On July 18, 1997 (62 FR 36852), EPA established an annual $PM_{2.5}$ NAAQS at 15.0 $\mu g/m^3$ based on a 3-year average of annual mean $PM_{2.5}$ concentrations. At that time, EPA also established a 24-hour NAAQS of 65 $\mu g/m^3$. *See* 40 CFR 50.7. On October 17, 2006 (71 FR 61144), EPA retained the 1997 annual $PM_{2.5}$ NAAQS at 15.0 $\mu g/m^3$ based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and promulgated a new 24-hour NAAQS of 35 $\mu g/m^3$ based on a 3-year average of the 98th percentile of 24-hour concentrations. States were required to submit such SIPs to EPA no later than July 2000 for the 1997 annual $PM_{2.5}$ NAAQS, and no later than October 2009 for the 2006 24-hour $PM_{2.5}$ NAAQS.

F. 2012 $PM_{2.5}$ NAAQS

On December 14, 2012, EPA revised the primary annual $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$. *See* 78 FR 3086 (January 15, 2013). An area meets the standard if the three-year average of its annual average $PM_{2.5}$ concentration (at each monitoring site in the area) is less than or equal to 12.0 $\mu g/m^3$. States were required to submit infrastructure SIP submissions for the 2012 $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015.

III. What is EPA's analysis of how Mississippi addressed the requirements of section 128(a)(1)?

On June 23, 2017, and February 2, 2018, Mississippi submitted for parallel processing, draft SIP submissions to revise the Mississippi SIP to meet certain portions of the state board requirements of CAA section 128. Of note, EPA has previously approved SIP revisions to address all elements of section 128 for Mississippi except the significant portion of income requirement of 128(a)(1). *See* 78 FR 20793. The draft submissions under review in this proposed action primarily address this outstanding significant portion of income requirement, but also include additional supplemental language relevant to other elements of section 128.[4]

If a state has a board or body that approves CAA permits or enforcement orders, it is subject to section 128(a)(1), which requires that any state ''board or body which approves permits or enforcement orders under [the CAA] shall 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 or enforcement under [the CAA].'' Section 128(a)(2) applies to the members of any such board or body that approves CAA permits and enforcement orders, and also to the head of an executive agency with similar powers, and requires that ''any potential conflicts of interest . . . be adequately disclosed.''

In 1978, EPA issued guidance recommending potential ways that states might elect to meet the requirements of section 128, including suggested interpretations of key terms.[5] In this guidance, EPA recognized that states may have a variety of procedures and special concerns that may warrant differing approaches to implementation of section 128 and that the guidance does not create a requirement that all SIPs must include the suggested definitions verbatim, or that definitions per se must be included in SIPs. EPA provided further guidance with respect to these statutory requirements in its 2013 infrastructure SIP guidance.[6] In the 2013 guidance, EPA clarified that provisions to implement section 128 need to be contained within the SIP. Therefore, EPA will not approve an infrastructure SIP submission that only provides a narrative description or references existing state laws or requirements that are not approved into the SIP in order to address section 128. EPA has also provided certain interpretations of the statutory requirements of section 128 in its actions on infrastructure SIP submissions from various states, based on the facts and circumstances of those actions.[7] In several actions, EPA has approved state law requirements that closely track or mirror the explicit statutory language of section 128.[8]

The legislative history of the 1977 amendments to the CAA also indicates that states have some flexibility in determining the specific requirements needed to meet the section 128 requirements, so long as the statutory

[4] EPA has fully approved revisions to the Mississippi SIP to address all elements of Section 128, except the significant portion of income requirement. Thus, these additional provisions supplement Mississippi's already approved SIP for these other elements of section 128, as described below.

[5] Memorandum from David O. Bickart, Deputy General Counsel, to Regional Air Directors, Guidance to States for Meeting Conflict of Interest Requirements of Section 128 (March 2, 1978).

[6] ''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.

[7] *Id.,* pp. 43–44.

[8] *See,* EPA proposed rule on Montana's SIP/infrastructure requirements, 81 FR 4225, 4233, finalized at 81 FR 23180; and EPA's approval of Georgia's infrastructure requirements, 77 FR 65125; proposed at 77 FR 35909.

requirements are met.[9] Also, section 128 explicitly provides that states may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraphs (1) and (2), and that the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.

On June 23, 2017, Mississippi submitted for incorporation into its SIP changes to Mississippi Code section 49–2–5. This provision specifically addresses the Mississippi Commission on Environmental Quality, which has CAA enforcement order approval authority. This change adds a provision which provides that: ''At least a majority of the members of the commission shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the Federal Clean Air Act or enforcement order under the Federal Clean Air Act. In the event of any potential conflict of interest by a member of the commission, such member shall disclose the potential conflict to the other members of the commission and shall recuse himself or herself from participating in or voting on any matter related to such conflict of interest.'' EPA notes that this provision addresses certain section 128 requirements for which Mississippi's SIP has already received full approval; namely the representation of the public interest requirement of section 128(a)(1) and the conflict of interest disclosure requirements of section 128(a)(2). As explained below, EPA believes these additional provisions are approvable as well.

On February 2, 2018, MDEQ submitted for incorporation into the SIP provisions that address section 128(a)(1) for the MDEQ Permit Board. First, the submissions requests incorporation of a new provision in Appendix C–26, ''Air Emissions Regulations for the Prevention, Abatement, and Control of Air Contaminants'' Title 11, Part 2, Chapter 1, Rule 1.1, which provides that ''the Mississippi Environmental Quality Permit Board (''Permit Board'') shall ensure that at least a majority of the members of the Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the Federal Clean Air Act or enforcement orders under the Federal Clean Air Act.''

Second, the submission requests incorporation of revisions to the MDEQ Permit Board procedural rules at Appendix A–13, ''Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act'', Title 11, Part 1 Chapter 5, Rule 5.1. This rule describes the composition of the MDEQ Permit Board as seven members who serve by virtue of Mississippi State Office as ''Ex Officio Members,'' (*e.g.,* Chief of the Bureau of Environmental Health of the State Board of Health). Each Ex Officio Member is allowed to designate a replacement. Two Board members are appointed by the Governor of Mississippi and are required to be a retired professional engineer knowledgeable in the engineering of water wells and a retired water well contractor, respectively, but these members only vote on matters pertaining to the Office of Land and Water Resources. Administrative Procedures Act Rules, Title 11, Part 1 Chapter 5, Rule 5.1 provides that ''at least the majority of the Ex Officio Members of the MDEQ Permit Board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits under the Federal Clean Air Act or enforcement orders under the Federal Clean Air Act (CAA).'' It also provides for annual certification as to whether the member derives a significant portion of income from persons subject to permits or enforcement orders under the CAA and a process for replacing members as needed to ensure that a majority does derive a significant portion of income from regulated entities.

EPA is proposing to approve Mississippi's June 23, 2017, and February 2, 2018, draft SIP submissions as meeting the public interest and significant portion of income requirements of section 128 because we believe these provisions comply with the statutory requirements and are consistent with EPA's guidance. The State has submitted a statutory provision for incorporation into the Mississippi SIP for the Mississippi Commission on Environmental Quality and this provision mirrors section 128(a)(1) regarding the majority composition public interest and significant income requirements. As noted above, EPA has determined that state requirements that closely track or mirror the section 128 requirements satisfy CAA requirements. The provision also requires disclosure of potential conflicts of interest and recusal if such a conflict exists. EPA previously incorporated Mississippi Code Section 25–4–27 into Mississippi's SIP, which required the Commission and Board members to file annual statements of economic interests with the Mississippi Ethics Commission, and 25–4–27, which prescribed the contents for economic interest statements. *See* 78 FR 20793. In this previous approval action, EPA found that the state satisfied the disclosure requirements of section 128(a)(2). EPA views this additional disclosure requirement, which mirrors the language of section 128(a)(2), as approvable. Regarding recusal when a conflict exists, EPA notes that this step is not required under section 128. As section 128 explicitly provides that EPA ''shall approve . . . more stringent requirements submitted as part of an implementation plan,'' and EPA views the recusal requirement as more stringent than the section 128 requirements, EPA is proposing to approve this provision.[10]

For the MDEQ Permit Board, the state submitted regulations at Title 11, Part 1 Chapter 5, Rule 5.1 and Title 11, Part 2, Chapter 1, Rule 1.1 for incorporation into the SIP, which again mirrors section 128(a)(1) regarding the public interest and significant income requirements and therefore satisfy CAA section 128. In Title 11, Part 1 Chapter 5, Rule 5.1, Mississippi is also including certain procedural provisions that address implementation of the significant income requirement of section 128(a)(1) and provisions that describe the composition of the MDEQ Permit Board. EPA believes these provisions are not inconsistent with the section 128 requirements and associated guidance and are therefore approvable.

With the incorporation of these specific statutory and regulatory provisions to comply with the relevant CAA requirements into the SIP, EPA believes that Mississippi will meet all the requirements of section 128 of the CAA.

IV. What is EPA's analysis of how Mississippi addressed the requirements of section 110(a)(2)(E)(ii)?

Mississippi also requested in the draft SIP submissions that EPA convert the previous partial disapproval of its infrastructure SIPs with regard to the significant portion of income board requirements to full approvals. Section 110(a)(2)(E)(ii) of the CAA requires

[9] Specifically, the conference committee for the 1977 amendments stated that ''it is the responsibility of each state to determine the specific requirements to meet the general requirements of [section 128].'' H.R. Rep. 95–564 (1977), reprinted in *Legislative History of the Clean Air Act Amendments of 1977,* 526–527 (1978).

[10] *See* EPA's proposed rule on a Montana SIP revision to address section 128 and infrastructure SIP requirements for a discussion on EPA's approach to this type of recusal requirement. 81 FR 4225, 4233.

states to have SIP provisions that comply with the requirements of CAA section 128. Because EPA is proposing to approve provisions into Mississippi's SIP to meet the significant portion of income requirements of section 128(a)(1) as discussed above, it is also proposing to fully approve the SIP submission with respect to the related requirements of section 110(a)(2)(E)(ii) for the NAAQS previously mentioned. EPA notes that section 128 is not NAAQS-specific, and thus once a state has met the requirements of section 128 it will continue to do so for purposes of future NAAQS, unless there were future changes to the approved SIP provisions which would require further evaluation.

V. Incorporation by Reference

In this notice, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Mississippi Code section 49–2–5 to include certain section 128 requirements for the MDEQ Commission on Environmental Quality; and Appendix C–26, ''Air Emissions Regulations for the Prevention, Abatement, and Control of Air Contaminants'' Title 11, Part 2, Chapter 1, Rule 1.1, and Appendix A–13, ''Regulations Regarding Administrative Procedures Pursuant to the Mississippi Administrative Procedures Act'', Title 11, Part 1 Chapter 5, Rule 5.1 to incorporate certain section 128 requirements for the MDEQ Permit Board. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Proposed Action

As described above, EPA is proposing to approve that the Mississippi SIP meets the significant portion of income requirements of 128(a)(1) of the CAA. EPA is also proposing to conclude that, if Mississippi's June 23, 2017, and February 2, 2018, SIP revisions are approved, the section 110(a)(2)(E)(ii) requirements are met for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$, NAAQS for section 110(a)(2)(E)(ii). Consequently, if EPA finalizes approval of this action, the deficiencies identified in the previous partial disapprovals of Mississippi infrastructure SIP submissions related to the state board requirements for the 2008 8-hour Ozone, 2008 Lead, 2010 NO_2, 2010 SO_2, and 1997, 2006 and 2012 $PM_{2.5}$ NAAQS will be cured. Finally, EPA is proposing to approve the new supplemental provisions regarding representation of the public interest of section 128(a)(1) for the MDEQ Permit Board and Mississippi Commission on Environmental Quality, and disclosure of potential conflicts of interest of section 128(a)(2) for the Mississippi Commission on Environmental Quality.

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 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.*);
- 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 rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 15, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–06544 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0661; FRL–9976–18—Region 9]

Air Plan Approval; Arizona; Hayden and Miami Areas; Lead and Sulfur Dioxide Control Measures—Copper Smelters

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Arizona State Implementation Plan (SIP). These revisions concern emissions of lead and sulfur dioxide (SO_2) from the copper smelter at Hayden, AZ and SO_2 from the copper smelter at Miami, AZ. We are proposing to approve State rules to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 30, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–

OAR–2017–0661 at *http://www.regulations.gov,* or via email to Kevin Gong, at *Gong.Kevin@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, (415) 972 3073, *Gong.Kevin@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the Arizona Administrative Code rules and regulatory appendix addressed by this proposal with their effective dates and the dates they were submitted by the Arizona Department of Environmental Quality (ADEQ).[1]

TABLE 1—SUBMITTED RULES

Rule citation	Rule title	Effective	Submitted
R18–2–B1301	Limits on Lead Emissions from the Hayden Smelter.	7/1/2018 or 180 calendar days after completion of all Converter Retrofit Project improvements authorized by Significant Permit Revision No. 60647.	4/6/2017
R18–2–C1302	Limits on SO_2 Emissions from the Miami Smelter	On the later of the effective date of the EPA Administrator's action approving it as part of the state implementation plan or January 1, 2018.	4/6/2017
Appendix 14	Procedures for Sulfur Dioxide and Lead Fugitive Emissions Studies for the Hayden Smelter.	5/7/2017	4/6/2017
R18–2–715.02	Standards of Performance for Existing Primary Copper Smelters; Fugitive Emissions.	5/7/2017	4/6/2017

On July 17, 2017, the EPA determined that the submittal for the rules and documents in Table 1 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There are no previous versions of Rules R18–2–B1301, R18–2–C1302 or Appendix 14 in the SIP. We approved an earlier version of Rule R18–2–715.02 into the SIP on November 1, 2004 (69 FR 63321).

C. What is the purpose of the submitted rules and rule revisions?

On November 12, 2008, the EPA published a final rule revising the lead National Ambient Air Quality Standards (NAAQS). On June 22, 2010, the EPA promulgated a new 1-hour primary sulfur dioxide (SO_2) NAAQS. CAA section 172(c)(1) requires SIPs for nonattainment areas to provide for implementation of all reasonably available control measures (RACM), including reasonably available control technology (RACT), and provide for attainment of the NAAQS. The EPA designated the Hayden area as nonattainment for lead in 2014 (79 FR 52205) and designated the Hayden and Miami areas as nonattainment for SO_2 in 2013 (78 FR 47191). Rule R18–2–B1301 establishes control requirements for lead emissions from the copper smelter located in the Hayden, AZ nonattainment area (''Hayden Smelter''). Rule R18–2–C1302 establishes control requirements for SO_2 emissions from the copper smelter located in the Miami, AZ nonattainment area (''Miami Smelter''). Appendix 14 requires the evaluation and characterization of fugitive lead and SO_2 emissions from the Hayden Smelter. Rule R18–2–715.02 contains the existing requirements for fugitive SO_2 emissions studies at both smelters. These requirements will sunset after: (1) The revisions to Rule R18–2–715.02 are approved into the SIP, and (2) Rule B1302 (for the Hayden Smelter) and Rule R18–2–C1302 (for the Miami Smelter) take effect. The EPA's technical support documents (TSDs) have more information about these rules.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). The EPA will address the overall

[1] In addition to the rules addressed in this proposal, ADEQ's April 6, 2017 submittal also included R18–2–B1301.01—Limits on Lead-Bearing Fugitive Dust from the Hayden Smelter; R18–2–B1302—Limits on SO_2 Emissions from the Hayden Smelter; R18–2–715—Standards of Performance for Existing Primary Copper Smelters: Site-Specific Requirements; and R18–2–715.01—Standards of Performance for Existing Primary Copper Smelters; Compliance and Monitoring. The EPA has already approved R18–2–B1301.01 into the SIP, 83 FR 7614 (February 22, 2018) and intends to take action on the remaining rules in a separate rulemaking.

RACM/RACT requirement for the Hayden lead nonattainment area in the context of our action on ADEQ's lead plan (''SIP Revision: Hayden Lead Nonattainment Area,'' submitted by ADEQ to the EPA on March 3, 2017), and we will address the RACM/RACT requirement for the Miami SO_2 nonattainment area in the context of our action on ADEQ's SO_2 plan (''Arizona SIP Revision: Miami Sulfur Dioxide Nonattainment Area for the 2010 SO_2 NAAQS,'' submitted by ADEQ to the EPA on March 8, 2017). Therefore, our stringency evaluations here consider whether Rules R18–2–B1301 and R18–2–C1302 implement reasonable controls for the two subject criteria pollutants at the Hayden and Miami smelters.[2]

Guidance and policy documents that we use to evaluate enforceability, rule stringency, and SIP revision requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9 (the Little Bluebook, August 21, 2001).

3. ''Implementation of the 2008 Lead National Ambient Air Quality Standards: Guide to Developing Reasonably Available Control Measures (RACM) for Controlling Lead Emissions,'' EPA Office of Air Quality Planning and Standards (March 2012).

4. ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,'' EPA Office of Air Quality Planning and Standards (April 23, 2014).

5. National Emission Standard for Hazardous Air Pollutants for Primary Copper Smelting (40 CFR part 63, subpart QQQ).

6. National Emission Standard for Hazardous Air Pollutants for Secondary Lead Smelting (40 CFR part 63, subpart X).

[2] Appendix 14 does not establish control requirements, so it is not subject to a stringency evaluation. Appendix 14 is still subject to enforceability and SIP consistency evaluations, which we describe in our TSD. The revisions to sunset the existing requirements of Rule R18–2–715.02, are evaluated in context with Appendix 14. See the TSD evaluating Appendix 14 for more information on Rule R18–2–715.02. Rule R18–2–B1302 regulates SO_2 emissions at the Hayden Smelter, and will be evaluated in a separate rulemaking. The revisions to sunset the existing requirements of Rules R18–2–715 and R18–2–715.01 in relation to the Hayden Smelter will be evaluated in context with R18–2–B1302.

B. Do the rules meet the evaluation criteria?

These rules are consistent with CAA requirements and relevant guidance regarding enforceability, rule stringency, and SIP revisions. The TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the State modifies the rules.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until April 30, 2018. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

III. Incorporation by Reference

In this rule the 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, the EPA is proposing to incorporate by reference the ADEQ rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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 Act. Accordingly, this proposed 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 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.*);
- 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 the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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 the 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).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 19, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–06548 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2017–0548; FRL–9975–91–OAR]

EPA Response to the Designation Recommendation From Texas for the San Antonio Area for the 2015 Ozone National Ambient Air Quality Standards: Notice of Availability and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and public comment period.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has posted on our public electronic docket and internet website the agency's response to the designation recommendation from the state of Texas for the eight counties in the San Antonio area for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The response includes our intended designations for the area. The EPA invites the public to review and provide input on our intended designations during the comment period specified in the **DATES** section. The EPA sent its response directly to Texas on March 19, 2018. The EPA intends to make final designation determinations for the eight counties in the San Antonio area by July 17, 2018.

DATES: Comments must be received on or before April 30, 2018. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0548, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *http://www.regulations.gov.* The EPA may publish any comment received to our public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, Cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Denise Scott, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C539–01, Research Triangle Park, NC 27709, telephone (919) 541–4280, email at *scott.denise@epa.gov.* The EPA Region 6 contact for this action is Carrie Paige, telephone (214) 665–6521, email at *paige.carrie@epa.gov.*

The public may inspect the designation recommendation from Texas, the EPA's recent letter notifying Texas of our intended designations for the San Antonio area, and area-specific technical support information at the following location: EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202, (214) 665–6691.

The information can also be reviewed online at *https://www.epa.gov/ozone-designations* and in the public docket for these ozone designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0548.

SUPPLEMENTARY INFORMATION:

I. What is the purpose of this action?

The purpose of this notice of availability is to solicit input from interested parties other than Texas on the EPA's recent response to the designation recommendation from Texas for the San Antonio area for the 2015 Ozone NAAQS. This response, and the supporting technical analyses, can be found at *https://www.epa.gov/ozone-designations* and in the public docket for these ozone designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0548.

On October 1, 2015, the EPA Administrator signed a notice of final rulemaking that revised the primary and secondary ozone NAAQS (80 FR 65292; October 26, 2015). The EPA established the revised primary and secondary ozone NAAQS at 0.070 parts per million (ppm). The 2015 Ozone NAAQS are met at an ambient air quality monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (*i.e.,* the design value) is less than or equal to 0.070 ppm. The revised standards will improve public health protection, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors, especially outdoor workers. They also will improve the health of trees, plants and ecosystems.

After the EPA promulgates a new or revised NAAQS, the Clean Air Act (CAA) requires the EPA to designate all areas of the country as either ''Nonattainment,'' ''Attainment,'' or ''Unclassifiable,'' for that NAAQS. The process for these initial designations is contained in CAA section 107(d)(1) (42 U.S.C. 7407). After promulgation of a new or revised NAAQS, each governor or tribal leader has an opportunity to recommend air quality designations, including the appropriate boundaries for Nonattainment areas, to the EPA. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. By no later than 120 days prior to promulgating designations, the EPA is required to notify states, territories, and tribes, as appropriate, of any intended modifications to an area designation or boundary recommendation that the EPA deems necessary.

On November 6, 2017, the EPA established initial air quality designations for most areas in the United States, including most areas of Indian country, for the 2015 primary and secondary ozone NAAQS (82 FR 54232, November 16, 2017). In that action, the EPA designated 2,646 counties, including Indian country located in those counties, two separate areas of Indian country, and five territories as Attainment/Unclassifiable and three counties as Unclassifiable.

On or about December 20, 2017, consistent with section 107(d)(1)(b)(ii) of the CAA, the EPA notified affected states and tribes of the agency's intended designations for the remaining undesignated areas, except for eight counties in the San Antonio, Texas, area. States and tribes were provided an opportunity during the 120-day process to provide additional information for the EPA to consider in making the final designation decisions. Although not required, the EPA also provided a public comment period on its intended designations for these areas.

On January 19, 2018, the EPA sent a follow-up letter to the Governor of Texas requesting any additional information that the state would like the EPA to consider in designating the San Antonio area. In a letter dated February 28, 2018, the Governor of Texas provided his response on the appropriate designation for the San Antonio area.

On March 19, 2018, the EPA notified the Governor of Texas of the agency's intended designations for the eight

counties in the San Antonio area. That action initiated the 120-day period process specific to the eight counties in the San Antonio area. The EPA plans to continue to work with the state in an effort to resolve any disagreement regarding the designation of the eight counties in the San Antonio area.

Once designations take effect, they govern what subsequent regulatory actions states, tribes, and the EPA must take in order to improve or preserve air quality in each area.

II. Instructions for Submitting Public Comments and Internet Website for Rulemaking Information

A. Invitation To Comment

The purpose of this notice is to solicit input from interested parties, other than Texas, on the EPA's recent response to the designation recommendation from Texas for the eight counties in the San Antonio area for the 2015 Ozone NAAQS. The response, and the supporting technical analysis, can be found at *https://www.epa.gov/ozone-designations* and in the public docket for these ozone designations at Docket ID No. EPA–HQ–OAR–2017–0548. The EPA Docket Office can be contacted at (202) 566–1744, and is located at EPA Docket Center Reading Room, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The hours of operation at the EPA Docket Center are 8:30 a.m.–4:30 p.m., Monday–Friday.

CAA section 107(d)(1) provides a process for air quality designations that involves recommendations by states, territories, and tribes to the EPA and responses from the EPA to those parties, prior to the EPA promulgating final area designations and boundaries. The EPA is not required under the CAA section 107(d)(1) to seek public comment during the designation process, but we are electing to do so with respect to the 2015 Ozone NAAQS in order to gather additional information for the EPA to consider before making final designations. The EPA invites public input on our response to Texas regarding the designations for the San Antonio area during the 30-day comment period provided in this notice. In order to receive full consideration, input from the public must be submitted to the docket by April 30, 2018. This notice and opportunity for public comment does not affect any rights or obligations of any state, or tribe, or of the EPA, which might otherwise exist pursuant to the CAA section 107(d).

Please refer to the **FOR FURTHER INFORMATION CONTACT** section in this document for specific instructions on submitting comments and locating relevant public documents.

In establishing Nonattainment area boundaries for a particular area, CAA section 107(d)(1)(A) requires the EPA to include within the boundaries both the area that does not meet the standard and any nearby area contributing to ambient air quality in the area that does not meet the NAAQS. We are particularly interested in receiving comments, supported by relevant information addressing the section 107(d)(1)(A) criteria, if you believe that a specific geographic area should not be categorized as Nonattainment, or if you believe that an area the EPA had indicated that it intends to designate as Attainment/Unclassifiable or Unclassifiable should in fact be categorized Nonattainment based on the presence of a violating monitor in the area or based on contribution to ambient air quality in a nearby areas. Please be as specific as possible in supporting your views.

- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible.
- Provide your input by the comment period deadline identified.

B. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI.* Do not submit CBI information to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS CBI Officer, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404–02, Research Triangle Park, NC 27711, telephone (919) 541–0878, email at *purifoy.tiffany@epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2017–0548.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

C. Where can I find additional information for this rulemaking?

The EPA has also established a website for this rulemaking at *https://www.epa.gov/ozone-designations.* The website includes the state, territorial and tribal recommendations, the EPA's intended area designations, information supporting the EPA's preliminary designation decisions, the EPA's designation guidance for the 2015 Ozone NAAQS as well as the rulemaking actions and other related information that the public may find useful.

Dated: March 19, 2018.

Panagiotis E. Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2018–06441 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 83, No. 62

Friday, March 30, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0019]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Gypsy Moth Host Materials From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations to prevent the introduction of gypsy moth from Canada into noninfested areas of the United States.

DATES: We will consider all comments that we receive on or before May 29, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0019*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0019* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of gypsy moth host material from Canada, contact Mr. David Lamb, Senior Regulatory Policy Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2103. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Gypsy Moth Host Materials From Canada.

OMB Control Number: 0579–0142.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which administers regulations to implement the PPA. Regulations governing the importation of gypsy moth host material into the United States from Canada are contained in 7 CFR 319.77–1 through 319.77–5.

The regulations are intended to prevent the introduction of gypsy moth into noninfested areas of the United States by placing certain inspection and documentation requirements on gypsy moth host material (*i.e.,* regulated articles) imported from Canada. Under the regulations, depending on the place of origin of the regulated articles and their destination in the United States, certain information collection activities are required such as a phytosanitary certificate, certificate of origin, compliance agreement, written statement, and emergency action notification.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.08 hours per response.

Respondents: Canadian plant health authorities; growers, exporters, or shippers of Christmas trees, shrubs, logs, pulpwood, and other articles from gypsy moth-infested provinces in Canada; and private individuals entering the United States with mobile homes or outdoor household articles.

Estimated annual number of respondents: 2,127.

Estimated annual number of responses per respondent: 1.19.

Estimated annual number of responses: 2,526.

Estimated total annual burden on respondents: 212 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 27th day of March 2018.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–06511 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0014]

BASF Plant Science, LP; Availability of Petition for Determination of Nonregulated Status of Canola Genetically Engineered for Altered Oil Profile and Resistance to an Imidazolinone Herbicide

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from BASF Plant Science, LP, seeking a determination of nonregulated status of canola designated as event LBFLFK, which has been genetically engineered (GE) to allow for the synthesis of long chain omega-3 polyunsaturated fatty acids, including eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA), from oleic acid in canola seed. The GE canola has also been genetically engineered for resistance to an imidazolinone herbicide. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms. We are making the BASF Plant Science, LP petition available for review and comment to help us identify potential environmental and interrelated economic issues and impacts that the Animal and Plant Health Inspection Service may determine should be considered in our evaluation of the petition.

DATES: We will consider all comments that we receive on or before May 29, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0014.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0014, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0014* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

The petition is also available on the APHIS website at: *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS petition 17–321–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' the Animal and Plant Health Inspection Service (APHIS) regulates, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 17–321–01p) from BASF Plant Science, LP, of Florham Park, NJ (BASF), seeking a determination of nonregulated status of canola (*Brassica napus* L.) designated as event LBFLFK, which has been genetically engineered to allow for the synthesis of long chain omega-3 polyunsaturated fatty acids (LC–PUFAs), including eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA), from oleic acid in canola seed. The GE canola has also been genetically engineered for resistance to an imidazolinone herbicide. The BASF petition states that information collected during field trials and laboratory analyses indicates that LBFLFK canola is not likely to be a plant pest and therefore should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the petition, LBFLFK canola was developed through *Agrobacterium rhizogenes*-mediated transformation of canola variety Kumily using a single transformation vector to introduce fatty acid synthesis genes (desaturases and elongases) and an herbicide resistance gene. Characterization of the LBFLFK canola event demonstrated that there are no safety concerns according to the applicant. LBFLFK canola is currently regulated under 7 CFR part 340. Interstate movements and field tests of LBFLFK canola have been conducted under APHIS authorizations.

Field tests conducted under APHIS oversight allowed for evaluation in a natural agricultural setting while imposing measures to minimize the risk of dissemination and persistence in the environment after completion of the tests. Data were gathered on multiple parameters and used by the applicant to evaluate agronomic characteristics and product performance. These and other data will be used by APHIS to determine if the new variety poses a plant pest risk.

Paragraph (d) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** providing 60 days for public comment for petitions for a determination of nonregulated status. On March 6, 2012, we published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice [1] describing our process for soliciting public comment when considering petitions for determinations of nonregulated status for GE organisms. In that notice we indicated that APHIS would accept written comments regarding a petition once APHIS deemed it complete.

In accordance with § 340.6(d) of the regulations and our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. The petition is available for public review and comment, and copies are available as indicated under **ADDRESSES** and **FOR**

[1] To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

FURTHER INFORMATION CONTACT above. We are interested in receiving comments regarding potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. We are particularly interested in receiving comments regarding biological, cultural, or ecological issues, and we encourage the submission of scientific data, studies, or research to support your comments.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. Any substantive issues identified by APHIS based on our review of the petition and our evaluation and analysis of comments will be considered in the development of our decision-making documents. As part of our decision-making process regarding a GE organism's regulatory status, APHIS prepares a plant pest risk assessment to assess its plant pest risk and the appropriate environmental documentation—either an environmental assessment (EA) or an environmental impact statement (EIS)—in accordance with the National Environmental Policy Act (NEPA), to provide the Agency with a review and analysis of any potential environmental impacts associated with the petition request. For petitions for which APHIS prepares an EA, APHIS will follow our published process for soliciting public comment (see footnote 1) and publish a separate notice in the **Federal Register** announcing the availability of APHIS' EA and plant pest risk assessment.

Should APHIS determine that an EIS is necessary, APHIS will complete the NEPA EIS process in accordance with Council on Environmental Quality regulations (40 CFR part 1500–1508) and APHIS' NEPA implementing regulations (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, on March 26, 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–06399 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0016]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Infectious Salmon Anemia; Payment of Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the payment of indemnity due to infectious salmon anemia.

DATES: We will consider all comments that we receive on or before May 29, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0016.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0016, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River, Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docket Detail;D=APHIS-2018-0016* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the payment of indemnity due to infectious salmon anemia, contact Mrs. Teresa Robinson, USDA–APHIS–VS, Maine ISA Program Aquaculture Liaison, 253 King Street, Edmunds Township, ME 04628; (207) 319–3703. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Infectious Salmon Anemia; Payment of Indemnity.

OMB Control Number: 0579–0192.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prevent the interstate spread of serious diseases and pests of livestock within the United States when feasible. In connection with this mission, APHIS established regulations in 9 CFR part 53 to pay indemnity to salmon producers in Maine whose fish are destroyed because of infectious salmon anemia (ISA). However, payment is subject to the availability of funding.

ISA is a foreign animal disease of Atlantic salmon that is caused by an orthomyxovirus. The disease affects wild and farmed Atlantic salmon. ISA poses a substantial threat to the economic viability and sustainability of salmon aquaculture in the United States.

To take part in this indemnity program, producers must enroll in the cooperative ISA control program administered by APHIS and the State of Maine. Program participants must also inform the ISA Program Veterinarian in writing of the name of their accredited veterinarian, develop biosecurity protocols and a site-specific ISA action plan, submit fish inventory and mortality information, complete an appraisal and indemnity claim form, complete a proceeds from animals sold for slaughter form, and assist APHIS or State officials with onsite disease surveillance, testing, and biosecurity audits. Program participants, who may include certain aquaculture industry business owners, managers, site employees, accredited veterinarians, and designated laboratories, must also assist APHIS with certain disease surveillance activities.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 2.8 hours per response.

Respondents: ISA program participants such as certain aquaculture industry business owners, managers, site employees, accredited veterinarians, and laboratory personnel; exporters; and foreign animal health authorities from exporting countries.

Estimated annual number of respondents: 13.

Estimated annual number of responses per respondent: 14.

Estimated annual number of responses: 190.

Estimated total annual burden on respondents: 547 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 26th day of March 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–06514 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0011]

Notice of Request To Renew an Approved Information Collection (Animal Disposition Reporting)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection for Animal Disposition Reporting entered into the Public Health Information System. There are no changes to the existing information collection. The approval for this information collection will expire on August 31, 2018.

DATES: Submit comments on or before May 29, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0011. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Animal Disposition Reporting.

OMB Number: 0583–0139.

Expiration Date of Approval: 08/31/2018.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary of Agriculture (7 CFR 2.18, 2.55) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). FSIS protects the public by verifying that meat and poultry products are wholesome, not adulterated, and properly marked, labeled, and packaged. FSIS also inspects exotic animals and rabbits under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, *et seq.*).

FSIS is requesting renewal of an approved information collection that addresses paperwork requirements for the Animal Disposition Reporting entered into the Public Health Information System. There are no changes to the existing information collection. The approval for this information collection will expire on August 31, 2018.

In accordance with 9 CFR 320.6, 381.180, 352.15, and 354.91, establishments that slaughter meat, poultry, exotic animals, and rabbits are required to maintain certain records regarding their business operations and to report this information to the Agency as required. Poultry slaughter establishments complete FSIS Form 6510–7 after each shift and submit it to the Agency. Other slaughter establishments provide their business records to FSIS to report the necessary information.

FSIS uses this information to plan inspection activities, to develop sampling plans, to target establishments for testing, to develop the Agency budget, and to develop reports to Congress. FSIS also provides this data to other USDA agencies, including the National Agricultural Statistics Service (NASS), the Animal and Plant Health Inspection Service (APHIS), the Agricultural Marketing Service (AMS), and the Grain Inspection, Packers and Stockyards Administration (GIPSA), for their publications and for other functions.

FSIS has made the following estimates on the basis of an information collection assessment:

Estimate of Burden: FSIS estimates that it will take poultry slaughter establishments an average of two minutes per response to collect and submit this information to FSIS.

Respondents: Slaughter establishments.

Estimated Number of Respondents: 1,159.

Estimated Number of Annual Responses per Respondent: 600.

Estimated Total Annual Burden on Respondents: 23,180 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program

Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–06469 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0010]

Notice of Request To Renew an Approved Information Collection (Consumer Complaint Monitoring System)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection regarding its Consumer Complaint Monitoring System (CCMS) web portal. FSIS is discontinuing use of the electronic Food Safety Mobile questionnaire that was approved under this collection. Therefore, the Agency has reduced the burden estimate by 13 hours for the Food Safety Mobile questionnaire. Additionally, FSIS has reduced the burden hours for the CCMS web portal by 75 hours due to updated information about consumer complaints. The approval for this information collection will expire on August 31, 2018.

DATES: Submit comments on or before May 29, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0010. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Consumer Complaint Monitoring System.

OMB Number: 0583–0133.

Expiration Date of Approval: 08/31/2018.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS, by delegation (7 CFR 2.18, 2.53), exercises the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is requesting renewal of the approved information collection regarding its Consumer Complaint Monitoring System (CCMS) web portal. FSIS is discontinuing use of the electronic Food Safety Mobile questionnaire that was approved under this collection. Therefore, the Agency has reduced the burden estimate by 13 hours for the Food Safety Mobile questionnaire. Additionally, FSIS has reduced the burden hours for the CCMS web portal by 75 hours due to updated information about consumer complaints. The approval for this information collection will expire on August 31, 2018.

FSIS tracks consumer complaints about meat, poultry, and egg products. Consumer complaints are usually filed when food makes a consumer sick, causes an allergic reaction, is not properly labeled (misbranded), or contains a foreign object. FSIS uses a web portal to allow consumers to electronically file a complaint with the Agency about a meat, poultry, or egg product. FSIS uses this information to look for trends that will enhance the Agency's food safety efforts.

FSIS has made the following estimates based upon an information collection assessment.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 15 minutes per response.

Respondents: Consumers and organizations.

Estimated Number of Respondents: The CCMS web portal will have approximately 700 respondents.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: The total annual burden time is estimated to be about 750 hours for respondents using CCMS web portal. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–06467 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest; South Dakota and Wyoming; Amendment of the Land Management Plan for the Black Hills National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of the opportunity to object to a Forest Plan Amendment.

SUMMARY: Black Hills National Forest, located in South Dakota and Wyoming, prepared a non-significant, programmatic Forest Plan Amendment to replace an existing standard with updated language found in the Regional Watershed Conservation Practices Handbook (WCPH) relative to maintaining or improving long-term levels of organic matter and nutrients on all lands. The Forest Plan Amendment accompanies the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (ROD) for the Black Hills Resilient Landscapes (BHRL) project. This notice is to inform the public that a 60-day period is being initiated where individuals or entities with standing to object on the

amendment may file an objection for Forest Service review prior to the approval of the Record of Decision.

DATES: The BHRL FEIS, including this Forest Plan Amendment, Draft ROD, and other supporting information, will be available for review at *http://www.tinyurl.com/BHRLProject* by April 4, 2018.

A legal notice of the initiation of the 60-day objection period is also being published in the Black Hills National Forest's newspaper of record, which is the *Rapid City Journal.* The date of publication of the legal notice in the *Rapid City Journal* will determine the actual date of initiation of the 60-day objection period. A copy of the legal notice that is published in the *Rapid City Journal* will be posted on the website listed above.

ADDRESSES: Copies of the BHRL FEIS, including the Forest Plan Amendment, and the Draft ROD can be obtained online at: *http://www.tinyurl.com/BHRLProject;* or by visiting or mailing a request to the Forest Supervisor's Office at the following location:

• 1019 North 5th Street, Custer, SD 57730 (Telephone: 605–673–9200);

Objections must be submitted to the Reviewing Officer:

• Regional Forester, USDA-Forest Service, ATTN: Objection Reviewing Officer, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401 (Fax: 303–275–5134).

Objections may be submitted electronically at: *r02admin_review@fs.fed.us*

Note that the office hours for submitting a hand-delivered objection are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding Federal holidays. Electronic objections must be submitted in a commonly used format such as an email message, plain text (.txt), rich text format (.rtf) or Microsoft Word® (.doc or .docx).

FOR FURTHER INFORMATION CONTACT: Kelly Honors, Environmental Coordinator, Black Hills National Forest at 605–673–9207. 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 time), Monday through Friday.

SUPPLEMENTARY INFORMATION: The Forest Service, Rocky Mountain Region, Black Hills National Forest, prepared a Forest Plan Amendment for maintaining and improving long-term levels of organic matter and nutrients on all lands. This notice is to inform the public that a 60-day period is being initiated where individuals or entities with standing, may file an objection for Forest Service review prior to the approval of the ROD for the BHRL Project.

The publication date of the legal notice in Black Hills National Forest's newspaper of record, the *Rapid City Journal,* will initiate the 60-day objection period and is the exclusive means for calculating the time to file an objection (36 CFR 219.16 and 219.52). An electronic scan of the notice with the publication date will be posted on Black Hills National Forest's website at: *http://www.tinyurl.com/BHRLProject.*

The objection process under 36 CFR 219, subpart B, provides an opportunity for members of the public who have standing, to have any unresolved concerns reviewed by the Forest Service prior to a final decision by the Responsible Official. Only those who provided substantive formal comments during the public comment period during the planning process are eligible to file an objection. Regulations at 36 CFR 219.62 define substantive formal comments as:

''*Written comments submitted to, or oral comments recorded by, the responsible official or his designee during an opportunity for public participation provided during the planning process, and attributed to the individual or entity providing them. Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider.*''

How To File an Objection

The Forest Service will accept mailed, emailed, faxed, and hand-delivered objections concerning the Forest Plan Amendment for 60 calendar days following the date of the publication of the legal notice of this objection period in the newspaper of record, the *Rapid City Journal.* It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Objections must be submitted to the Reviewing Officer, who will be the Regional Forester for the Rocky Mountain Region, at the address shown in the **ADDRESSES** section of this notice.

An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available—in cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the forest plan amendment being objected to, and the name and title of the Responsible Official;

(5) A statement of the issues and/or parts of the forest plan amendment to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If the objector believes that the forest plan amendment is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except that the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the plan amendment comment period.

Responsible Official

The responsible official for this Forest Plan Amendment is Mark Van Every, Forest Supervisor, Black Hills National Forest, 1019 North 5th Street, Custer, SD 57730.

Dated: March 12, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–06518 Filed 3–29–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection for Field Crops Production. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, the combining of several smaller surveys, and/or changes in questionnaire length.

DATES: Comments on this notice must be received by May 29, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0002, by any of the following methods:

- *Email: omboffi cer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *efax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *omboffi cer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Field Crops Production.

OMB Control Number: 0535–0002.

Expiration Date of Approval: October 31, 2018.

Type of Request: Intent to Seek Approval to Revise and Extend an Information Collection for 3 years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The Field Crops Production Program consists of probability field crops surveys and supplemental panel surveys. The panel surveys capture unique crop characteristics such as the concentration of crops in localized geographical areas. These surveys are extremely valuable for commodities where acreage and yield are published at the county level.

Several of the smaller surveys will be discontinued with this approval; the Dry Bean Cleaner Inquiry, Dry Bean Dealer Inquiry, Commercial Bean Seed Survey, Dry Bean Planting Intentions, Dry Bean Inquiry (mid-season), and the Tobacco Production Inquiry.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this information collection is based on a group of similar surveys with expected response times of 5–30 minutes and a frequency of 1–40 times per year. Estimated number of responses per respondent is 1.25.

Respondents: Farmers and Ranchers.

Estimated Total Number of Respondents: 630,000.

Estimated Total Annual Burden on Respondents: 190,000 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, March 15, 2018.

Kevin L. Barnes

Associate Administrator.

[FR Doc. 2018–06436 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request To Conduct a New Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection to obtain labor related data from contractors who provide laborers to the farming industry. This data will supplement the labor data that NASS currently collects from farmers under OMB docket number 0535–0109. This new survey is in response to a USDA departmental request. The data collection periods will be aligned with the current Agricultural Labor Survey, so that the estimates will represent the same data reference periods.

DATES: Comments on this notice must be received by May 29, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- *Email: OMBofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *eFax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Contract Labor Survey.

OMB Control Number: 0535–NEW.

Type of Request: Intent to seek approval to conduct a new information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, disposition, and prices. The current Agricultural Labor Survey (0535–0109) provides quarterly statistics on the number of non-contract agricultural workers, hours worked, and wage rates. Under the new Contract Labor Survey, NASS will collect essentially the same type of data that is collected in the current labor survey, however it will collect data from a different target population. NASS plans to conduct a pilot study in October 2018 with approximately 1,000 contractors. NASS does not plan to publish the findings from the pilot study, but will use the data to fine tune the data collection, summary, and estimation systems. The first round of data collection using the full sample is scheduled to take place in April 2019. After data collection, NASS will conduct a thorough data analysis for comparability and consistency of survey results. The first publication of data is scheduled to occur after the completion of the October 2019 survey.

Contractors who provide workers to farm operations for both full-time and part-time work will be asked to provide the number of workers they place by: Worker code (type of work each individual was hired to do), total hours worked, total gross wages, total base wages and total incentive/overtime wages for the reference week. If the contractor places more than one person to conduct the same type of work they can combine these data and report for the group. The number of workers, hours worked, and type of work performed may be used to enhance NASS's estimates of agricultural productivity.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: This information collection consists of a pilot study being conducted in October of 2018 involving approximately 1,000 contractors. In April 2019, NASS plans to conduct the first live survey of the entire population of contractors, approximately 12,500. The contractors will be contacted twice a year, once in April, to collect data for the January and April quarters and in October to collect data for both the July and October quarters. The public reporting burden for this information collection is estimated to average 60 minutes per response in April and October. Some additional burden has been included to account for the publicity material and instruction form that will be sent out with each questionnaire.

Respondents: Farm Labor Contractors.

Estimated Number of Respondents: 12,500.

Estimated Total Annual Burden on Respondents: 18,000 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; specifically, on the benefits of collection of hourly base rate of pay, piece rate of pay, and experience level and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, March 15, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–06438 Filed 3–29–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–805]

Certain Pasta From Turkey: Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is rescinding its administrative review of the antidumping duty order on certain pasta from Turkey for the period of review (POR) July 1, 2016, through June 30, 2017.

DATES: Applicable March 30, 2018.

FOR FURTHER INFORMATION CONTACT: Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2924.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain pasta from Turkey for the POR.[1] Commerce received a timely request from Dakota Growers Pasta Company, Riviana Foods, Inc. (formerly New World Pasta Company) and Treehouse Foods, Inc. (formerly, The American Italian Pasta Company) (collectively, the petitioners), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this antidumping duty order.[2]

On September 13, 2017, Commerce published in the **Federal Register** a notice of initiation with respect to Marsan Gida Sanayi ve Ticaret A.S. and Oba Makarnacilik Sanayi ve Ticaret

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 30833 (July 3, 2017).

[2] *See* Letter from the petitioners, ''Request for 2016–2017 Administrative Reviews of the Antidumping Duty Order on Certain Pasta from Turkey,'' dated July 31, 2017.

A.S.[3] On November 21, 2017, the petitioners timely withdrew their request for an administrative review.[4]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioners withdrew their request for review by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the antidumping duty order on pasta from Turkey covering the period July 1, 2016, through June 30, 2017.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: March 26, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06463 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 42974, 42982 (September 13, 2017).

[4] *See* Letter from the petitioners, ''Certain Pasta from Turkey: Withdrawal of 2016–2017 Administrative Review Requests—Certain Pasta from Turkey,'' dated November 21, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

Advisory Committee on Supply Chain Competitiveness: Notice of Public Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed topics of discussion for public meeting of the Advisory Committee on Supply Chain Competitiveness (Committee).

DATES: The meetings will be held on April 19, 2018, from 9:00 a.m. to 4:00 p.m., Pacific Standard Time (PST).

ADDRESSES: The meeting will be held at the Crown Plaza Los Angeles Harbor Hotel, 601 S Palos Verdes Street, San Pedro, CA 90731 (Ballroom).

FOR FURTHER INFORMATION CONTACT: Richard Boll, Office of Supply Chain, Professional & Business Services (OSCPBS), International Trade Administration. (Phone: (202) 482–1135 or Email: *richard.boll@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The Committee was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.). It provides advice to the Secretary of Commerce on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy. It also provides advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. For more information about the Committee visit: *http://trade.gov/td/services/oscpb/supplychain/acscc/.*

Matters To Be Considered: Committee members are expected to continue to discuss the major competitiveness-related topics raised at the previous Committee meetings, including trade and competitiveness; freight movement and policy; trade innovation; regulatory issues; finance and infrastructure; and workforce development. The Committee's subcommittees will report on the status of their work regarding these topics. The agenda may change to accommodate Committee business. The Office of Supply Chain, Professional & Business Services will post the final detailed agenda on its website, *http://trade.gov/td/services/oscpb/supplychain/acscc/,* at least one week prior to the meeting.

The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Richard Boll, at (202) 482–1135 or *richard.boll@trade.gov* at least five (5) business days before the meeting.

Interested parties are invited to submit written comments to the Committee at any time before and after the meeting. Parties wishing to submit written comments must send them to the Office of Supply Chain, Professional & Business Services, 1401 Constitution Ave. NW, Room 11014, Washington, DC 20230, or email to *richard.boll@trade.gov.*

For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EST on April 12, 2018. Comments received after April 12, 2018, will be distributed to the Committee, but may not be considered at the meeting. The minutes of the meeting will be posted on the Committee website within 60 days of the meeting.

Dated: March 26, 2018.

Maureen Smith,

Director, Office of Supply Chain.

[FR Doc. 2018–06412 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG125

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Stock ID Post-Workshop Webinar for Atlantic Cobia (Rachycentron canadum)

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

ACTION: Notice of SEDAR 58 Atlantic Cobia Stock Identification Post Workshop Webinar.

SUMMARY: The SEDAR 58 assessment(s) of the Atlantic stock(s) of cobia will consist of a series of workshops and webinars: Stock ID Workshop; Stock ID Review Workshop; Stock ID Joint Cooperator Technical Review; Data Workshop; Assessment Workshop and/or Webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 58 Stock ID Post Workshop Webinar will be held on April 23, 2018, from 11 a.m. until 1 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is typically a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing workshop and/or webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Stock ID Post Workshop Webinar are as follows:

Participants will finalize stock structure recommendations from the Stock ID Workshop.

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

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: March 27, 2018.

Jeffrey N. Lonergan,

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

[FR Doc. 2018–06485 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead (File Nos. 21198 and 21434), Shasta McClenahan (File No. 21386), Jennifer Skidmore (File No. 20590 and 20610), Erin Markin (File No. 21260) and Amy Hapeman (File No. 21111); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to *www.federalregister.gov* and search on the permit number provided in the table below.

Permit No.	RIN	Applicant	Previous **Federal Register** notice	Permit issuance date
20590	0648–XF801	Nicole Phillips, Ph.D., The University of Southern Mississippi, 118 College Drive No. 5018, Hattiesburg, MS 39406.	82 FR 54334; November 17, 2017	February 22, 2018.
20610	0648–XF801	David Portnoy, Ph.D., Texas A&M University, Corpus Christi, TX 78412.	82 FR 54334; November 17, 2017	February 27, 2018.
21111	0648–XF485	NMFS Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, CA 92037 (Responsible Party: Lisa Ballance, Ph.D.).	82 FR 31948; July 11, 2017	February 15, 2018.
21198	0648–XF861	U.S. Fish and Wildlife Service (USFWS), Southeast Regional Office, Century Boulevard, Atlanta, GA 30602 (Responsible Party: Allan Brown).	82 FR 57954; December 8, 2017	February 08, 2018.
21260	0648–XF827	NMFS Pacific Islands Fisheries Science Center, 1845 Wasp Boulevard, Honolulu, HI 96818 (Responsible Party: Charles Littnan, Ph.D.).	82 FR 56815; November 30, 2017	February 28, 2018.
21386	0648–XF909	North Slope Borough Department of Wildlife Management, P.O. Box 69, Barrow, AK 99723 (Responsible Party: Taqulik Hepa).	82 FR 60967; December 26, 2017	February 15, 2018.
21434	0648–XF861	Maryland Department of Natural Resources, Cooperative Oxford Laboratory, 904 South Morris Street, Oxford, MD 21654 (Responsible Party: Brian Richardson).	82 FR 57954; December 8, 2017	February 8, 2018.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: March 27, 2018.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–06497 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG124

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Protected Species Advisory Committee (PSAC) meeting to review relevant sections of the draft 2017 annual Stock Assessment and Fishery Evaluation (SAFE) report for the Pacific Pelagic Fishery Ecosystem Plan (FEP), American Samoa Archipelago FEP, Hawaii FEP, Mariana Archipelago FEP and Pacific Remote Island Areas (PRIA) FEP. The PSAC will also receive updates on matters related to fishery management and may make recommendations on these topics.

DATES: The meetings will be held between 9 a.m. and 5 p.m. on April 19 and 20, 2018. For the agenda, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The PSAC meeting will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agenda. The order in which agenda items are addressed may change and will be announced in advance at the meeting. The meeting will run as late as necessary to complete scheduled business.

Agenda

Thursday, April 19, 2018, 9 a.m. to 5 p.m.

1. Welcome and Introductions
2. Approval of Agenda
3. Status of the Fourth Protected Species Advisory Committee Meeting Recommendations
4. Endangered Species Act and Marine Mammal Protection Act Updates
5. Insular and Pelagic Non-Longline Fisheries Issues
   - A. Review of the Draft 2017 FEP Annual SAFE Report for Insular Fisheries
     - i. Summary of relevant fishery data
     - ii. Protected species section
     - iii. Discussion and synthesis
   - B. Review of the Draft 2017 FEP Annual SAFE Report for Pelagic Non-Longline Fisheries
     - i. Summary of relevant fishery data
     - ii. Protected species section
     - iii. Discussion and synthesis
   - C. Council Fishery Actions on Insular

and Pelagic Non-Longline Fisheries
6. Council's Research Priorities
A. Five-year Research Priorities
B. Cooperative Research Priorities
C. Discussion
7. Public Comment

Friday, April 20, 2018, 9 a.m. to 5 p.m.

8. Pelagic Longline Fisheries Issues
A. Review of the Draft 2017 FEP Annual SAFE Report
i. Summary of relevant fishery data: 2017 Hawaii and American Samoa Logbook Reports
ii. 2017 Protected species section
iii. 2017 Albatross Workshop Report
iv. Olive ridley and leatherback turtle analysis
v. Developing a standardized metric to monitor protected species interactions
vi. Discussion and synthesis
B. Council Fishery Actions on Pelagic Longline Fisheries
i. Framework for Managing Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery
a. Overview of the action
b. Characterization of loggerhead turtle interactions in the Hawaii shallow-set longline fishery
c. Review of sea turtle impacts assessment approaches
ii. Other actions
C. Discussion on Emerging Issues, Data Gaps and Research Needs
9. Public Comment
10. Committee Discussion and Recommendations
11. Other Business and Next Meeting

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: March 27, 2018.

Jeffrey N. Lonergan,

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

[FR Doc. 2018–06484 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG123

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold two public scoping meetings via webinar pertaining to Amendment 42 to the Snapper Grouper Fishery Management Plan (FMP) of the South Atlantic Region. The amendment addresses modifications to sea turtle release gear requirements for the snapper grouper fishery.

DATES: The scoping meetings will be held via webinar on April 23 and April 24, 2018.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The scoping meetings will be conducted via webinar accessible via the internet from the Council's website at *www.safmc.net.* The scoping meetings will begin at 6 p.m. Registration for the webinars is required. Registration information will be posted on the Council's website at *www.safmc.net* as it becomes available.

Amendment 42 to the Snapper Grouper Fishery Management Plan

The draft amendment addresses changes to sea turtle release gear types for the commercial and for-hire components of the snapper grouper fishery. The National Marine Fisheries Service's Release Protocols for protected species were originally published in 2004, with updates in 2008 and 2010. A new update is ready for publication. In the pending update, three additional sea turtle release gears, used for handling and releasing incidentally caught sea turtles, have been approved by the Southeast Fisheries Science Center (SEFSC). The new gear requires less space on vessels while still providing the necessary function. For fishermen operating in the snapper grouper fishery to utilize the newly approved gears, they need to be listed as acceptable gear in the Snapper Grouper FMP and made a requirement in the regulations. The amendment would also revise the snapper grouper framework procedure to include modifications to protected resources release gear requirements and handling procedures after they are approved by the SEFSC to allow for more timely modifications to these regulations.

During the scoping meetings, Council staff will present an overview of the amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will have an opportunity to go on record to record their comments for consideration by the Council.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 27, 2018.

Jeffrey N. Lonergan,

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

[FR Doc. 2018–06483 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG122

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a three-day meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, April 17, 2018 through Thursday, April 19, 2018, beginning at 9 a.m. on April 17, 8:30 a.m. on April 18, and 8:30 a.m. on April 19.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Hotel, 20 Coogan Boulevard, Mystic, CT 06355; telephone: (860) 572–0731; online at *www3.hilton.com/en/hotels/connecticut/hilton-mystic-MYSMHHF/index.html.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, April 17, 2018

After introductions and brief announcements, the meeting will begin with reports from the Council Chairman and Executive Director, NMFS's Regional Administrator for the Greater Atlantic Regional Fisheries Office (GARFO), liaisons from the Northeast Fisheries Science Center (NEFSC) and Mid-Atlantic Fishery Management Council, representatives from NOAA General Counsel and the Office of Law Enforcement, staff from the Atlantic States Marine Fisheries Commission and U.S. Coast Guard, and the Northeast Trawl Advisory Panel. Next, the Council will receive some introductory remarks from the Bureau of Ocean Energy Management (BOEM), which will be holding an open house in a neighboring meeting room to collect comments and answer questions on offshore wind leasing activities. The Habitat Report will be next, beginning with an update on proposed and ongoing offshore energy projects in the Northeast. The Council then will receive a progress report on the Clam Dredge Framework, which is being developed to consider surfclam dredge fishery access to the new Great South Channel Habitat Management Area. The Council will discuss whether to consider a mussel dredge exemption in the framework within the habitat management area. The Skate Committee will report next. The Council may take final action on Framework Adjustment 6 to the Northeast Skate Complex Fishery Management Plan (FMP), which contains alternatives for prolonging the length of the skate wing fishery.

After the lunch break, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. Following public comment, the Scallop Committee will provide a progress report on 2018 priorities, including adjustments to General Category Individual Fishing Quota trip limits and monitoring/catch accounting provisions. The Council may discuss possible adjustments to its scallop priorities to allow consideration of standard default measures in Framework Adjustment 30. This framework will include specifications for the 2019 scallop fishing year and default specifications for fishing year 2020, along with other measures. The Council Program Review will be next. A panel of external reviewers with scientific and management expertise met March 13–16, 2018 to independently assess the New England Council's operations and performance. The Council will review and discuss the panel's findings and recommendations for improvement. The Council then will adjourn for the day.

Wednesday, April 18, 2018

The second day of the meeting will begin with a report from NMFS staff on the agency's draft policy directive for allocating costs in electronic monitoring (EM) programs in federal fisheries. The Groundfish Committee report will follow. The Council will receive an update on the potential range of alternatives in Groundfish Monitoring Amendment 23, which is under development to improve the overall catch and discard monitoring program in the Northeast multispecies fishery. The Council then will discuss Northeast Fishery Sector IX. First, the Council will receive a GARFO overview on: (a) Sector IX steps to address shortcomings in meeting the requirements of its previous sector operations plan; and (b) Sector IX's proposed lease-only operations plan as submitted to GARFO. The Council will consider making recommendations to NMFS on the proposed operations plan.

Following a lunch break, the Council will be briefed on highlights from the March 28–29, 2018 Saltwater Recreational Fisheries Summit. Next, the Council will take up the issue of ''best scientific information available'' (BSIA). The Council will review NMFS's draft document on BSIA and then receive feedback and recommendations on the draft from its Scientific and Statistical Committee. The Council will consider making recommendations to NMFS on the BSIA draft document. The Council next will receive a presentation on the Atlantic Large Whale Take Reduction Team's recent meetings and related activities. Following any pertinent discussion, the Council will receive a presentation by NMFS staff on agency proposals to address overfishing and rebuild North Atlantic shortfin mako sharks. The Council will conclude the day with a short report on: (a) NMFS's Highly Migratory Species Advisory Panel's (AP) recent meeting, which will include the AP's comments on shortfin mako sharks; and (b) the International Commission for the Conservation of Atlantic Tunas Advisory Committee's recent meeting.

Thursday, April 19, 2018

The third day of the meeting will begin with an Atlantic herring report. The Council will review and discuss an updated white paper that addresses issues related to potentially adding river herring and shad as stocks in the Atlantic herring fishery. The Council may take action related to this item. The Council also will discuss the implications of the river herring/shad bycatch accountability measures that recently were triggered in both the Atlantic herring and Atlantic mackerel fisheries. The Council then will move into its Industry-Funded Monitoring (IFM) discussion. GARFO staff will present NMFS's final report on a recent EM project conducted aboard midwater trawl vessels in the Atlantic herring and Atlantic mackerel fisheries. The Council then will debate whether EM, coupled with portside sampling, provide a sufficient alternative to at-sea monitoring in the Atlantic herring midwater trawl fishery. This discussion may lead to Council action within the Omnibus IFM Amendment.

Following a lunch break, the Council will receive the annual Ecosystem Status Report from NEFSC staff. The report summarizes the status of the Northeast Continental Shelf ecosystem. The Council then will review and discuss proposals being prepared for NMFS to address regulatory reform as mandated by Executive Orders 13777, 13771, and 13565. The Council will close out the meeting with ''other business.''

Although non-emergency issues not contained on this agenda may come before the Council for discussion, those issues may not be the subject of formal action during this meeting. Council 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 27, 2018.

Jeffrey N. Lonergan,

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

[FR Doc. 2018–06482 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG097

Meeting of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee's (MAFAC's) Columbia Basin Partnership Task Force (CBP Task Force). The CBP Task Force will discuss the issues outlined in the **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held April 18, 2018, from 8 a.m. to 5 p.m. and on April 19, 2018, from 8 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Downtown Embassy Suites, 319 SW Pine St., Portland, OR 97204; 503–279–9000.

FOR FURTHER INFORMATION CONTACT: Katherine Cheney; NFMS West Coast Region; 503–231–6730; email: *Katherine.Cheney@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC's CBP Task Force. The MAFAC was established by the Secretary of Commerce (Secretary) and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-*. The CBP Task Force reports to MAFAC and is being convened to discuss and develop recommendations for long-term goals to meet Columbia Basin salmon recovery, conservation needs, and harvest opportunities. These goals will be developed in the context of habitat capacity and other factors that affect salmon mortality. More information is available at the CBP Task Force web page: *http://www.westcoast.fisheries.noaa.gov/columbia_river/index.html.*

Matters To Be Considered

The meeting time and agenda are subject to change. Updated information will be available on the CBP Task Force web page above. Meeting topics include consideration of draft quantitative goals for most Columbia Basin species and discussing approaches to integrating goals across species to develop recommendations for basin-wide goals.

The meeting is open to the public as observers, and public input will be accepted on April 19, 2018, from 1:15 to 1:45 p.m., limited to the time available.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Katherine Cheney, 503–231–6730, by April 9, 2018.

Dated: March 27, 2018.

Jennifer L. Lukens,

Director, Office of Policy, National Marine Fisheries Service.

[FR Doc. 2018–06470 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG127

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt of one enhancement permit application and request for comment.

SUMMARY: Notice is hereby given that NMFS has received one permit application submitted by FISHBIO Environmental, LLC. (FISHBIO) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended, for a five-year period. This document serves to notify the public of the availability of the permit application for review and comment, prior to a decision by NMFS whether to issue the permit. The permit application may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on April 30, 2018.

ADDRESSES: Written comments on the application should be submitted to the NMFS California Central Valley Office, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814. Comments may also be submitted via fax to (916) 930–3629, or by email to *Amanda.Cranford@noaa.gov* (include the permit number in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Amanda Cranford, Sacramento, CA (Phone: (916) 930–3706; Fax: (916) 930–3629; Email: *Amanda.Cranford@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and hatchery propagated Central Valley (CV) spring-run;

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated California Central Valley (CCV).

North American green sturgeon (*Acipenser medisrostris*): Threatened, naturally produced southern distinct population segment (SDPS).

Permit Application Received

Permit 21477

FISHBIO has applied for an enhancement permit under section 10(a)(1)(A) of the ESA for a period of five years that would allow take of both adult and juvenile CV spring-run Chinook salmon, CCV steelhead, and SDPS green sturgeon. Recent Federal legislation (Section 4010 of the Water Infrastructure Improvements for the Nation Act (WIIN Act); December 16, 2016) requires the Oakdale Irrigation District and the South San Joaquin Irrigation District (Districts) and NMFS to jointly establish a nonnative predator research and pilot fish removal program in the Stanislaus River to investigate whether nonnative predator removal is an effective strategy to improve overall conditions for native fish, especially the survival of juvenile salmonids. The general approach of the program is intended to build off previous nonnative predator removal studies conducted in the Central Valley. The program will allow examination of the biological and ecological responses of both ESA-listed

and non-listed native fish (particularly salmonids) and the fish community in relation to predator exclusion and removal efforts. Specific study questions will focus on changes in the densities and relative abundances in these native fish and fish community assemblages.

The program will be carried out using three primary methods: (1) An exclusion weir equipped with a live box (or fyke trap) will be used to trap and remove nonnative predatory fish. Native fish will be trapped daily and selectively passed upstream of the weir in order to reduce the potential for in-trap predation and to minimize delays in migration; (2) boat electrofishing is proposed to estimate the abundance of nonnative predators and to conduct predator removals; and (3) survival will be assessed by conducting releases of acoustically tagged hatchery-origin Chinook salmon juveniles upstream of areas where predator removal has occurred.

Although ESA-listed species are not directly targeted by the program, they may be incidentally captured and handled during electrofishing sampling. All efforts will be made to limit electrofishing in areas where juvenile salmonids may be present or rearing. Electrofishing will follow strict guidelines to minimize mortality and established measures will be taken to protect species listed under the ESA. The proposed operation of a weir in the Stanislaus River could impact ESA-listed species by delaying adult upstream migration. Additionally, trapping at the weir may result in the capture of adult ESA-listed species. These effects will be minimized by frequent (at least daily) trap checks at the site and prioritization of ESA-listed species for handling and release prior to other non-listed species.

Authority

Enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR part 222). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of section 2 of the ESA; (4) further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria as listed at 50 CFR 222.308(c)(5–12). The authority to take listed species is subject to conditions set forth in the permit.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Public Comments Solicited

NMFS invites the public to comment on the section 10(a)(1)(A) enhancement permit application during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the permit application, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 27, 2018.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–06460 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG130

Marine Mammals; File No. 22062

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Patricia Fair, Ph.D., Medical University of South Carolina, Hollings Marine Laboratory, 331 Fort Johnson Road, Charleston, SC 29412, has applied in due form for a permit to receive, import, and export marine mammal parts for scientific research.

DATES: Written, telefaxed, or email comments must be received on or before April 30, 2018.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 22062 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 22062 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to receive, import, and export biological samples for scientific research from up to 100 bottlenose dolphins (*Tursiops truncatus*) annually to study pollutant stressors of dolphins in the El Morro Mangrove and Wildlife Refuge, Ecuador. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 27, 2018.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–06498 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Monterey Peninsula Water Supply Project; Notice of Availability of a Final Environmental Impact Report/ Environmental Impact Statement

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a final environmental impact report/ environmental impact statement.

SUMMARY: California American Water Company (CalAm) submitted a permit application to NOAA's Monterey Bay National Marine Sanctuary (MBNMS) to construct and operate a reverse osmosis (RO) desalination facility project (Project) in Monterey County, California. NOAA is conducting the permit review process in accordance with review and consultation requirements under the National Environmental Policy Act (NEPA) and other applicable statutes. NOAA, as Federal lead agency for purposes of NEPA, and the California Public Utilities Commission (CPUC), the state lead agency for purposes of the California Environmental Quality Act (CEQA), have prepared a joint final environmental impact review/ environmental impact statement (EIR/ EIS) that analyzes the potential effects on the physical and human environment of the proposed action and alternatives.

DATES: This notice is applicable March 30, 2018.

ADDRESSES: Copies of the FEIR/EIS can be downloaded or viewed on the internet at *https://montereybay.noaa.gov/resourcepro/resmanissues/desal-projects.html.*

FOR FURTHER INFORMATION CONTACT: Karen Grimmer at 99 Pacific Ave., Bldg. 455a, Monterey, CA 93940 or *mbnms.comments@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

CalAm submitted a permit application for construction and operation of its proposed Monterey Peninsula Water Supply Project (MPWSP or Project). The purpose of the MPWSP is to replace existing water supplies for CalAm's Monterey District service area that have been constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin water resources. The MPWSP comprises various facilities and improvements, including: A sub-surface seawater intake system; a 9.6-million-gallons-per-day (mgd) reverse osmosis (RO) desalination plant; desalinated water storage and conveyance facilities; and expanded Aquifer Storage and Recovery (ASR) facilities.

The desalination facility would be capable of producing 9.6 million gallons per day (MGD) of potable water on a 46-acre site located north of the City of Marina on unincorporated Monterey County property. The MPWSP proposes ten subsurface slant wells (nine new wells and conversion of an existing test well) to draw seawater from beneath the ocean floor in Monterey Bay to produce the source water for the desalination plant. The subsurface slant wells would be located primarily within the City of Marina, in the active mining area of the CEMEX sand mining facility. The slant wells would be approximately 700 to 1000 feet in length and extend beneath the coastal dunes, sandy beach, and the surf zone, terminating approximately 161 to 356 feet seaward of the Mean High Water line and at a depth of 190 to 210 feet below the seafloor. Up to 24.1 mgd of source water would be needed to produce 9.6 mgd of desalinated product water.

Under the proposed project, the desalination plant would generate approximately 13.98 mgd of brine, including 0.4 mgd of decanted backwash water. The brine would be discharged into Monterey Bay via a 36-inch diameter pipeline to a new connection with the existing Monterey Regional Water Pollution Control Agency's (MRWPCA) outfall and diffuser located offshore.

II. NOAA Proposed Action and Alternatives

NOAA is releasing a final EIR/EIS prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4332(2)(c), and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA. 40 CFR 1500–1508. NOAA's proposed action would be to authorize the installation of a subsurface seawater intake system, authorize the discharge of brine into MBNMS via an existing outfall pipe, and permit the continued presence of pipelines in MBNMS to transport seawater to or from a desalination facility.

The Final EIR/EIS identifies and assesses potential environmental impacts associated with the proposed project, and identifies six alternatives, plus a no action alternative. Federal agencies would use the EIR/EIS to consider related permits or other approvals for the Project as proposed. NOAA's preferred alternative is Alternative 5a, which is also the environmentally preferred alternative. Alternative 5a would be implemented in conjunction with the Pure Water Monterey Groundwater Replenishment Project (GWR), which would offer the same amount of freshwater as the proposed project through a 6.4 mgd desalination plant and the purchase and extraction of 3,500 afy of GWR Project water from the Seaside Groundwater Basin. Although the combined Alternative 5a and GWR project would result in a larger physical footprint than the proposed action alone, the pairing of Alternative 5a and the GWR project would result in reduced operational energy use and reduced GHG emissions compared to the proposed project. In addition, the combination of Alternative 5a and the GWR Project would result in reduced effects on groundwater levels influenced by fewer slant wells and less volume of pumping compared to the proposed project, and the GWR project would provide water to the Castroville Seawater Intrusion Project that would benefit the groundwater basin. Lastly, Alternative 5a paired with the GWR project would be consistent with the 2016 California Action Plan seeking integrated water supply solutions, the Governor's drought proclamations, the CPUC Water Action Plan goal of promoting water infrastructure investment, the California Ocean Plan, and MBNMS Desalination Guidelines.

III. NEPA Process and Federal Consultations

In accordance with Section 102(2)(C) of NEPA, NOAA published a Notice of Intent (NOI) to prepare an EIS for the proposed project on August 26, 2015 (80 FR 51787). During the EIS scoping meeting held on September 10, 2015, five participants commented publically on the proposed project. Twelve written comments were received throughout the public comment period. The complete written comments are available for

review at: *https://www.regulations.gov/docket?D=NOAA-NOS-2015-0105.*

On January 13, 2017 a Draft EIR/EIS was released for public comment. NOAA and CPUC received approximately 82 comment letters, two form letter submissions, as well as 18 oral comments from the public hearing. Public and agency comments on the Draft EIR/EIS did not result in finding any impacts more adverse than disclosed in the DEIR/EIS. Furthermore, there were no substantial changes to the proposed project relevant to environmental concerns or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. All comments are available and addressed in the FEIR/EIS. In addition, the complete written comments are available for review at: *https://www.regulations.gov/docket?D=NOAA-NOS-2016-0156.*

As part of the NEPA process, NOAA has completed federal interagency consultation with the National Marine Fisheries Service under section 7 of the Endangered Species Act and under the Magnuson Stevens Fishery Conservation and Management Act for Essential Fish Habitat. Consultation with the Fish and Wildlife Service under section 7 of the Endangered Species Act is ongoing. NOAA has also completed federal interagency consultation under section 106 of the National Historic Preservation Act. With respect to the Coastal Zone Management Act, Subpart D of the federal consistency regulations governs consistency review for activities requiring a federal license or permit. This section requires the applicant to conduct any required consistency review with the state coastal commission, and provide the Federal permitting agency with a consistency certification. CalAm is currently in discussions with the California Coastal Commission. All final consultation documents will be made available on the website listed above. Finally, the United States Department of the Army and the United States Army Corps of Engineers were cooperating agencies on this FEIR/FEIS.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: March 23, 2018.

John Armor,

Director for the Office of National Marine Sanctuaries.

[FR Doc. 2018–06343 Filed 3–29–18; 8:45 am]

BILLING CODE 3510–NK–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and deletions from the Procurement List.

SUMMARY: This action adds a product to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* April 29, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 1/19/2018 (83 FR 13), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the product and impact of the addition on the current or most recent contractors, the Committee has determined that the product listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product to the Government.

2. The action will result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product is added to the Procurement List:

Product

NSN—Product Name: 2815–01–492–5709—Parts Kit, Diesel Engine Hydraulic Transmission
Mandatory for: 100% of the requirement of the Department of Defense
Mandatory Source of Supply: Georgia Industries for the Blind, Bainbridge, GA
Contracting Activity: Defense Logistics Agency Land and Maritime

Deletions

On 2/9/2018 (83 FR 28) and 2/23/2018 (83 FR 37), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
7920–01–615–6967—Scrub Brush, Wire, Black Tempered, Ergonomic, 5″
7920–01–615–6968—Wire Brush, Wire, Knuckle Guard, Long Handle, Ergonomic, 6″ × 1⅛″
7920–01–615–6971—Scrub Brush, Wire, Knuckle Guard, Long Handle, Ergonomic, 6″ × 1⅛″, w/built-in scraper
7920–01–615–6972—Scrub Brush, Polypropylene Bristles, Extension Pole-Compatible, 2″ × 8″
7920–01–615–6973—Scrub Brush, Wire, Stainless, Ergonomic, 5″

Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: General Services Administration, Fort Worth, TX

NSN—Product Name: 7520–00–NIB–1620—Highlighters, Fluorescent, Flat
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):
8440–01–288–2178—Handkerchief, Plain Weave, Army, Men's, Brown
8440–00–261–4246—Handkerchief, Mans
Mandatory Source of Supply: Mount Rogers Community Services Board, Wytheville, VA
Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–06491 Filed 3–29–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Initial Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the products to the Government.

2. If approved, the action will result in authorizing a small entity to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

Items proposed for addition to the Procurement List:

Products

NSN(s)—Product Name(s): 5180–00–NIB–0025—Tool, Kit Refrigeration, Individual
5180–00–NIB–0026—Tool Kit, Refrigeration, Base
Mandatory for: 100% of the requirements of the U.S. Army
Mandatory Source of Supply: Beyond Vision, Milwaukee, WI
Contracting Activity: U.S. Army Contracting Command—Warren
Distribution: C-List

Deletions

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service proposed for deletion from the Procurement List.

Items proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s): 7930–01–619–1851—Cleaner, Wheel and Tire, 5 GL
7930–01–619–2632—Bug Remover, Concentrated, Gelling, Vehicle, 5 GL
Mandatory Source of Supply: VisionCorps, Lancaster, PA
Contracting Activity: General Services Administration, Fort Worth, TX

Service

Service Type: Grounds Maintenance Service
Mandatory for: Naval & Marine Corps Reserve Center, Encino, CA
Mandatory Source(s) of Supply: Lincoln Training Center and Rehabilitation Workshop, South El Monte, CA
Contracting Activity: Dept of the Navy, U.S. Fleet Forces Command

Dated: March 26, 2018.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–06492 Filed 3–29–18; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Programmatic Environmental Assessment for Infantry Brigade Combat Team Conversion to an Armored Brigade Combat Team and Stationing

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army has completed a Programmatic Environmental Assessment (PEA) analyzing the proposed conversion of an Infantry Brigade Combat Team (IBCT) at Fort Carson, Colorado, into an Armored Brigade Combat Team (ABCT) and the stationing of that newly converted ABCT at one of five Army installations: Fort Carson, Colorado; Fort Bliss, Texas; Fort Hood, Texas; Fort Riley, Kansas; or Fort Stewart, Georgia. The Army is making the PEA and a draft Finding of No Significant Impact (FNSI) available for public comment. The PEA does not identify significant environmental impacts from any of the alternatives under the proposed action. The draft FNSI concludes that preparation of an environmental impact statement is not required, and therefore will not be prepared.

DATES: The public comment period will end 30 days after publication of the Notice of Availability in the **Federal Register** by the Department of the Army.

ADDRESSES: Written comments should be sent to: U.S. Army Environmental Command, ATTN: Public Comments, 2450 Connell Road (Building 2264), Joint Base San Antonio—Fort Sam Houston, TX 78234–7664; or email: *usarmy.jbsa.aec.nepa@mail.mil.*

FOR FURTHER INFORMATION CONTACT: Please contact the U.S. Army Environmental Command Public Affairs Office, (210) 466–1590 or toll-free 855–846–3940, or email at *usarmy.jbsa.aec.nepa@mail.mil.*

SUPPLEMENTARY INFORMATION: The Army has prepared this PEA in accordance with the National Environmental Policy Act of 1969 (NEPA); the regulations issued by the Council on Environmental Quality, 40 Code of Federal Regulations (CFR) Parts 1500–1508 (40 CFR 1500–1508); and the Army's procedures for implementing NEPA, published in 32 CFR 651, Environmental Analysis of Army Actions.

This PEA analyzes the proposed conversion of an IBCT into an ABCT to increase the Active Army's ABCT capacity by one brigade (from 10 to 11), increasing the Total Army's number of ABCTs from 15 to 16 (including Army National Guard units), and to station that new ABCT at an existing installation in the United States. To achieve the increase in ABCTs, the proposed action is to convert Fort Carson's 2nd Infantry Brigade Combat Team, (4th Infantry Division IBCT) into the 16th ABCT. The need for this action is to reduce the shortfall in Total Army ABCT capacity to meet contingency operational demands. The Army's ability to maintain a continuous and ready ABCT presence to deter threats requires the conversion to take place in fiscal year 2019.

The ABCT consists of 4,182 Soldiers and equipment includes 87 M1 Abrams Tanks, 138 Bradley Infantry Fighting Vehicles, and a variety of other weapons and vehicles.

The ABCT stationing would occur at one of the following installations: Fort Carson, Colorado (Alternative 1); Fort Bliss, Texas (Alternative 2); Fort Hood, Texas (Alternative 3); Fort Riley, Kansas (Alternative 4); or Fort Stewart, Georgia (Alternative 5).

This PEA will provide the decision-maker with important information

regarding potential environmental and socioeconomic impacts associated with each alternative. As such, the scope of this PEA is broad and encompasses activities to support ABCT stationing and planning for facilities projected to be required from fiscal years 2018 to 2021. The programmatic approach is designed to allow for early planning, coordination, and flexibility throughout implementation of the Army's process of stationing an ABCT.

Implementation of the proposed action would require unit stationing (*e.g.,* realignment or inactivation), garrison construction and demolition, live-fire training, and maneuver training. The proposed action and alternatives do not propose or require land expansion or acquisition.

Adverse impacts were anticipated to be less than significant for air quality and greenhouse gas, biological resources, cultural resources, soils, traffic and transportation, surface waters, and wetlands. Negligible adverse effects were anticipated for land use, noise, geology, groundwater, floodplains, airspace, facilities, energy demand and generation, utilities, hazardous materials, hazardous waste, and human health and safety. Socioeconomic impacts for Fort Carson were anticipated to be negligible under Alternative 1 and moderately adverse under Alternatives 2 through 5. Socioeconomic impacts for Fort Bliss, Fort Hood, Fort Riley, and Fort Stewart were anticipated to be beneficial under the gain-scenario alternative for each installation, with no impacts under the remaining alternatives.

Members of the public, federally-recognized Native American Tribes, and federal, state, and local agencies are invited to submit written comments on the PEA and/or draft FNSI.

The PEA and draft FNSI may be accessed at: *https://aec.army.mil/index.php?cID=352.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–06459 Filed 3–29–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Withdrawal of Notice of Intent To Prepare a Draft Environmental Impact Statement for the North Branch Ecorse Creek, Flood Risk Management General Reevaluation Study, Wayne County, MI

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent; withdrawal.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Detroit District, is issuing this notice to advise Federal, state, and local government agencies and the public that the USACE is withdrawing its Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for the reevaluation study of flood risk management alternatives for the North Branch Ecorse Creek, Wayne County, Michigan.

FOR FURTHER INFORMATION CONTACT: Charles Uhlarik, Chief, Environmental Analysis Branch, at (313) 226–2476 or by mail at U.S. Army Corps of Engineers, Detroit District; 477 Michigan Avenue, 6th Floor; Detroit, MI 48226–2550.

SUPPLEMENTARY INFORMATION: The Corps of Engineers published a notice of intent to prepare a DEIS in the September 24, 2010, issue of the **Federal Register** (75 FR 58369). Since that time, scoping comments and public meetings, a Draft U.S. Fish and Wildlife Service Coordination Act Report, an Environmental Assessment (EA), and agency/public review of the EA did not reveal any significant impacts on the human environment. Therefore, the Detroit District, Corps of Engineers, is no longer considering preparation of a Draft Environmental Impact Statement for the North Branch Ecorse Creek, Flood Risk Management General Reevaluation Study.

Paul A. Powell,

Project Manager.

[FR Doc. 2018–06464 Filed 3–29–18; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, pursuant to the Paperwork Reduction Act of 1995, a three-year extension to its collection of information titled: *Budget Justification,* OMB No. 1910–5162. The proposed collection will establish application consistency for numerous Grant and Cooperative Agreement application packages from potential and chosen recipients. This effort will also streamline processes and provide applicants with a clear and straightforward tool to assist with project budgeting. In addition it will endow DOE reviewers with adequate information to determine if proposed costs are allowable, allocable, and reasonable.

DATES: Comments regarding this continued information collection must be received on or before May 5, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4650.

ADDRESSES: Written comments should be sent to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

And to: U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway, Golden, CO 80401–3111, Attn: James Cash.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to James Cash, U.S. Department of Energy, Golden Field Office, 15013 Denver West Parkway, Golden, CO 80401–3111, or by phone (240) 562–1456, or by email at *james.cash@ee.doe.gov.* The information collection instrument, titled ''Budget Justification'' may also be viewed at *https://energy.gov/eere/funding/downloads/budget-justification-eere-335-and-3351.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1910–5162, Budget Justification;

(2) *Information Collection Request Title:* Budget Justification;

(3) *Type of Request:* Renewal;

(4) *Purpose:* This collection of information is necessary in order for DOE to identify allowable, allocable, and reasonable recipient project costs

eligible for Grants and Cooperative Agreements under Energy Efficiency and Renewable Energy (EERE) programs;

(5) *Annual Estimated Number of Respondents:* 400;

(6) *Annual Estimated Number of Total Responses:* 400;

(7) *Annual Estimated Number of Burden Hours:* 24 hours, per response;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $940.80 per one time response;

(9) *Statutory Authority:* Section 989(a) EPACT 2005 [Merit Review] {42 U.S.C. 16353(a)}; Section 646 DOE Organization Act [Contracts] {42 U.S.C. 7256(a)}; and 31 U.S.C. 503 (the Chief Financial Officers Act, Functions of the Deputy Director for Management), 31 U.S.C. 1111 (Improving Economy and Efficiency of the United States Government), 41 U.S.C. 1101–1131 (the Office of Federal Procurement Policy Act), Reorganization Plan No. 2 of 1970, and Executive Order 11541 (''Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President''), the Single Audit Act Amendments of 1996, (31 U.S.C. 7501–7507), as well as The Federal Program Information Act (Pub. L. 95–220 and Pub. L. 98–169, as amended, codified at 31 U.S.C. 6101–6106).

Issued in Golden, CO, on March 22, 2018.

Derek Passarelli,

Director, Golden Field Office, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Golden Field Office.

[FR Doc. 2018–06458 Filed 3–29–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–101–000]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Transcontinental Gas Pipe Line Company, LLC, Northeast Supply Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Northeast Supply Enhancement Project (NESE Project or Project) as proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced docket. Transco requests authorization to construct and operate 36.9 miles of onshore and offshore natural gas transmission pipeline loop [1] and associated facilities, one new natural gas-fired compressor station, and modifications at one existing compressor station. The Project would provide about 400,000 dekatherms per day of natural gas to end use residential and commercial customers in the New York City area.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Project would result in some adverse environmental impacts; however, all impacts would be reduced to less-than-significant levels with the implementation of Transco's proposed mitigation and the additional measures recommended in the draft EIS.

The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the City of New York participated as cooperating agencies in the preparation of the draft EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposals and participate in the NEPA analysis. Although the cooperating agencies provide input to the conclusions and recommendations presented in the draft EIS, the agencies will each present its own conclusions and recommendations in its respective record of decision or determination for the Project.

The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- 10.2 miles of 42-inch-diameter pipeline loop in Lancaster County, Pennsylvania (the Quarryville Loop);
- 3.4 miles of 26-inch-diameter pipeline loop in Middlesex County, New Jersey (the Madison Loop);
- 23.5 miles of 26-inch-diameter pipeline loop in Middlesex and Monmouth Counties, New Jersey, and Queens and Richmond Counties, New York (the Raritan Bay Loop [2]);
- modification of existing Compressor Station 200 in Chester County, Pennsylvania;
- construction of new Compressor Station 206 in Somerset County, New Jersey; and
- ancillary facilities (including cathodic protection systems, new and modified mainline valves with tie-in assemblies, new and modified launcher/receiver facilities, and facilities to connect the Raritan Bay Loop to the existing Rockaway Delivery Lateral at the Rockaway Transfer Point).

The FERC staff mailed copies of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. Paper copy versions of this draft EIS were mailed to those specifically requesting them; all others received a CD version. In addition, the draft EIS is available for public viewing on the FERC's website (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE, Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before May 14, 2018.

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project,

[1] A loop is a segment of pipe that is installed adjacent to an existing pipeline and connected to it at both ends. A loop generally allows more gas to move through the system.

[2] Except for 0.2 mile of pipe in onshore Middlesex County, New Jersey, the Raritan Bay Loop would occur in offshore New Jersey waters (6.0 miles) and offshore New York waters (17.3 miles).

please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Project docket number (CP17–101–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public comment sessions its staff will conduct in the Project area to receive comments on the draft EIS, scheduled as follows:

Date and time	Location
Wednesday, April 25, 5:00 to 9:00 p.m	George Bush Senior Center, 1 Old Bridge Plaza, Old Bridge, NJ 08857, (732) 721–5600.
Thursday, April 26, 5:00 to 9:00 p.m	Best Western Gregory Hotel, 8315 4th Avenue, Brooklyn, NY 11209, (718) 238–3737.
Wednesday, May 2, 5:00 to 9:00 p.m	Franklin Township Community Center, 505 Demott Lane, Somerset, NJ 08873, (732) 873–1991.
Thursday, May 3, 5:00 to 9:00 p.m	Solanco High School, 585 Solanco Road, Quarryville, PA 17566, (717) 786–2151.

The primary goal of these comment sessions is to have you identify the specific environmental issues and concerns with the draft EIS. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments in a convenient way during the timeframe allotted.

Each comment session is scheduled from 5:00 p.m. to 9:00 p.m. Eastern Time Zone. You may arrive at any time after 5:00 p.m. There *will not* be a formal presentation by Commission staff when the session opens. The Commission staff will hand out numbers to those who wish to speak in the order of their arrival until 8:00 p.m. If no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 8:00 p.m.

Your verbal comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3 to 5 minutes may be implemented for each commenter.

It is important to note that written comments mailed to the Commission and those submitted electronically are reviewed by staff with the same scrutiny and consideration as the verbal comments given at the public sessions. Although there will not be a formal presentation, Commission staff will be available throughout the evening to answer your questions about the environmental review process.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214).[3] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–101). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

[3] See the previous discussion on the methods for filing comments.

Dated: March 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06410 Filed 3–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–117–000]

Notice of Request Under Blanket Authorization; Wyoming Interstate Company, LLC

Take notice that on March 15, 2018, Wyoming Interstate Company, L.L.C. (WIC), Post Office Box 1087, Colorado Springs, Colorado 80944, filed a prior notice request pursuant to sections 157.205, 157.208(b), and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to increase the available horsepower (hp) at its existing WIC Cheyenne Compressor Station located at the Cheyenne Hub in Weld County, Colorado. Specifically, WIC seeks to reclassify one natural gas-fired 2,700 ISO-rated hp compressor unit that currently serves as a spare unit to mainline service. The proposed modification will allow an additional 220,000 dekatherm per day of capacity from its receipt at the Flying Hawk Interconnect. The project will allow additional volumes to be received at a reduced delivery pressure and boost the pressure of those volumes into the high pressure pool at the Cheyenne Hub, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call

toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Francisco Tarin, Director, Regulatory, Wyoming Interstate Company, L.L.C.; P.O. Box 1087, Colorado Springs, Colorado 80944, by phone (719) 667–7517, or by fax (719) 520–4697, or Mark Minich, Assistant General Counsel, P.O. Box 1087, Colorado Springs, Colorado 80944, by phone (719) 520–4416, or by fax (719) 520–4898.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: March 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06411 Filed 3–29–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Technical Conference

	Docket No.
Local Transmission Planning Within the California Independent System Operator Corporation	AD18–12–000
California Public Utilities Commission, Northern California Power Agency, City and County of San Francisco, State Water Contractors, Transmission Agency of Northern California v. Pacific Gas and Electric Company.	EL17–45–000
Southern California Edison Company	ER18–370–000

By order issued concurrently with this notice,[1] the Commission directed staff to convene a technical conference regarding: (1) Local transmission planning within the California Independent System Operator Corporation (CAISO) (new Docket No. AD18–12–000); (2) Docket No. ER18–370–000 related to Southern California Edison Company's (SoCal Edison) filing of revisions to its transmission owner tariff detailing a new annual Transmission Maintenance and Compliance Review process; and (3) a complaint filed in Docket No. EL17–45–000[2] against Pacific Gas and Electric Company (PG&E), regarding PG&E's compliance with the transmission planning principles of Order No. 890.[3] The technical conference will explore the processes used by participating transmission owners (PTOs) in CAISO to determine which transmission-related maintenance and compliance activities, including, but not limited to, transmission-related capital additions, will be subject to the CAISO Transmission Planning Process (TPP). The technical conference will take place on May 1, 2018 beginning at approximately 9:00 a.m. and ending at approximately 4:00 p.m. The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. All interested persons are invited to participate in the conference. Commission members may participate in the conference.

In Order No. 890, the Commission required all public utility transmission providers, including regional transmission organizations (RTOs) and independent system operators (ISOs), to revise their open access transmission tariffs (OATTs) to incorporate a transmission planning process that satisfied nine transmission planning principles in order to limit the opportunities for undue discrimination and anticompetitive conduct in the provision of transmission service.[4] In

[1] *Southern California Edison Co.,* 162 FERC ¶ 61,264 (2018).

[2] The complainants are the California Public Utilities Commission (CPUC), Northern California Power Agency, the City and County of San Francisco, State Water Contractors, and the Transmission Agency of Northern California.

[3] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228, *order on clarification,* Order No. 890–D, 129 FERC ¶ 61,126 (2009).

[4] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at PP 426, 435; *see* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 171. These transmission planning principles are: (1) Coordination; (2)

Continued

Order No. 890–A, the Commission noted that each RTO and ISO may fulfill its obligations under Order No. 890 by delegating certain planning activities to, or otherwise relying on, its transmission owning members, provided that the rights and responsibilities of all parties are clearly stated in the RTO/ISO OATT.[5] The Commission also explained that, in many cases, RTO/ISO transmission planning processes may focus principally on regional problems and solutions, while local planning issues may be addressed by individual transmission owners. Noting that these local planning issues may be critically important to transmission customers, the Commission stated that transmission owners must, to the extent that they perform transmission planning within an RTO or ISO, comply with Order No. 890 as well.[6]

In a series of orders issued between 2008 and 2010, the Commission accepted CAISO's TPP as consistent with the requirements of Order No. 890.[7] As is relevant here, in an order issued on May 21, 2009, the Commission found that ''the local planning activities conducted by the participating transmission owners [in CAISO] are reasonable and the process, as set forth in the [CAISO] tariff and business practice manual, is transparent.'' [8] However, more recently, a number of interested parties have raised concerns regarding the lack of opportunity for stakeholder review of transmission-related maintenance and compliance activities, including, but not limited to, certain transmission-related capital additions, which CAISO PTOs do not submit to CAISO's TPP.[9]

In an order issued concurrently with this notice in Docket No. ER18–370–000, the Commission finds that protesters in that proceeding raise important questions that relate to the processes by which all CAISO PTOs determine which transmission-related maintenance and compliance activities, including, but not limited to, transmission-related capital additions, must be submitted to CAISO's TPP. In that order, the Commission directs Commission staff to convene a technical conference to explore these issues.

The specific issues to be discussed include, but are not limited to: (1) The types of transmission-related maintenance and compliance activities, including, but not limited to, certain transmission-related capital additions, that the PTOs submit for review through CAISO's TPP; (2) the process by which PTOs determine which transmission-related maintenance and compliance activities must be considered through CAISO's TPP; and (3) the types of transmission-related maintenance and compliance activities and the process that the CAISO PTOs undertake independent of CAISO's TPP. As part of this discussion, staff seeks to understand the differences in the processes used by each individual PTO in CAISO, the concerns of interested parties regarding these processes, and any role that CAISO may play in these processes. Staff emphasizes that, while Docket Nos. ER18–370–000 and EL17–45–000 specifically relate to Southern California Edison Company and PG&E, respectively, this technical conference will explore the transmission planning processes of *all* PTOs in CAISO and of CAISO itself.

A supplemental notice(s) will be issued prior to the technical conference with further details regarding the agenda and organization of the technical conference.

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at *https://www.ferc.gov/whats-new/registration/05-01-18-form.asp.* This event will NOT be webcast. However, for those who cannot attend in person we will provide a listen-only telephone line, if requested. Those wishing this service should register at the link provided and specify the telephone line option.

The technical conference will be transcribed, and transcripts will be available immediately for a fee from Ace Reporting Company (202) 347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For further information, please contact individuals identified for each topic:

Technical Information: Laura Switzer, Office of Energy Markets Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6231, *laura.switzer@ferc.gov*.

Legal Information for Docket Nos. AD18–12–000 and EL17–45–000: Linda Kizuka, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8773, *linda.kizuka@ferc.gov*.

Legal Information for Docket Nos. AD18–12–000 and ER18–370–000: Susanna Ehrlich, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6260, *susanna.ehrlich@ferc.gov*.

Logistical Information: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov*.

Dated: March 23, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06409 Filed 3–29–18; 8:45 am]

BILLING CODE 6717–01–P

openness; (3) transparency; (4) information exchange; (5) comparability; (6) dispute resolution; (7) regional participation; (8) economic planning studies; and (9) cost allocation for new projects.

[5] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 175.

[6] Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 440.

[7] *See Cal. Indep. Sys. Operator Corp.,* 123 FERC ¶ 61,283 (2008), *order denying reh'g and on compliance filing,* 127 FERC ¶ 61,172 (2009), *order on compliance filing,* 130 FERC ¶ 61,048 (2010).

[8] *Cal. Indep. Sys. Operator Corp.,* 127 FERC ¶ 61,172 at P 118.

[9] *See, e.g., Cal. Pub. Utils. Comm'n, et al.* v. *Pacific Gas & Elec. Co.,* Complaint, Docket No. EL17–45–000 (filed Feb. 2, 2017) (asserting that Pacific Gas & Electric Co. is in violation of Order No. 890 because it conducts more than 80 percent of its transmission planning on an internal basis without stakeholder review); Cal. Pub. Utils. Comm'n Dec. 22, 2017 Protest, Docket No. ER18–370–000 (protesting Southern California Edison Co.'s filing of an amendment to its Transmission Owner Tariff to create an annual Transmission Maintenance and Compliance Review process on the basis that the proposed process does not meet the requirements of Order No. 890).

ENVIRONMENTAL PROTECTION AGENCY

[9975–11–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Missouri's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA approves the authorized program revision for the State of Missouri's National Primary Drinking Water Regulations Implementation program as of April 30, 2018, if no timely request for a public hearing is received and accepted by the Agency. EPA approves the State's other authorized program revisions as of March 30, 2018.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On February 14, 2018, the Missouri Department of Natural Resources (MoDNR) submitted an application titled ''Missouri Gateway to Environmental Management'' for revisions/modifications to its EPA-approved programs under title 40 CFR to allow new electronic reporting. EPA reviewed MoDNR's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Missouri's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 50–52, 60–65, 70, 122, 125, 141, 144, 146, 240–259, 260–270, 272–279, 280, 403–471, and 763 is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans;

Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants;

Part 63—National Emission Standards for Hazardous Air Pollutants for Source Categories;

Part 70—State Operating Permit Programs;

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;

Part 142—National Primary Drinking Water Regulations Implementation;

Part 145—State Underground Injection Control Programs;

Part 239—Requirements for State Permit Program Determination of Adequacy;

Part 271—Requirements for Authorization of State Hazardous: Waste Program;

Part 281—Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks;

Part 403—General Pretreatment Regulations for Existing and New Sources of Pollution; and

Part 763—Asbestos.

MoDNR was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Missouri's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information: (1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Missouri's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2018–06429 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9975–25–OAR]

Issuance of Guidance Memorandum, "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Issuance of guidance memorandum.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that it has issued the guidance memorandum titled ''Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program.''

ADDRESSES: You may view this guidance memorandum electronically at: *https://www.epa.gov/nsr/project-emissions-accounting.*

FOR FURTHER INFORMATION CONTACT: Juan Santiago, Air Quality Policy Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–1084; and email address: *santiago.juan@epa.gov.*

SUPPLEMENTARY INFORMATION: On March 13, 2018, the EPA issued a guidance memorandum that addresses the accounting of emissions changes resulting from a project under Step 1 of the New Source Review (NSR) applicability process in the EPA regulations. Step 1 of the NSR

applicability process requires a determination of whether a proposed project will, by itself, result in a significant emissions increase. As explained in the memorandum, it is the EPA's interpretation that its current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process. This interpretation is grounded in the principle that the plain language of the Clean Air Act indicates that Congress intended to apply NSR to changes that increase actual emissions and the language in the corresponding NSR regulations is consistent with that intent.

Prior EPA guidance had indicated that the relevant provisions of the NSR regulations preclude the consideration of emissions decreases at Step 1. For the reasons discussed in the memorandum, the EPA has revised its interpretation of the regulatory language and will no longer apply any such interpretation reflected in prior statements on this issue.

Dated: March 13, 2018.

Panagiotis E. Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2018–06430 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9038–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *https://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements

Filed 03/19/2018 Through 03/23/2018

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20180048, Draft, FHWA, TX, SH 68 from I–2/US 83 to I–69C/US 281, Comment Period Ends: 05/14/2018, *Contact:* Margil Maldonado 956–702–6134

EIS No. 20180049, Final, NOAA, CA, CALAM Monterey Peninsula Water Supply Project FEIR/FEIS, Review Period Ends: 04/30/2018, *Contact:* Karen Grimmer 831–647–4253

EIS No. 20180050, Final, USFS, SD, Black Hills Resilient Landscapes Project, Review Period Ends: 04/30/2018, *Contact:* Anne Davy 406–273–1836

EIS No. 20180051, Final, USFS, CA, Highway 89 Safety Enhancement and Forest Ecosystem Restoration Project, Review Period Ends: 04/30/2018, *Contact:* Ann Glubczynski 530–964–3717

EIS No. 20180052, Draft, FERC, NY, Northeast Supply Enhancement Project, Comment Period Ends: 05/14/2018, *Contact:* Christine Allen 202–502–6847

Dated: March 27, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–06419 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2017–0516; FRL–9976–07–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Federal Implementation Plans Under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington (EPA ICR No. 2020.07, OMB Control No. 2060–0558) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2018. Public comments were previously requested via the **Federal Register** 82 FR 44177 on September 21, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 30, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–R10–OAR–2017–0516, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *R10-Public_Comments@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Andra Bosneag, Office of Air and Waste, Environmental Protection Agency Region 10, 1200 Sixth Ave. Seattle, WA 98101; telephone number: (206) 553–1226; fax number: (206) 553–0110; email address: *bosneag.andra@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA promulgated Federal Implementation Plans (FIPs) under the Clean Air Act for Indian reservations located in Idaho, Oregon, and Washington in 40 CFR part 49 (70 FR 18074, April 8, 2005). The FIPs in the final rule, also referred to as the Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington (FARR), include information collection requirements associated with the partial delegation of administrative authority to a Tribe in § 49.122; the rule for limiting visible emissions at § 49.124; fugitive particulate matter rule in § 49.126, the wood waste burner rule in § 49.127; the rule for limiting sulfur in fuels in § 49.130; the rule for open burning in § 49.131; the rules for general open burning permits, agricultural burning permits, and forestry and silvicultural

burning permits in §§ 49.132, 49.133, and 49.134; the rule for emissions detrimental to human health and welfare in § 49.135; the registration rule in § 49.138; and the rule for non-Title V operating permits in § 49.139. EPA uses this information to manage the activities and sources of air pollution on the Indian reservations in Idaho, Oregon, and Washington. These information collection requirements enable EPA to develop and maintain accurate records of air pollution sources and their emissions, track emissions trends and changes, identify potential air quality problems, allow EPA to issue permits or approvals, and ensure appropriate records are available to verify compliance with these FIPs. Regulated entities can assert claims of business confidentiality and EPA will address these claims in accordance with the provisions of 40 CFR part 2, subpart B.

Form Numbers:

EPA Form 7630–1 Nez Perce Reservation Air Quality Permit: Agricultural Burn
EPA Form 7630–2 Nez Perce Reservation Air Quality Permit: Forestry Burn
EPA Form 7630–3 Nez Perce Reservation Air Quality Permit: Large Open Burn
EPA Form 7630–4 Initial or Annual Source Registration
EPA Form 7630–5 Report of Change of Ownership
EPA Form 7630–6 Report of Closure
EPA Form 7630–7 Report of Relocation
EPA Form 7630–9 Non-Title V Operating Permit Application Form
EPA Form 7630–10 Umatilla Indian Reservation: Agricultural Burn Permit Application
EPA Form 7630–11 Umatilla Indian Reservation: Forestry Burn Permit Application
EPA Form 7630–12 Umatilla Indian Reservation Large Open Burn Permit Application

The forms listed above are available for review in the EPA docket.

Respondents/affected entities: Respondents or affected entities potentially affected by this action include owners and operators of emission sources in all industry groups and tribal governments, located in the identified Indian reservations. Categories and entities potentially affected by this action are included in the docketed supporting documents.

Respondent's obligation to respond: Respondents obligation to respond is mandatory. See 40 CFR 49.122, 49.124, 49.126, 49.130–135, 49.138, and 49.139.

Estimated number of respondents: 1,658 (total).

Frequency of response: Annual or on occasion.

Total estimated burden: 4,215 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $313,301 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in estimates: There is a decrease of 854 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The decrease in the burden estimate for this collection is based on input from source consultations, supersedence of the provisions of one rule (49.139), and information we have learned about the source universe through implementing the rules since the ICR was updated in 2015.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–06428 Filed 3–29–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0647]

Information Collection Being Submitted to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 30, 2018.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of Commission ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the Commission's submission to OMB will be displayed.

OMB Control Number: 3060–0647.

Title: Annual Survey of Cable Industry Prices, FCC Form 333.

Form Number: FCC Form 333.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or Tribal Government.

Number of Respondents and Responses: 728 respondents and 728 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 5,096 hours.

Total Annual Cost: None.

Obligation To Respond: Mandatory. The statutory authority for this information collection is in Sections 4(i) and 623(k) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: If individual respondents to this survey wish to request confidential treatment of any data provided in connection with this survey, they can do so upon written request, in accordance with Sections 0.457 and 0.459 of the Commission's

rules. To request confidential treatment of their data, respondents must describe the specific information they wish to protect and provide an explanation of why such confidential treatment is appropriate. If a respondent submits a request for confidentiality, the Commission will review it and make a determination.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Cable Television Consumer Protection and Competition Act of 1992 (''Cable Act'') requires the Commission to publish annually a report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators subject to effective competition and those that are not subject to effective competition. The Annual Cable Industry Price Survey is intended to collect the data needed to prepare that report. The data from these questions are needed to complete this report.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–06489 Filed 3–29–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1147]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 30, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–1147.

Title: Wireless E911 Location Accuracy Requirements (Third Report and Order in PS Docket No. 07–114, FCC 11–107).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, State, Local or tribal Government, and Federal Government.

Number of Respondents and Responses: 4,294 respondents; 4,510 responses.

Estimated Time per Response: 1 hour–8 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in 47 U.S.C. Sections 151, 154(i), 301, 303(r), and 332 of the Communications Act, as amended.

Total Annual Burden: 31,668 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: No confidentiality is required for this collection.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for an extension of this information collection (no change in the reporting requirement or in the previous burden estimates). The Commission will submit this information collection to OMB after this 60-day comment period.

The Commission's *Third Report and Order* in PS Docket No. 07–114 adopted a rule providing that new CMRS network providers meeting the definition of covered CMRS providers in Section 20.18 and deploying new stand-alone networks must meet the handset-based location accuracy standard in delivering emergency calls for Enhanced 911 service. The rule requires that new stand-alone CMRS providers must satisfy the handset-based location accuracy standard at either a county-based or Public Safety Answering Point

(PSAP)-based geographic level. Additionally, in accordance with the pre-existing requirements for CMRS providers using handset-based location technologies, new stand-alone CMRS providers are permitted to exclude up to 15 percent of the counties or PSAP areas they serve due to heavy forestation that limits handset-based technology accuracy in those counties or areas but are required to file an initial list of the specific counties or portions of counties where they are utilizing their respective exclusions.

A. *Updated Exclusion Reports.* Under this information collection and pursuant to current rule section 20.18(h), new stand-alone CMRS providers and existing CMRS providers that have filed initial exclusion reports are required to file reports informing the Commission of any changes to their exclusion lists within thirty days of discovering such changes. The permitted exclusions properly but narrowly account for the known technical limitations of either the handset-based or network-based location accuracy technologies chosen by a CMRS provider, while ensuring that the public safety community and the public at large are sufficiently informed of these limitations.

B. *Confidence and Uncertainty Data.* Under this information collection and pursuant to current rule section 20.18(h), all CMRS providers and other entities responsible for transporting confidence and uncertainty data between the wireless carriers and PSAPs, including LECs, CLECs, owners of E911 networks, and emergency service providers (collectively, System Service Providers (SSPs)) must continue to provide confidence and uncertainty data of wireless 911 calls to Public Safety Answering Points (PSAP) on a per call basis upon a PSAP's request. New stand-alone wireless carriers also incur this obligation. The transport of the confidence and uncertainty data is needed to ensure the delivery of accurate location information with E911 service.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–06524 Filed 3–29–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 30, 2018.

A. *Federal Reserve Bank of St. Louis* (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Mid-Southern Bancorp, Inc., Salem, Indiana;* to become a savings and loan holding company by merging with Southern M.H.C., Salem Indiana, upon its conversion from mutual to stock form. Mid-Southern Bancorp, Inc., will acquire 100 percent of the outstanding shares of Mid-Southern Savings Bank, F.S.B., Salem, Indiana.

Board of Governors of the Federal Reserve System, March 27, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–06472 Filed 3–29–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 16, 2018.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Kevin Garn, Layton, Utah;* to retain voting shares of FNB Bancorp, and thereby indirectly retain voting shares of First National Bank of Layton, both of Layton, Utah.

Board of Governors of the Federal Reserve System, March 27, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–06471 Filed 3–29–18; 8:45 am]

BILLING CODE 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 27, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *A.N.B. Holding Company, Ltd., Terrell, Texas;* to acquire voting shares of The ANB Corporation, Terrell, Texas, and indirectly acquire The American National Bank of Texas, Terrell, Texas and Lakeside Bancshares, Inc., Rockwall, Texas, and indirectly acquire Lakeside National Bank, Rockwall, Texas.

Board of Governors of the Federal Reserve System, March 27, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–06473 Filed 3–29–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–18AF]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Assessing the impact of interventions to decrease sexual risk behaviors and adverse health outcomes among middle and high school aged youth'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on November 8, 2017 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Assessing the Impact of Interventions to Decrease Sexual Risk Behaviors and Adverse Health Outcomes Among Middle and High School-Aged Youth—New—Division of Adolescent and School Health (DASH), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC requests approval for a new generic information collection package that supports collection of quantitative and qualitative information from adolescents (ages 11–19) and their parents/caregivers for the purpose of assessing and informing programs and services to reduce sexual risk behaviors and decrease adverse health outcomes among middle and high school aged adolescents.

NCHHSTP conducts behavioral and health service assessments and research projects as part of its response to the domestic HIV/AIDS epidemic, STD prevention, TB elimination and viral hepatitis control with national, state, and local partners. Adolescents are a population with specific developmental, health and social, and resource needs, and their health risk factors and access to health care are addressed as a primary mission by the Division of Adolescent and School Health (DASH), and adolescents are a population of interest for several other NCHHSTP divisions.

The assessment and research conducted by NCHHSTP is one pillar upon which recommendations and guidelines are revised and updated. Recommendations and guidelines for adolescent sexual risk reduction require that foundation of scientific evidence. Assessment of programmatic practices for adolescents helps to assure effective and evidence-based sexual risk reduction practices and efficient use of resources. Such assessments also help to improve programs through better identification of strategies relevant to adolescents as a population as well as specific sub-groups of adolescents (*e.g.,* sexual minority youth, homeless youth) and that provide more tailored sexual risk reduction programs and services to them.

The CDC requests a three-year OMB approval for a new generic information collection request plan entitled, ''Assessing the Impact of Interventions to Decrease Sexual Risk Behaviors and Adverse Health Outcomes among Middle and High School-aged Youth.'' The information collection requests under this generic plan are intended to allow for data collection with two types of respondents:

- Adolescents (11–19 years old) of middle and high school age; and
- Parents and/or caregivers of adolescents of middle and high school age. For the purposes of this generic package, parents/caregivers include the adult primary caregiver(s) for a child's basic needs (*e.g.,* food, shelter, and safety). This includes biological parents; other biological relatives such as grandparents, aunts, uncles, or siblings; and non-biological parents such as adoptive, foster, or stepparents.

The types of information collection activities included in this generic package are:

(1) Quantitative data collection through electronic, telephone, or paper questionnaires to gather information about programmatic and service activities related to sexual risk reduction or adverse health outcomes among adolescents of middle- and high-school age.

(2) Qualitative data collection through electronic, telephone, or paper means to gather information about programmatic and service activities related to sexual risk reduction or prevention of adverse health outcomes among adolescents of middle- and high-school age. Qualitative data collection may involve focus groups and in-depth interviewing

through group interviews, and cognitive interviewing.

For adolescents, data collection instruments will include questions on experiences with programs and services to reduce the risk of HIV and other STD transmission, and knowledge, attitudes, behaviors, and skills related to sexual risk and protective factors on the individual, interpersonal, and community levels.

For parents and caregivers, data collection instruments will include questions on parents'/caregivers' (1) perceptions about programs and services provided to adolescents; (2) knowledge, attitudes, and perceptions about their adolescents' health risk and protective behaviors; and (3) parenting knowledge, attitudes, behaviors, and skills.

Because this request includes a wide range of possible data collection instruments, specific requests will include items of information to be collected and copies of data collection instruments. It is expected that all data collection instruments will be pilot-tested, and will be culturally, developmentally, and age appropriate for the adolescent populations included. Similarly, parent data collection instruments will be pilot-tested, and the data collection instruments will reflect the culture, developmental stage, and age of the parents' adolescent children. All data collection procedures will receive review and approval by an Institutional Review Board for the Protection of Human Subjects and follow appropriate consent and assent procedures as outlined in the IRB-approved protocols and these will be described in the individual information collection requests put forward under this generic package. Participation of respondents is voluntary. There is no cost to the participants other than their time.

The table below provides the estimated annualized response burden for up to 15 individual data collections under this generic information collection plan at 57,584 hours. Average burden per response is based on pilot testing and timing of quantitative and qualitative instrument administration during previous studies. Response times include the time to read and respond to consent forms and to read or listen to instructions.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Adolescents	Youth questionnaire	20,000	1	50/60
Adolescents	Pre/Post youth questionnaire	10,000	2	50/60
Parents of adolescents	Adult questionnaire	7,500	2	25/60
Adolescents	Youth interview/focus group protocol	3,000	2	1.5
Parents of adolescents	Adult interview/focus group protocol	3,000	2	1.5

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–06391 Filed 3–29–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0910]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Message Testing for Tobacco Communication Activities (MTTCA)* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on December 13, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments. CDC's Office on Smoking and Health has used the MTTCA clearance to support the development and testing of tobacco-related health messages, including messages supporting CDC's National Tobacco Education Campaign (NTEC) called the *Tips from Former Smokers®* campaign.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Message Testing for Tobacco Communication Activities (MTTCA)(OMB Control Number 0920–0910, expires 03/31/2018)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2012, CDC's Office on Smoking and Health obtained OMB approval of a generic clearance to support the development and testing of tobacco-related health messages, including messages disseminated through multiple phases of a media campaign (Message Testing for Tobacco Communication Activities (MTTCA), OMB Control Number 0920–0910, expiration date 1/31/2015). In 2014, OSH obtained approval for a modification to the MTTCA clearance that granted a three-year extension and an increase in respondents and burden hours (MTTCA, OMB Control Number 0920–0910, expiration date 3/31/2018). CDC's authority to collect information for public health purposes is provided by the Public Health Service Act (41 U.S.C. 241) Section 301.

CDC has employed the MTTCA clearance to collect information about adult smokers' and nonsmokers' attitudes and perceptions, and to pretest draft messages and materials for clarity, salience, appeal, and persuasiveness. The MTTCA clearance has been used to obtain OMB approval for a variety of message testing activities, with particular emphasis on communications supporting CDC's National Tobacco Education Campaign (NTEC) called the *Tips from Former Smokers®* campaign. This national campaign is designed to increase public awareness of the health consequences of tobacco use and exposure to secondhand smoke. The MTTCA clearance has also supported formative research relating to the development of health messages that are not specifically associated with the national campaign.

Information collection modes under the MTTCA clearance that are supported include in-depth interviews; in-person focus groups; online focus groups; computer-assisted, in-person, or telephone interviews; and online surveys. Each project approved under the MTTCA framework is outlined in a project-specific Information Collection Request that describes its purpose and methodology. Messages developed from MTTCA data collection have been disseminated via multiple media channels including television, radio, print, out-of-home, and digital formats.

CDC requests OMB approval to extend the MTTCA clearance, without changes, for three years. No modification is requested for information collection activities, methodology, respondents, or burden from the existing generic clearance. The extension is needed to support CDC's planned information collections and to accommodate additional needs that CDC may identify during the next three years. For example, the MTTCA generic clearance may be used to facilitate the development of tobacco-related health communications of interest for CDC's collaborative efforts with other federal partners including, but not limited to, the Food and Drug Administration's Center for Tobacco Products. At this time, the respondents and burden outlined in the existing MTTCA clearance are expected to be sufficient to test tobacco related messages developed by CDC for the general US population and subpopulations of interest. The MTTCA clearance should not replace the need for additional generic clearance mechanisms of HHS and other federal partners that may need to test tobacco messages related to their campaigns and initiatives.

The existing MTTCA clearance was granted approval for a total of 132,648 respondents and 32,994 burden hours over a three-year period (annualized number of respondents of 44,216 and annualized burden hours to 10,998). To date, there have been 63,475 respondents and 11,737 burden hours used in this clearance, leaving a balance of 69,173 respondents and 21,257 burden hours (annualized number of respondents of 23,057 and annualized burden hours to 7,085 for each of the three years in the requested extension). CDC will continue to use the MTTCA information collection plan to develop and test messages and materials. Participation is voluntary and there are no costs to respondents, other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public and Special Populations.	Screening	23,057	1	2/60	769
	Short Surveys/employment application (Online, Bulletin Board, etc.).	13,224	1	10/60	2,204
	Medium Surveys (Online)	9,833	1	25/60	4,097
Total		23,057			7,070

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–06392 Filed 3–29–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18TH; Docket No. CDC–2018–0027]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Assessment of a Preventive Service Program in the Context of a Zika

Virus Outbreak in Puerto Rico''. Data collected will be used to assess implementation of a patient-centered prevention program and associated outcomes.

DATES: CDC must receive written comments on or before May 29, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0027 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Assessment of a Preventive Service Program in the Context of a Zika Virus Outbreak in Puerto Rico—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Puerto Rico has reported the highest number of Zika virus infections in the United States, including infections in pregnant women. Zika virus infection during pregnancy has been identified as a cause of microcephaly and other severe brain abnormalities, and has been linked to other problems such as miscarriage, stillbirth, defects of the eye, hearing deficits, limb abnormalities, and impaired growth. One strategy to prevent these devastating outcomes is to prevent unintended pregnancy among women at risk of Zika virus infection. To this end, an initiative was launched in April 2016 to train physicians at clinics across Puerto Rico to provide patient-centered services to women who chose to delay or avoid pregnancy during the Zika virus outbreak.

As part of the public health response to the Zika virus outbreak, CDC seeks to assess approaches to mitigating the effects of Zika virus infection and determine which approaches have utility. Previous assessment of the prevention program indicated high satisfaction of Z–CAN patients with program services. The specific objectives of this data collection are to assess: (1) Prevention strategy adherence among Z–CAN patients at approximately 18 months after receipt of program services; and (2) prevention strategy adherence, patient satisfaction, and unmet need for services among Z–CAN patients at approximately 30 months after receipt of program services. The practical utility of the collected information is to assess services delivered to women in Puerto Rico, monitor outcomes of interest, and determine potential for replication/adaptation in other jurisdictions similarly affected by the Zika virus or during other emergency responses.

For the information collection project, CDC plans to conduct online surveys with 1,600 patients approximately 18 and 30 months after receiving program services.

Participation in all data collection activities will be completely voluntary. CDC intends to request a two-year OMB approval to collect information. Total Annualized Burden Hours are estimated to be 259, and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Patients aged 18 years or older	Online surveys (18-month follow-up)	960	1	7/60	112
Patients aged 18 years or older who completed 18-month survey.	Online surveys (30-month follow-up)	660	1	10/60	110
Patients aged 18 years or older who did not complete 18-month survey.	Online surveys (30-month follow-up)	220	1	10/60	37
Total					259

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–06487 Filed 3–29–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1697–N]

Medicare Program; Public Meeting on June 25, 2018 Regarding New and Reconsidered Clinical Diagnostic Laboratory Test Codes for the Clinical Laboratory Fee Schedule for Calendar Year 2019

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces a public meeting to receive comments and recommendations (including accompanying data on which recommendations are based) from the public on the appropriate basis for establishing payment amounts for new or substantially revised Healthcare Common Procedure Coding System (HCPCS) codes being considered for Medicare payment under the clinical laboratory fee schedule (CLFS) for calendar year (CY) 2019. This meeting also provides a forum for those who submitted certain reconsideration requests regarding final determinations made last year on new test codes and for the public to provide comment on the requests.

The Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests (Advisory Panel on CDLTs) will participate in this Annual Laboratory Public Meeting by gathering information and asking questions to presenters, and will hold its next public meeting on July 16 and 17, 2018. The public meeting for the Advisory Panel on CDLTs will focus on discussion of and recommendations for test codes presented during the June 25, 2018 Annual Laboratory Public Meeting. The Panel meeting also will address other CY 2019 CLFS issues that are designated in the Panel's charter and specified on the meeting agenda may also be discussed.

DATES:

Annual Laboratory Public Meeting Date: The meeting is scheduled for Monday, June 25, 2018 from 8:00 a.m. to 5:00 p.m., E.D.T.

Deadline for Registration of Presenters and Submission of Presentations: All presenters for the Annual Laboratory Public Meeting must register *and* submit their presentations electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov,* by June 11, 2018 at 5:00 p.m. E.D.T.

Deadline for Submitting Requests for Special Accommodations: Requests for special accommodations must be received no later than 5:00 p.m. E.D.T. on June 11, 2018.

Deadline for Submission of Written Comments Related to the Annual Laboratory Public Meeting: Written comments regarding the presentations must be received by July 9, 2018 at 5:00 p.m. E.D.T. (2 weeks after the meeting).

Publication of Proposed Determinations: We intend to publish our proposed determinations for new test codes and our preliminary determinations for reconsidered codes (as described later in this notice in section II. ''Format'') for CY 2019 by early September 2018.

Deadline for Submission of Written Comments Related to Proposed Determinations: Comments in response to the preliminary determinations will be due by early October 2018.

Where to Submit Written Comments: Interested parties should submit all written comments on presentations and preliminary determinations to the address specified in the **ADDRESSES** section of this notice or electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* (the specific date for the publication of these determinations on the CMS website, as well as the deadline for submitting comments regarding these determinations, will be published on the CMS website).

ADDRESSES: The Annual Laboratory Public Meeting will be held in the main auditorium of the Centers for Medicare & Medicaid Services (CMS), Central Building, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

FOR FURTHER INFORMATION CONTACT: Glenn McGuirk, (410) 786–5723.

SUPPLEMENTARY INFORMATION:

I. Background

Section 531(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554) required the Secretary of the Department of Health and Human Services (the Secretary) to establish procedures for coding and payment determinations for new clinical diagnostic laboratory tests under Part B of title XVIII of the Social Security Act (the Act) that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for International Classification of Diseases (ICD–9–CM) (now, ICD–10–CM). The procedures and clinical laboratory fee schedule (CLFS) public meeting announced in this notice for new tests are in accordance with the procedures published on November 23, 2001 in the **Federal Register** (66 FR 58743) to implement section 531(b) of BIPA.

Section 942(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) added section 1833(h)(8) of the Act. Section 1833(h)(8)(A) of the Act requires the Secretary to establish by regulation procedures for determining the basis for, and amount of, payment for any clinical diagnostic laboratory test for which a new or substantially revised Healthcare Common Procedure Coding System (HCPCS) code is assigned on or after January 1, 2005 (hereinafter referred to as ''new tests''). A code is considered to be substantially revised if there is a substantive change to the definition of the test or procedure to which the code applies (such as, a new analyte or a new methodology for measuring an existing analyte-specific test). (See section 1833(h)(8)(E)(ii) of the Act and 42 CFR 414.502).

Section 1833(h)(8)(B) of the Act sets forth the process for determining the basis for, and the amount of, payment for new tests. Pertinent to this notice, sections 1833(h)(8)(B)(i) and (ii) of the Act require the Secretary to make available to the public a list that includes any such test for which establishment of a payment amount is being considered for a year and, on the same day that the list is made available, causes to have published a notice in the **Federal Register** of a meeting to receive comments and recommendations (including accompanying data on which recommendations are based) from the public on the appropriate basis for establishing payment amounts for the tests on such list. This list of codes for which the establishment of a payment amount under the CLFS is being considered for CY 2019 will be posted on the CMS website concurrent with the publication of this notice and may be updated prior to the Annual Laboratory Public Meeting. The Annual Laboratory Public Meeting list of codes can be found on the CMS website at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/*. Section 1833(h)(8)(B)(iii) of the Act requires that we convene the public meeting not less

than 30 days after publication of the notice in the **Federal Register**. These requirements are codified at 42 CFR part 414, subpart G.

Two bases of payment are used to establish payment amounts for new clinical diagnostic laboratory tests (CDLTs). The first basis, called ''crosswalking,'' is used when a new CDLT is determined to be comparable to an existing test, multiple existing test codes, or a portion of an existing test code. New CDLTs that were assigned new or substantially revised codes prior to January 1, 2018, are subject to provisions set forth under § 414.508(a). For a new CDLT that is assigned a new or significantly revised code on or after January 1, 2018, the new CDLT code is assigned the payment amount established under § 414.507 of the comparable existing CDLT. Payment for the new CDLT is made at the payment amount established under § 414.507. (See § 414.508(b)(1)).

The second basis, called ''gapfilling,'' is used when no comparable existing CDLT is available. When using this method, instructions are provided to each Medicare Administrative Contractor (MAC) to determine a payment amount for its Part B geographic area for use in the first year. In the first year, for a new CDLT that is assigned a new or substantially revised code on or after January 1, 2018, the contractor-specific amounts are established using the following sources of information, if available: (1) Charges for the test and routine discounts to charges; (2) resources required to perform the test; (3) payment amounts determined by other payers; (4) charges, payment amounts, and resources required for other tests that may be comparable or otherwise relevant; and (5) other criteria that CMS determines appropriate. In the second year, the test code is paid at the median of the MAC-specific amounts. (See § 414.508(b)(2)).

Under section 1833(h)(8)(B)(iv) of the Act, the Secretary, taking into account the comments and recommendations (and accompanying data) received at the CLFS public meeting, develops and makes available to the public a list of proposed determinations with respect to the appropriate basis for establishing a payment amount for each code, an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on the proposed determinations. Under section 1833(h)(8)(B)(v) of the Act, taking into account the comments received on the proposed determinations during the public comment period, the Secretary then develops and makes available to the public a list of final determinations of final payment amounts for new test codes along with the rationale for each determination, the data on which the determinations are based, and responses to comments and suggestions received from the public.

Section 216(a) of the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113–93) added section 1834A to the Act. The statute requires extensive revisions to the Medicare payment, coding, and coverage requirements for CDLTs. Pertinent to this notice, section 1834A(c)(3) of the Act requires the Secretary to consider recommendations from the expert outside advisory panel established under section 1834A(f)(1) of the Act when determining payment using crosswalking or gapfilling processes. In addition, section 1834A(c)(4) of the Act requires the Secretary to make available to the public an explanation of the payment rates for the new test codes, including an explanation of how the gapfilling criteria and panel recommendations are applied.

After the final determinations have been posted on the CMS website, the public may request reconsideration of the basis and amount of payment for a new CDLT as set forth in § 414.509. Pertinent to this notice, those requesting that CMS reconsider the basis for payment or the payment amount as set forth in § 414.509(a) and (b), may present their reconsideration requests at the following year's CLFS public meeting provided the requestor made the request to present at the CLFS public meeting in the written reconsideration request. For purposes of this notice, we refer to these codes as the ''reconsidered codes.'' The public may comment on the reconsideration requests. (See the November 27, 2007 CY 2008 Physician Fee Schedule final rule with comment period (72 FR 66275 through 66280) for more information on these procedures).

II. Format

We are following our usual process, including an annual public meeting to determine the appropriate basis and payment amount for new and reconsidered codes under the CLFS for CY 2019.

This meeting is open to the public. The on-site check-in for visitors will be held from 7:30 a.m. to 8:00 a.m. E.D.T., followed by opening remarks. Registered persons from the public may discuss and make recommendations for specific new and reconsidered codes for the CY 2019 CLFS.

As stated in the **SUMMARY** section of this notice, the Advisory Panel on CDLTs will participate in the Annual Laboratory Public Meeting by gathering information and asking questions to presenters on June 25, 2018, and will hold a public meeting on July 16 and 17, 2018 to discuss matters of the Panel and make recommendations regarding the test codes presented at the Annual Laboratory Public Meeting. The announcement for the Advisory Panel on CDLTs meeting is included in a separate **Federal Register** notice.

Due to time constraints, presentations must be brief, lasting no longer than 10 minutes, and must be accompanied by three written copies. In addition, presenters should make copies available for approximately 50 meeting participants, since CMS will not be providing additional copies. Written presentations must be electronically submitted to CMS on or before June 11, 2018. Presentation slots will be assigned on a first-come, first-served basis. In the event there is not enough time for presentations by everyone who is interested in presenting, CMS will accept written presentations from those who were unable to present due to time constraints. Presentations should be sent via email to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov.* In addition, individuals may also submit requests after the CLFS public meeting to obtain electronic versions of the presentations. Requests for electronic copies of the presentations post public meeting should be sent via email to our CLFS dedicated email box, noted above.

Presenters are required to submit all presentations using a standard PowerPoint template that is available on the CMS website, at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_Public_Meetings.html,* under the ''Meeting Notice and Agenda'' heading.

For reconsidered and new codes, presenters should address all of the following five items:

(1) Reconsidered or new codes and descriptor.

(2) Test purpose and method.

(3) Costs.

(4) Charges.

(5) Recommendation with rationale for one of the two bases (crosswalking or gapfilling) for determining payment for reconsidered and new tests.

Additionally, the presenters should provide the data on which their recommendations are based. Presentations regarding reconsidered and new test codes that do not address the above five items for presenters may be considered incomplete and may not be considered by CMS when making a

determination. However, we may request missing information following the meeting to prevent a recommendation from being considered incomplete.

Taking into account the comments and recommendations (and accompanying data) received at the Annual Laboratory Public Meeting, we intend to post our proposed determinations with respect to the appropriate basis for establishing a payment amount for each new test code and our preliminary determinations with respect to the reconsidered codes along with an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on these determinations on the CMS website by early September 2018. This website can be accessed at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.* Interested parties may submit written comments on the preliminary determinations for new and reconsidered codes by early October 2018, to the address specified in the **ADDRESSES** section of this notice or electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* (the specific date for the publication of the determinations on the CMS website, as well as the deadline for submitting comments regarding the determinations, will be published on the CMS website). Final determinations for new test codes to be included for payment on the CLFS for CY 2019 and reconsidered codes will be posted on the CMS website in November 2018, along with the rationale for each determination, the data on which the determinations are based, and responses to comments and suggestions received from the public. The final determinations with respect to reconsidered codes are not subject to further reconsideration. With respect to the final determinations for new test codes, the public may request reconsideration of the basis and amount of payment as set forth in § 414.509.

III. Registration Instructions

The Division of Ambulatory Services in the CMS Center for Medicare is coordinating the CLFS public meeting registration. Beginning April 4, 2018, and ending June 11, 2017, registration may be completed on-line at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.* On this web page, under the heading ''Meeting Notice, Registration and Agenda,'' you will find a link entitled ''Register for CLFS Annual Meeting''. Click this link and enter the required information. All the following information must be submitted when registering:

- Name.
- Company name.
- Address.
- Telephone numbers.
- Email addresses.

When registering, individuals who want to make a presentation must also specify the new test codes on which they will be presenting comments. A confirmation will be sent upon receipt of the registration. Individuals must register by the date specified in the **DATES** section of this notice.

If not attending the Annual Laboratory Public Meeting in person, the public may view the meeting via webcast or listen by teleconference. During the public meeting, webcasting is accessible online at *http://cms.gov/live.* Teleconference dial-in information will appear on the final Annual Laboratory Public Meeting agenda, which will be posted on the CMS website when available at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.*

IV. Security, Building, and Parking Guidelines

The meeting will be held in a Federal government building; therefore, Federal security measures are applicable. In planning your arrival time, we recommend allowing additional time to clear security. We suggest that you arrive at the CMS facility between 7:00 a.m. and 8:00 a.m. E.D.T., so that you will be able to arrive promptly at the meeting by 8:00 a.m. E.D.T. Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 7:15 a.m. E.D.T. (45 minutes before the convening of the meeting).

Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel. Persons without proper identification may be denied access to the building.
- Interior and exterior inspection of vehicles (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Passing through a metal detector and inspection of items brought into the building. We note that all items brought to CMS, whether personal or for the purpose of demonstration or to support a demonstration, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a demonstration.

V. Special Accommodations

Individuals attending the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance, should provide that information upon registering for the meeting. The deadline for registration is listed in the **DATES** section of this notice.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 20, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–06551 Filed 3–29–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1706–N]

Medicare Program; Membership and Meeting Announcement for the Advisory Panel on Clinical Diagnostic Laboratory Tests

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the appointment of three new members to the Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests (the Panel) and the next public meeting for the Panel, which is scheduled on Monday, July 16, 2018 and Tuesday, July 17, 2018.

The purpose of the Panel is to advise the Secretary of the Department of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services on issues related to clinical diagnostic laboratory tests.

DATES:

Meeting Dates: The meeting of the Panel is scheduled for Monday, July 16, 2018 from 9:00 a.m. to 5:00 p.m., Eastern Daylight Savings Time (E.D.T.) and Tuesday, July 17, 2018, from 9:00 a.m. to 5:00 p.m., E.D.T. The Panel is also expected to participate in the 2018 Annual Laboratory Public Meeting on June 25, 2018 in order to gather information and ask questions to presenters if they choose. Notice of the 2018 Annual Laboratory Public Meeting is published elsewhere in this issue of the **Federal Register**.

Webinar, Webcast, and Teleconference Meeting Information: The Panel meeting will be conducted only via webinar, webcast or by teleconference. The meeting registration information, teleconference dial-in instructions, and related webcast and webinar details will be posted on the meeting agenda, which will be available on the CMS website approximately 2 weeks prior to the meeting at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html.* A preliminary agenda is described in Section II. of this notice.

Meeting Registration: Registration is required to participate in this public meeting. Interested participants will be able to access the registration, teleconference, webcast, and webinar instructions, by following the instructions on the meeting agenda. There is no deadline for meeting registration.

FOR FURTHER INFORMATION CONTACT:

Glenn C. McGuirk, Designated Federal Official (DFO), 410–786–5723, email *CDLTPanel@cms.hhs.gov.* Press inquiries are handled through the CMS Press Office at (202) 690–6145. For additional information on the Panel, please refer to the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html.*

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel on Clinical Diagnostic Laboratory Tests (the Panel) is authorized by section 1834A(f)(1) of the Social Security Act (the Act) (42 U.S.C. 1395m–1), as established by section 216(a) of the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113–93), enacted on April 1, 2014). The Panel is subject to the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory panels.

Section 1834A(f)(1) of the Act directs the Secretary of the Department of Health and Human Services (the Secretary) to consult with an expert outside advisory panel established by the Secretary, composed of an appropriate selection of individuals with expertise in issues related to clinical diagnostic laboratory tests. Such individuals may include molecular pathologists, researchers, and individuals with expertise in laboratory science or health economics.

The Panel will provide input and recommendations to the Secretary and the Administrator of the Center for Medicare & Medicaid Services (CMS), on the following:

- The establishment of payment rates under section 1834A of the Act for new clinical diagnostic laboratory tests, including whether to use ''crosswalking'' or ''gapfilling'' processes to determine payment for a specific new test.
- The factors used in determining coverage and payment processes for new clinical diagnostic laboratory tests.
- Other aspects of the new payment system under section 1834A of the Act.

A notice announcing the establishment of the Panel and soliciting nominations for members was published in the October 27, 2014 **Federal Register** (79 FR 63919 through 63920). In the August 7, 2015 **Federal Register** (80 FR 47491), we announced membership appointments to the Panel along with the first public meeting date for the Panel, which was held on August 26, 2015. Subsequent meetings of the Panel were also announced in the **Federal Register**.

The Panel's charter provides that Panel meetings will be held up to 4 times annually and the Panel shall consist of up to 15 individuals appointed by the Secretary's or the CMS Administrator's designee to serve a term of up to 3 years. Members may serve after the expiration of his or her term until a successor has been sworn in. A Panel member selected to replace another Panel member who has resigned before the end of his or her term, shall serve for the balance of the original Panel member's term.

A notice requesting nominations to the Panel was published in the September 29, 2017 **Federal Register** (82 FR 45590 through 45592). In that notice, we indicated that nominations would be accepted on a continuous basis. As a result of that notice, the Secretary's designee approved the appointment of the following new Panel members:

- Aaron Bossler, M.D., Ph.D.
- Pranil Chandra, D.O.
- Kimberley Hanson, M.D., MHS, FIDSA

The three new Panel member appointments are for 3-year terms beginning July 1, 2018. Current Panel members include:

- Geoffrey Baird, M.D., Ph.D.
- Vickie Baselski, Ph.D.
- William Clarke, Ph.D., M.B.A., DABCC, FACB
- Stanley R. Hamilton, M.D.
- Raju Kucherlapati, Ph.D.
- Bryan A. Loy, M.D., M.B.A.
- Gail Marcus, M.S.E., M.B.A.
- Carl Morrison, M.D., D.V.M.
- Michele M. Schoonmaker, Ph.D.
- Rebecca Sutphen, M.D.

Terms have expired (or will expire during calendar year 2018) for the following Panel members:

- Stephen Bauer, M.D.
- Judith Davis, M.S.
- Curtis Hanson, M.D.
- Kandice Kottke-Marchant M.D., Ph.D.
- Victoria Pratt, Ph.D.

II. Agenda

The Agenda for the July 16 and 17, 2018 Panel Meeting will provide for discussion and comment on the following topics as designated in the Panel's charter:

- CY 2019 Clinical Laboratory Fee Schedule (CLFS) new and reconsidered test codes, which will be posted on the CMS website at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_Public_Meetings.html.*
- Other CY 2019 CLFS issues designated in the Panel's charter and further described on our Agenda.

A detailed Agenda will be posted approximately 2 weeks before the meeting, on the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html.* The Panel will make recommendations to the Secretary of the Department of Health and Services and the Administrator of CMS regarding crosswalking and gapfilling for new and reconsidered laboratory tests discussed during the 2018 Annual Laboratory Public Meeting. The Panel will also provide input on other CY 2019 CLFS issues that are designated in the Panel's charter and specified on the meeting agenda.

III. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

IV. Meeting Participation

This meeting is open to the public. As noted previously, the public may participate in the meeting via teleconference, webcast, and webinar. There will not be an in-person meeting location for this public Panel meeting. In addition, meeting registration is required to access the meeting; however, there is no deadline for registration.

V. Panel Recommendations and Discussions

The Panel's recommendations will be posted approximately 2 weeks after the meeting on the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html.*

VI. Copies of the Charter

The Secretary's Charter for the Advisory Panel on Clinical Diagnostic Laboratory Tests is available on the CMS website at *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html* or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

VII. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 20, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–06556 Filed 3–29–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Formative Data Collections for ACF Research and Program Support.

OMB No.: 0970–0356.

Description: The Office of Planning, Research, and Evaluation (OPRE), in the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) intends to request approval from the Office of Management and Budget (OMB) to renew a generic clearance to conduct a variety of formative data collections with more than nine respondents. The data collections will inform future research and program support but will not be highly systematic nor intended to be statistically representative.

ACF programs promote the economic and social well-being of families, children, individuals and communities. OPRE studies ACF programs, and the populations they serve, through rigorous research and evaluation projects. These include evaluations of existing programs, evaluations of innovative approaches to helping low income children and families, research syntheses and descriptive and exploratory studies. OPRE's research serves to provide further understanding of current programs and service populations, explore options for program improvement, and assess alternative policy and program designs. OPRE anticipates undertaking a variety of new research projects related to welfare, employment and self-sufficiency, Head Start, child care, healthy marriage and responsible fatherhood, family and youth services, home visiting, child welfare, and other areas of interest to ACF. Many ACF program offices find a need to learn more about funded program services to inform internal decision-making and to provide adequate support. Some program offices conduct their own research and evaluation projects.

Under this generic clearance, ACF would engage in a variety of formative data collections with researchers, practitioners, TA providers, service providers and program participants throughout the field to fulfill the following goals: (1) Inform the development of ACF research, (2) maintain a research agenda that is rigorous and relevant, (3) ensure that research products are as current and responsive to audience needs as possible and (4) inform the provision of technical assistance. ACF envisions using a variety of techniques including semi-structured discussions, focus groups, and telephone or in-person interviews, in order to reach these goals.

Following standard OMB requirements, OPRE will submit a change request for each individual data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. OMB should review requests within 10 days of submission.

Under this generic IC information will not be collected with the primary purpose of publication, but findings are meant to inform ACF activities and may be incorporated into documents or presentations that are made public. The following are some examples of ways in which we may disseminate information resulting from these data collections: Research design documents or reports; research or technical assistance plans; background materials for technical workgroups; concept maps, process maps, or conceptual frameworks; contextualization of research findings from a follow-up data collection that has full PRA approval; informational reports to stakeholders such as funders, grantees, local implementing agencies, and/or TA providers. In presenting findings, we will describe the study methods and limitations with regard to generalizability and as a basis for policy.

Respondents: Key stakeholder groups involved in ACF projects and programs, state or local government officials, service providers, participants in ACF programs or similar comparison groups; experts in fields pertaining to ACF research and programs, or others involved in conducting ACF research or evaluation projects.

ANNUAL BURDEN ESTIMATES

Instrument type	Estimated total number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total burden hours
Semi-Structured Discussions, Focus Groups	2,000	1	2	4,000
Interviews	1,000	1	1	1,000

ANNUAL BURDEN ESTIMATES—Continued

Instrument type	Estimated total number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total burden hours
Questionnaires/Surveys	750	1	.5	375

Total Estimated Burden Hours: 5,375.

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, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@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.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–06446 Filed 3–29–18; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our website at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the table) set forth at 42 CFR 100.3. This table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on February 1, 2018, through February 28, 2018. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption

(Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: March 26, 2018.

George Sigounas,

Administrator.

List of Petitions Filed

1. Michael Leblond, Denver, Colorado, Court of Federal Claims No: 18–0161V
2. Cornelius Jones on behalf of O'Dell Cobb, Deceased, Fayetteville, North Carolina, Court of Federal Claims No: 18–0164V
3. Karen Harvey, Lynchburg, Virginia, Court of Federal Claims No: 18–0165V
4. Lisa Colbert, Tacoma, Washington, Court of Federal Claims No: 18–0166V
5. Gloria Manetta, Tampa, Florida, Court of Federal Claims No: 18–0172V
6. Carl Konen, Canal Fulton, Ohio, Court of Federal Claims No: 18–0174V
7. Glenn Freie, Hampton, Iowa, Court of Federal Claims No: 18–0175V
8. Janice Eby, Punta Gorda, Florida, Court of Federal Claims No: 18–0177V
9. Amber Barenblit on behalf of A. S., Lakeside, California, Court of Federal Claims No: 18–0180V
10. Erin Cody, Stamford, Connecticut, Court of Federal Claims No: 18–0181V
11. Mary Simon, Washington, District of Columbia, Court of Federal Claims No: 18–0182V
12. Zach Kellen, Des Moines, Iowa, Court of Federal Claims No: 18–0183V
13. Roisin Magee, Largo, Florida, Court of Federal Claims No: 18–0185V
14. Mary Dischinger, New Braunfels, Texas, Court of Federal Claims No: 18–0187V
15. Theresa Selmer, Winamac, Indiana, Court of Federal Claims No: 18–0188V
16. Benjamin Rogers, Cleveland, Texas, Court of Federal Claims No: 18–0190V
17. Wanda Garcia, Brooklyn, New York, Court of Federal Claims No: 18–0192V
18. William Henderson and Rhonda Henderson on behalf of A. H., Greensburg, Pennsylvania, Court of Federal Claims No: 18–0193V
19. Kathryn Cummings, Pflugerville, Texas, Court of Federal Claims No: 18–0195V
20. Nanci Damner, Washington, District of Columbia, Court of Federal Claims No: 18–0196V
21. Leonard Shearer, Phoenix, Arizona, Court of Federal Claims No: 18–0197V
22. Frank Crawford, Burleson, Texas, Court of Federal Claims No: 18–0198V
23. Lorraine Bervaldi, Hollywood, Florida, Court of Federal Claims No: 18–0199V
24. Misty Stephens, Waxahachie, Texas, Court of Federal Claims No: 18–0201V
25. Milan Harper, Evergreen Park, Illinois, Court of Federal Claims No: 18–0202V
26. Donald Winkler, Washington, District of Columbia, Court of Federal Claims No: 18–0203V
27. Sally Bellsnyder, Birmingham, Alabama, Court of Federal Claims No: 18–0205V
28. Susan Zinanni, Washington, District of Columbia, Court of Federal Claims No: 18–0209V
29. April Robinson on behalf of J. R., Folsom, California, Court of Federal Claims No: 18–0212V
30. Sandra Herzig, Greenfield, Massachusetts, Court of Federal Claims No: 18–0218V
31. Maria Herrera, Moorpark, California, Court of Federal Claims No: 18–0221V
32. Willie Ivory Rance, Kent, Washington, Court of Federal Claims No: 18–0222V
33. Marcia Gray, Bangor, Maine, Court of Federal Claims No: 18–0223V
34. Alison Bracken, Boston, Massachusetts, Court of Federal Claims No: 18–0224V
35. Kimberly Rayborn, Gulfport, Mississippi, Court of Federal Claims No: 18–0226V
36. Rebecca Plona, Dallas, Texas, Court of Federal Claims No: 18–0227V
37. Eric P. Kaplan, M.D., Chelmsford, Massachusetts, Court of Federal Claims No: 18–0231V
38. Victoria Leming and Kevin Leming on behalf of A. L., Sioux City, Iowa, Court of Federal Claims No: 18–0232V
39. Gina Beck, Washington, District of Columbia, Court of Federal Claims No: 18–0233V
40. Ivy Lopez, Chicago, Illinois, Court of Federal Claims No: 18–0234V
41. Holly Ann Randall, Newark, Ohio, Court of Federal Claims No: 18–0236V
42. Stacey Julien, Boston, Massachusetts, Court of Federal Claims No: 18–0237V
43. Anna Roof Harrelson, Charleston, South Carolina, Court of Federal Claims No: 18–0242V
44. Robin Robare, Temperance, Michigan, Court of Federal Claims No: 18–0247V
45. Jared Eastman, Andalusia, Alabama, Court of Federal Claims No: 18–0250V
46. Sandy Barrios, Deceased, Riverside, California, Court of Federal Claims No: 18–0254V
47. Maureen A. Cook, Greensboro, North Carolina, Court of Federal Claims No: 18–0255V
48. Daniel Ramos on behalf of Anthony Ramos, Deceased, Schertz, Texas, Court of Federal Claims No: 18–0256V
49. Bobbie Leaumont, Metairie, Louisiana, Court of Federal Claims No: 18–0258V
50. Robert Brooks on behalf of Duretta Brooks, Deceased, Boydton, Virginia, Court of Federal Claims No: 18–0259V
51. Maureen A. Ebbs, Plymouth, Massachusetts, Court of Federal Claims No: 18–0260V
52. Bonnie Wein on behalf of Linda Carl, Deceased, Apopka, Florida, Court of Federal Claims No: 18–0262V
53. Amy Lynn Gibson, Canton, Ohio, Court of Federal Claims No: 18–0263V
54. Nicole Moats, Oakland, Maryland, Court of Federal Claims No: 18–0264V
55. Mark DeMartini, Grass Valley, California, Court of Federal Claims No: 18–0265V
56. Maria Werning, Norman, Oklahoma, Court of Federal Claims No: 18–0267V
57. Gail Warr, Cleveland, Ohio, Court of Federal Claims No: 18–0268V
58. William B. Strickland and Christina M. Strickland on behalf of E. S., Lakeland, Florida, Court of Federal Claims No: 18–0269V
59. Jerica M. Mabry on behalf of J. L. M., Birmingham, Alabama, Court of Federal Claims No: 18–0276V
60. Amy L. Cates, Perryville, Missouri, Court of Federal Claims No: 18–0277V
61. Jeffrey W. Sprenger, Katy, Texas, Court of Federal Claims No: 18–0279V
62. Michal Behar on behalf of Roy Jacob Brison, Agoura Hills, California, Court of Federal Claims No: 18–0280V
63. Marla Davis, Kansas City, Missouri, Court of Federal Claims No: 18–0283V
64. Nichole Zurek on behalf of D. Z., Tucson, Arizona, Court of Federal Claims No: 18–0284V
65. Cassandra Yost, Rockville, Maryland, Court of Federal Claims No: 18–0288V

66. Mary Swearer, Washington, District of Columbia, Court of Federal Claims No: 18–0289V
67. Pamela Vardine, Schenectady, New York, Court of Federal Claims No: 18–0290V
68. Gary Smallwood, Washington, District of Columbia, Court of Federal Claims No: 18–0291V
69. Tammie Perry on behalf of J. P., Boston, Massachusetts, Court of Federal Claims No: 18–0294V
70. Kevin Sparrow and Danielle Sparrow on behalf of L. S., Bay View, Wisconsin, Court of Federal Claims No: 18–0295V
71. Ekaterina Kovtun, Brooklyn, New York, Court of Federal Claims No: 18–0296V
72. Cheryll Golden, Sebastian, Florida, Court of Federal Claims No: 18–0297V
73. Caroline Walker, Boston, Massachusetts, Court of Federal Claims No: 18–0299V
74. Diana Songero, Boston, Massachusetts, Court of Federal Claims No: 18–0300V
75. Kristen Moorby, Collingswood, New Jersey, Court of Federal Claims No: 18–0301V
76. Dana Broussard, Boston, Massachusetts, Court of Federal Claims No: 18–0302V
77. Danny Mitchell, Dresher, Pennsylvania, Court of Federal Claims No: 18–0303V
78. Herman Hogge, Sarasota, Florida, Court of Federal Claims No: 18–0304V
79. Cynthia Collins, Beverly Hills, California, Court of Federal Claims No: 18–0305V
80. Carolyn Hedrick, Greensboro, North Carolina, Court of Federal Claims No: 18–0307V
81. Joseph Zulaski, Beverly Hills, California, Court of Federal Claims No: 18–0309V

[FR Doc. 2018–06522 Filed 3–29–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Rural Health Network Development Program, OMB No. 0906–0010—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than April 30, 2018.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Network Development Program OMB No. 0906–0010—Revision.

Abstract: The purpose of the Rural Health Network Development (RHND) program is to support mature, integrated rural health care networks that have combined the functions of the entities participating in the network in order to address the health care needs of the targeted rural community. Awarded programs combine the functions of the entities participating in the network to create innovative solutions to local healthcare needs while addressing the following statutory charges: (i) Achieve efficiencies; (ii) expand access, coordinate, and improve the quality of essential health care services; and (iii) strengthen the rural health care system as a whole. RHND funded programs promote population health management and the transition towards value based care through diverse network membership that include traditional and non-traditional network partners collaborating to address the local healthcare needs of the targeted community. Evidence of program impact demonstrated by outcome data and program sustainability are integral components of the program. This is a 3-year competitive program for mature networks composed of at least three members that are separate, existing health care providers entities.

Need and Proposed Use of the Information: For this program, performance measures provide data to the program and to enable HRSA to provide aggregate program data. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy, including: (a) Network infrastructure; (b) sustainability; (c) community impact; and (d) access and quality of healthcare. Several measures will be used for this program.

For this revised ICR, there are proposed changes to several measures that include network infrastructure, sustainability, community impact, and access and quality of healthcare.

Likely Respondents: The respondents would be RHND Program grant recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement and Measurement System (PIMS) Database	51	1	51	6	306
Total	51		51		306

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–06431 Filed 3–29–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Radiation Exposure Screening and Education Program, OMB No. 0906–0012—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. A 60-day **Federal Register** Notice was published on January 9, 2018. There were no comments. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than April 30, 2018.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Radiation Exposure Screening and Education Program, OMB No. 0906–0012—Revision.

Abstract: The Radiation Exposure Screening and Education Program (RESEP) is authorized by section 417C of the Public Health Service Act (42 U.S.C. 285a–9). The purpose of RESEP is to assist individuals who live (or lived) in areas where U.S. nuclear weapons testing occurred and who are diagnosed with cancer and other radiogenic diseases caused by exposure to nuclear fallout or nuclear materials such as uranium. RESEP funds support eligible health care organizations in implementing cancer screening programs; developing education programs; disseminating information on radiogenic diseases and the importance of early detection; screening eligible individuals for cancer and other radiogenic diseases; providing appropriate referrals for medical treatment; and facilitating documentation of radiation exposure.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data useful to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993 (Pub. L. 103–62). These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including demographics for the RESEP program user population, medical screening activities for cancers and other radiogenic diseases, exposure and presentation types for eligible radiogenic malignant and nonmalignant diseases, referrals for appropriate medical treatment, eligibility counseling and referral assistance for the Radiation Exposure Compensation Act, and program outreach and education activities. These measures speak to FORHP's progress toward meeting the established goals. In order to reduce the reporting burden by the award recipients, a number of questions have been removed with the new set of measures reflecting an effort to streamline data collection and collect consistent and uniform measures across FORHP's grant programs.

Likely Respondents: RESEP award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Radiation Exposure Screening and Education Program	8	1	8	12	96
Total	8		8		96

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–06432 Filed 3–29–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Rural Health Care Services Outreach Program Performance Improvement and Measurement Systems Measures, OMB No. 0915–0009—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. This proposed information collection was previously published in the **Federal Register** on November 27, 2017, and allowed 60-days for public comment. No public comments were received.

DATES: Comments on this ICR should be received no later than April 30, 2018.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Care Services Outreach Program Performance Improvement and Measurement Systems (PIMS) Measures.

OMB No.: 0915–0009—Revision.

Abstract: The Rural Health Care Services Outreach (Outreach) Program is authorized by Section 330A(e) of the Public Health Service (PHS) Act (42 U.S.C. 254c(e)), as amended, to ''promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas.'' The goals for the Outreach Program are as follows: (1) Expand the delivery of health care services in rural communities; (2) deliver health care services through a strong consortium, in which every consortium member organization is actively involved and engaged in the planning and delivery of services; (3) utilize and/or adapt an evidence-based or promising practice model(s) in the delivery of health care services; and (4) improve population health, demonstrate health outcomes and sustainability.

Need and Proposed Use of the Information: The PIMS measures for the Outreach Program enable HRSA and the Federal Office of Rural Health Policy to capture awardee-level and aggregate data that illustrate the impact and scope of federal funding. The collection of this information helps further inform and substantiate the focus and objectives of the grant program. The measures encompass the following topics: (a) Access to care; (b) population demographics; (c) consortium/network; (d) sustainability; and (f) project specific domains.

There are proposed revisions to the previously approved Outreach Program PIMS measures. The proposed Outreach PIMS measures reflect a reduced number of measures including the following: 16 process measures applicable to all awardees (previously 22), consolidation of the project-specific measures (currently 7, previously 8), and 8 clinical measures (previously 9). In addition, the proposed measures include the addition of two Centers for Disease Control and Prevention (CDC) calculators: The CDC Heart Age calculator and the CDC BMI Percentile Calculator for Child and Teen. Data for both calculators will be collected on an aggregate level and only from awardees with applicable projects; the CDC Heart Age calculator is specific to awardees participating in the Health Improvement Special Project while the CDC BMI calculator is for projects focusing on childhood obesity.

Likely Respondents: The respondents would be award recipients of the Rural Health Care Services Outreach Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Care Services Outreach Program Performance Improvement and Measurement Systems (PIMS) Measures	25	1	25	3.5	87.5
Total	25		25		87.5

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–06442 Filed 3–29–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60 Day Proposed Information Collection: Indian Health Service Purchased/ Referred Care Proof of Residency

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, which requires 60 days for public comment on proposed information collection projects, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the information collection Office of Management and Budget (OMB) Control Number 0917–XXXX, titled, Purchased/ Referred Care (PRC) Proof of Residency. The purpose of this notice is to allow 60 days for public comment to be submitted directly to OMB. A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID IHS__FRDOC_0001).

SUPPLEMENTARY INFORMATION: The IHS Office of Resource Access and Partnerships Division of Contract Care is submitting the proposed information collection to OMB for review, as required by the PRA. This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (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; (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 collection techniques of other forms of information technology, *e.g.,* permitting electronic submission of responses.

Proposed Collection Title: 0917–XXXX, ''Indian Health Service Purchased/Referred Care Proof of Residency.''

Type of Information Collection Request: This is a new information request for a three year approval of this new information collection, 0917–XXXX.

Forms: Purchase/Referred Care Proof of Residency.

Title of Proposal: Purchased/Referred Care Program.

OMB Control Number: To be assigned.

Need and Use of Information Collection: The IHS PRC Program needs this information to certify that health care services requested and authorized by the IHS have been provided to individuals who have provided documentation that meets the eligibility requirements to receive medical services from PRC provider(s); and to serve as a legal document for health and medical care authorized by the IHS and rendered by health care providers under contract with the IHS.

Agency Form Number: IHS–XXX (A form number will be assigned after approval).

Members of Affected Public: Patients.

Status of the Proposed Information Collection: New request.

Type of Respondents: Individuals.

The table below provides: Types of data collection instruments, estimation to number of respondents, number of responses per respondent, annual number of responses, average burden hour per response, and total annual burden hours.

Data collection instrument(s)	Estimated number of respondents	Responses per respondent	Annual number of responses	Average burden hour per response *	Total annual burden hours
Individual Patient Count	77,185	1	77,185	3	3,859.25
Total	77,185	1	77,185	3	3,859.25

* For ease of understanding, average burden hours are provided in actual minutes.

There are no direct costs, to respondents to report.

For Comments: Submit comments, requests for more information on the collection, or requests to obtain a copy of the data collection instrument and instruction to Ms. Evonne Bennett-Barnes by one of the following methods:

- *Mail:* Ms. Evonne Bennett-Barnes, Information Collection Clearance Officer, Indian Health Service, 5600 Fishers Lane, STOP 09E70, Rockville, MD 20857.
- *Phone:* (301) 443–4750.
- *Email: Evonne.Bennett-Barnes@ ihs.gov.*
- *Fax:* 301–594–0899.

Comment Due Date: Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

Dated: March 20, 2018.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2018–06521 Filed 3–29–18; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Anxiety, Depression, and Synaptic Plasticity.

Date: April 9, 2018.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701

Rockledge Drive, Bethesda, MD 20892, 301–827–7490, *brianscott@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Eye Infections, Wound Repair, and Vision Impairments.

Date: April 24, 2018.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 5205, MSC7846, Bethesda, MD 20892, (301) 435–1021, *rovescaa@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 26, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06400 Filed 3–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Minority Health and Health Disparities.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: May 10–11, 2018.

Closed: May 10, 2018, 3:00 p.m. to adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6001 Executive Blvd., Neuroscience Center Building, Conference Rooms C, D, and E, Bethesda, MD 20892.

Open: May 11, 2018, 8:00 a.m. to adjournment.

Agenda: The agenda will include opening remarks, administrative matters, Director's report, NIH Health Disparities update, and other business of the Council.

Place: National Institutes of Health, 6001 Executive Blvd., Neuroscience Center Building, Conference Rooms C, D, and E, Bethesda, MD 20892.

Contact Person: Dr. Joyce A. Hunter, Deputy Director, NIMHD, National Institutes of Health, National Institute on Minority Health and Heath Disparities, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 402–1366, *hunterj@nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: March 26, 2018.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06401 Filed 3–29–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0075]

Agency Information Collection Activities: Drawback Process Regulations

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted no later than April 30, 2018 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information

collection was previously published in the **Federal Register** (83 FR 2813) on January 19, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Drawback Process Regulations.

OMB Number: 1651–0075.

Form Number: CBP Forms 7551, 7552 and 7553.

Current Actions: This submission is being made to extend the expiration date of this information collection with a decrease to the burden hours due to updated agency estimates. There is no change CBP Forms 7551, 7552, 7553, or to the information being collected.

Type of Review: Extension (without change).

Abstract: The collections of information related to the drawback process are required to implement the provisions of 19 CFR part 191, and certain provisions of part 181 (regarding NAFTA drawback claims), which provide for refunds of duties, as well as taxes and fees in certain situations, imposed on imported merchandise where there is a subsequent related exportation or destruction. The claims referred to in this notice are limited to drawback claims filed in compliance with the regulations in parts 181 and 191 and under 19 U.S.C. 1313, as it was in effect prior to the amendments made by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114–125, 130 stat. 122, February 24, 2016). If the requirements set forth in Parts 181 and 191 are met, claimants may file for a refund using CBP Form 7551, *Drawback Entry.* CBP Form 7552, *Delivery Certificate for Purposes of Drawback,* is used to record transfers of merchandise and is also used each time a change to the merchandise occurs as a result of a manufacturing operation. CBP Form 7553, *Notice of Intent to Export, Destroy or Return Merchandise for Purposes of Drawback,* is used to notify CBP if an exportation, destruction, or return of the imported merchandise will take place. The information collected on these forms is authorized by 19 U.S.C. 1313(l). The drawback forms are accessible at *http://www.cbp.gov/newsroom/publications/forms.*

Affected Public: Businesses.

CBP Form 7551, Drawback Entry

Estimated Number of Respondents: 2,516.

Estimated Number of Responses per Respondent: 20.205.

Estimated Number of Total Annual Responses: 50.836.

Estimated Time per Response: 35 minutes.

Estimated Total Annual Burden Hours: 29,652.

CBP Form 7552, Delivery Certificate for Drawback

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 40,000.

Estimated Time per Response: 33 minutes.

Estimated Total Annual Burden Hours: 22,000.

CBP Form 7553, Notice of Intent To Export, Destroy or Return Merchandise for Purposes of Drawback

Estimated Number of Respondents: 150.

Estimated Number of Responses per Respondent: 20.

Estimated Number of Total Annual Responses: 3,000.

Estimated Time per Response: 33 minutes.

Estimated Total Annual Burden Hours: 1,650.

Dated: March 27, 2018

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–06480 Filed 3–29–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0137]

Agency Information Collection Activities: Small Vessel Reporting System

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than May 29, 2018) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0137 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other

Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Small Vessel Reporting System.
OMB Number: 1651–0137.
Abstract: The Small Vessel Reporting System (SVRS) is a pilot program that allows certain participants using small pleasure boats to report their arrival telephonically instead of having to appear in person for inspection by a CBP officer each time they enter the United States. In some cases, a participant may also be asked to report to CBP for an in person inspection upon arrival. Participants may be U.S. citizens, U.S. lawful permanent residents, Canadian citizens, and permanent residents of Canada who are nationals of Visa Waiver Program countries listed in 8 CFR 217.2(a). In addition, participants of one or more Trusted Traveler programs and current Canadian Border Boater Landing Permit (CBP Form I–68) holders may participate in SVRS.

In order to register for the SVRS pilot program, participants enter data via the SVRS website, which collects information such as biographical information and vessel information. Participants will go through the in person CBP inspection process during SVRS registration, and in some cases, upon arrival in the United States.

For each voyage, SVRS participants will be required to submit a float plan about their voyage via the SVRS website in advance of arrival in the United States. The float plan includes vessel information, a listing of all persons on board, estimated dates and times of departure and return, and information on the locations to be visited on the trip. Participants in SVRS can create a float plan for an individual voyage or a template for a float plan that can be used multiple times.

SVRS in accordance with 8 U.S.C. 1225, 8 CFR 235.1, 19 U.S.C. 1433, and 19 CFR 4.2. The SVRS website is accessible at: *https://svrs.cbp.dhs.gov/.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours. There is no change to the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals.

SVRS Application

Estimated Number of Respondents: 7,509.

Estimated Number of Total Annual Responses: 7,509.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,877.

Float Plan

Estimated Number of Respondents: 2,589.

Estimated Number of Total Annual Responses: 2,589.

Estimated Time per Response: 10.6 minutes.

Estimated Total Annual Burden Hours: 457.

Dated: March 27, 2018.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–06479 Filed 3–29–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Filing Procedures for Employment Authorization and Automatic Extension of Existing Employment Authorization Documents for Eligible Liberians Before Period of Deferred Enforced Departure Ends

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: On March 27, 2018, President Trump issued a memorandum to the Secretary of Homeland Security (Secretary), Kirstjen M. Nielsen, directing her to implement for eligible Liberians a 12-month deferred enforced departure (DED) wind-down period and to provide for work authorization through March 31, 2019, upon which date DED will end. This 12-month transitional period of DED will allow impacted individuals to arrange for their departure from the United States. This Notice automatically extends DED-related employment authorization documents (EADs) that have a printed expiration date of March 31, 2018, for an additional 6 months through September 30, 2018, for eligible Liberians. This Notice also provides instructions for eligible Liberians on how to apply for the full 12-month period of employment authorization, through March 31, 2019. USCIS will issue new employment authorization documents (EADs) with a March 31, 2019 expiration date to eligible Liberians who are covered by DED under the Presidential Memorandum of March 27, 2018, and who apply for a new EAD. Given the timeframes involved with processing EAD applications, DHS recognizes that not all DED-eligible Liberians will receive new EADs before their current EADs expire on March 31, 2018. Accordingly, through this Notice, DHS also automatically extends the validity of DED-related EADs for 6 months, through September 30, 2018, and explains how Liberians covered under DED and their employers may determine which EADs are automatically extended and how this impacts the Employment Eligibility Verification (Form I–9) and E-Verify processes.

DATES: The 12-month transitional DED period ends on March 31, 2019. The 6-month automatic extension of DED-related EADs, as specified in this Notice, expires on September 30, 2018.

FOR FURTHER INFORMATION CONTACT:

- For further information on DED, including additional information on eligibility, please visit the USCIS DED web page at *http://www.uscis.gov/humanitarian/temporary-protected-status/deferred-enforced-departure.* You can find specific information about DED for Liberians by selecting ''DED Granted Country: Liberia'' from the menu on the left of the DED web page.
- You can also contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and

Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC, 20529–2060; or by phone at 800–375–5283.

Note: The phone number provided here is solely for questions regarding this Notice. It is not for individual case status inquiries.

- If you have additional questions about DED, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also reach out to our USCIS Contact Center at 1–800–375–5283 (TTY 1–800–767–1833). Service is available in English and Spanish.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.USCIS.gov,* or call the USCIS Contact Center at 1–800–375–5283.
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

DED—Deferred Enforced Departure
DHS—Department of Homeland Security
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services

Presidential Memorandum Extending DED for Eligible Liberians

Pursuant to the President's constitutional authority to conduct the foreign relations of the United States, President Trump has concluded that foreign policy considerations do not warrant a further extension of DED for Liberians. However, the President determined that foreign policy interests of the United States warrant affording a 12-month wind-down period to Liberian DED beneficiaries. The President concluded that the wind-down period is appropriate to provide Liberia's government with time to reintegrate its returning citizens and to allow DED beneficiaries who are not eligible for other forms of immigration relief to make necessary arrangements and to depart the United States. The President accordingly directed that current Liberian DED beneficiaries who remain eligible for DED be provided DED for a 12-month wind-down period in order to transition and depart the United States. Note that DED only applies to individuals who have continuously resided in the United States since October 1, 2002, and who held Temporary Protected Status (TPS) on September 30, 2007, the date that a former TPS designation of Liberia terminated. The 12-month transitional period will permit individuals covered by DED to arrange for their departure, or seek an alternative lawful immigration status in the United States, if eligible, before DED ends on March 31, 2019. *See Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security* (Mar. 27, 2018), available at *https://www.whitehouse.gov/presidential-actions/presidential-memorandum-secretary-state-secretary-homeland-security/.* The President also directed the Secretary to implement the necessary steps to authorize employment authorization for eligible Liberians for 12 months, through March 31, 2019.

Employment Authorization and Filing Requirements

How will I know if I am eligible for employment authorization under the Presidential Memorandum that provided a 12-month transitional DED period for eligible Liberians?

The procedures for employment authorization in this Notice apply only to individuals who are Liberian nationals (and persons without nationality who last habitually resided in Liberia) who:

- Have continuously resided in the United States since October 1, 2002; and
- Are current Liberian DED beneficiaries.

The above eligibility criteria are described in the Presidential Memorandum. Only individuals who held TPS on September 30, 2007, the date that a former TPS designation of Liberia terminated, are eligible for DED under this extension, provided they have continued to meet all other eligibility criteria established by the President. This DED extension does not include any individual:

- Who would be ineligible for TPS for the reasons set forth in section 244(c)(2)(B) of the Immigration and Nationality Act, 8 U.S.C. 1254a(c)(2)(B);
- Whose removal the Secretary determines is in the interest of the United States;
- Whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States;
- Who has voluntarily returned to Liberia or his or her country of last habitual residence outside the United States;
- Who was deported, excluded, or removed prior to March 27, 2018; or
- Who is subject to extradition.

What will I need to file if I am covered by DED and would like to have evidence of employment authorization?

If you are covered under DED for Liberia, and would like to maintain evidence of your employment authorization throughout the 12-month transitional period of DED, you must apply for an EAD by filing an Application for Employment Authorization (Form I–765). USCIS will begin accepting these applications on March 30, 2018. Although this Notice automatically extends DED-related EADs that have a printed expiration date of March 31, 2018, for an additional 6 months through September 30, 2018, if you would like evidence of your continued employment authorization through March 31, 2019, you must file an Application for Employment Authorization (Form I–765) as soon as possible to avoid gaps in evidence of work authorization. Please carefully follow the Application for Employment Authorization (Form I–765) instructions when completing the application for an EAD. When filing the Application for Employment Authorization (Form I–765), you must:

- Indicate that you are eligible for DED by putting ''(a)(11)'' in response to Question 16 on Application for Employment Authorization (Form I–765);
- Include a copy of your last Notice of Action (Form I–797) showing that you were approved for TPS as of September 30, 2007, if such copy is available. Please note that evidence of TPS as of September 30, 2007, is necessary to show that you were covered under the previous DED for Liberia through March 31, 2018; and
- Submit the fee for the Application for Employment Authorization (Form I–765).

The regulations require individuals covered under DED who request an EAD to pay the fee prescribed in 8 CFR 103.7 for the Application for Employment Authorization (Form I–765). *See also* 8 CFR 274a.12(a)(11) (employment authorization for DED-covered aliens); and 8 CFR 274a.13(a) (requirement to file EAD application if EAD desired). If you are unable to pay the fee, you may apply for an application fee waiver by completing a Request for Fee Waiver

(Form I–912) or submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation.

How will I know if USCIS will need to obtain biometrics?

If biometrics are required to produce the secure EAD, you will be notified by USCIS and scheduled for an appointment at a USCIS Application Support Center.

Where do I submit my completed Application for Employment Authorization (Form I–765)?

Mail your completed Application for Employment Authorization (Form I–765) and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are applying through the U.S. Postal Service.	USCIS, Attn: DED Liberia, P.O. Box 6943, Chicago, IL 60680–6943.
You are using a non-U.S. Postal Service delivery service.	USCIS, Attn: DED Liberia, 131 S. Dearborn 3rd Floor, Chicago, IL 60603–5517.

Can I file my Application for Employment Authorization (Form I–765) electronically?

No. Electronic filing is not available when filing Application for Employment Authorization (Form I–765) based on DED.

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to individuals eligible for DED under the Presidential Memorandum at local offices.

Am I eligible to receive an automatic 6-month extension of my current EAD through September 30, 2018?

You are eligible for an automatic 6-month extension of your EAD if you are a national of Liberia (or a person having no nationality who last habitually resided in Liberia), you are currently covered by Liberian DED, and you are within the class of persons approved for DED by the President.

This automatic extension covers EADs (Forms I–766) bearing an expiration date of March 31, 2018. These EADs must also bear the notation ''A–11'' on the face of the card under ''Category.''

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9. You can find additional detailed information on the USCIS I–9 Central web page at *http://www.uscis.gov/I-9Central.* Employers are required to verify the identity and employment authorization of all new employees by using Form I–9. Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

From the Lists of Acceptable Documents, you may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may also present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. An EAD is considered an acceptable document under List A. Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of March 31, 2018, and states ''A–11'' under ''Category,'' it has been extended automatically for 6 months consistent with the President's directive and the issuance of this **Federal Register** Notice. You may choose to present your EAD to your employer as proof of identity and employment authorization for Form I–9 through September 30, 2018. (See the subsection titled ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?*'' for further information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this **Federal Register** Notice confirming the extension of your employment authorization through September 30, 2018.

What documentation may I show my employer if I am already employed but my current DED-related EAD is set to expire?

Even though EADs with an expiration date of March 31, 2018, that state ''A–11'' under ''Category'' have been automatically extended for 6 months by virtue of this **Federal Register** Notice, your employer is required by law to ask you about your continued employment authorization by September 30, 2018, to meet its responsibilities for Form I–9 compliance. You should explain to your employer that USCIS has automatically extended your EAD through September 30, 2018. Your employer may need to reinspect your automatically extended EAD to check the expiration date and category and to record the updated expiration date on your Form I–9 if he or she did not keep a copy of this EAD when you initially presented it. However, your employer does not need a new document to reverify your employment authorization until September 30, 2018, the expiration date of the automatic extension. Instead, you may and your employer should make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Form I–9 (see the subsection titled ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?*'' for further information). In addition, you may also show this **Federal Register** Notice to your employer to explain what to do for Form I–9.

Your employer must reverify your employment authorization no later than the date your work authorization expires on September 30, 2018 (the expiration date of the automatic extension). At that time, you must present any document from List A or any document from List C on Form I–9 to reverify employment authorization, or an acceptable List A or List C receipt described in the Form I–9 Instructions. Your employer should complete either Section 3 of the Form I–9 originally completed for you or, if this Section has already been completed or if the version of Form I–9 has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Form I–9 of the most current version. Note that employers may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my Liberian citizenship?

No. When completing Form I–9, including re-verifying employment authorization, employers must accept any documentation that appears on the Form I–9 ''Lists of Acceptable Documents'' that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request additional documentation that does not appear on the Lists of Acceptable Documents. Therefore, employers may

not request proof of Liberian citizenship when completing Form I–9 for new hires, making corrections, or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the *Note to Employees* section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after September 30, 2018, for purposes of employment authorization?

After September 30, 2018, employers may no longer accept the EADs that were issued under the previous DED extension of Liberia that this **Federal Register** Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible individuals covered by DED who request them. These new EADs will have an expiration date of March 31, 2019, and can be presented to your employer for completion of Employment Eligibility Verification (Form I–9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Lists of Acceptable Documents for Employment Eligibility Verification (Form I–9).

How do my employer and I complete Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job on or before September 30, 2018, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter September 30, 2018, as the expiration date; and

b. Write your Alien Registration Number/USCIS Number where indicated (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS Number is the same as your A-Number without the A prefix).

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 6 months by ensuring it is in category A–11 and has a March 31, 2018 expiration date;

b. Write in the Document Title;

c. Enter the issuing Authority;

d. Provide the Document Number; and

e. Insert September 30, 2018, the automatically extended EAD expiration date.

No later than the date work authorization expires on September 30, 2018, employers are required by law to reverify the employee's employment authorization in Section 3 of Form I–9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?

If you are an existing employee who presented a DED-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, your employer may need to reinspect your automatically extended EAD if your employer does not have a copy of the EAD on file. You may and your employer should correct your previously completed Form I–9 as follows:

1. For Section 1, you should:

a. Draw a line through the expiration date;

b. Write ''September 30, 2018'' above the previous date;

c. Write ''DED Ext.'' in the margin of Section 1; and

d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended for 6 months by ensuring:

- It is in category A–11; and
- Has an expiration date of September 30, 2018.

b. Draw a line through the expiration date written in Section 2;

c. Write ''September 30, 2018'' above the previous date;

d. Write ''DED Ext.'' in the margin or Additional Information field in Section 2; and

e. Initial and date the correction in the margin or Additional Information field in Section 2.

No later than the date work authorization expires on September 30, 2018, employers are required by law to reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E–Verify, what do I do when I receive a ''Work Authorization Documents Expiring'' alert for an automatically extended EAD?

E–Verify has automated the verification process for employees whose DED was automatically extended in a **Federal Register** Notice. If you have an employee covered under DED who provided a DED-related EAD when he or she first started working for you, you may receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. No later than the date work authorization expires on September 30, 2018, you are required by law to reverify employment authorization in Section 3 of Form I–9. Employers should not use E–Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E–Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish and many other languages upon request. Employees or applicants may also call the IER Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Form I–9 and E–Verify. The IER Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee,

or an acceptable List A, List B, or List C receipt described in the Form I–9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E–Verify who receive an E–Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E–Verify from Form I–9 differs from Federal or State government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E–Verify. A case result of Final Nonconfirmation (FNC) is received when E–Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY is at 877–875–6028). For more information about E–Verify-related discrimination or to report an employer for discrimination in the E–Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E–Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS website at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each State may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are covered by DED and/or show you are authorized to work based on DED. Examples are:

(1) Your unexpired EAD that has been automatically extended, or your EAD that has not expired;

(2) A copy of this **Federal Register** Notice if your EAD is automatically extended under this Notice;

(3) A copy of your past Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS, coupled with a copy of the Presidential Memorandum extending DED for Liberians; and/or

(4) If there is an automatic extension of work authorization, a print-out from the USCIS DED website that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to confirm the current immigration status of applicants for public benefits. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free and fast service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections or make an appointment can be found at the SAVE website at *http://www.uscis.gov/save,* then by choosing ''For Benefit Applicants'' from the menu on the left and then selecting ''Questions about Your Records?''

Travel Authorization and Advance Parole

Individuals covered under DED who would like to travel outside of the United States must apply for and receive advance parole by filing an Application for Travel Document (Form I–131) with required fee before departing from the United States. *See* 8 CFR 223.2(a). DHS has the discretion to determine whether to grant advance parole and cannot guarantee advance parole in all cases. In addition, possession of an advance parole document does not guarantee that you will be permitted to re-enter the United States, as that is a decision that will be made by an immigration officer at the port of entry upon your return. If you seek advance parole to travel to Liberia or to your country of last habitual residence outside the United States, you will risk being found ineligible to re-enter the United States under DED because the Presidential Memorandum excludes persons ''who have voluntarily returned to Liberia or their country of last habitual residence outside the United States.''

Tracy Renaud,

Acting Deputy Director, U.S. Citizenship and Immigration Services.

[FR Doc. 2018–06659 Filed 3–29–18; 8:45 am]

BILLING CODE 9111–97–P

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Request for Nominations to the Board of Trustees

AGENCY: Institute of American Indian and Alaska Native Culture and Arts Development.

ACTION: Notice; request for nominations.

SUMMARY: The Board directs the Administration of the Institute of American Indian and Alaska Native Culture and Arts Development, including soliciting, accepting, and disposing of gifts, bequests, and other properties for the benefit of the Institute. The Institute provides scholarly study of and instruction in Indian art and culture, and establishes programs which culminate in the awarding of degrees in the various fields of Indian art and culture.

The Board consists of thirteen members appointed by the President of the United States who are American Indians or persons knowledgeable in the field of Indian art and culture. This notice requests nominations to fill five expiring terms on the Board of Trustees.

ADDRESSES: Institute of American Indian Arts, 83 Avan Nu Po Road, Santa Fe, New Mexico 87508.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Martin, President, 505–424–2301.

Dated: March 22, 2018.

Dr. Robert Martin,

President.

[FR Doc. 2018–06450 Filed 3–29–18; 8:45 am]

BILLING CODE 4312–W4–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900253G; OMB Control Number 1076–0120]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Bureau of Indian Education Adult Education Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 30, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Juanita Mendoza, Program Analyst, Bureau of Indian Education, U.S. Department of the Interior, 1849 C Street NW, MS 3609–MIB, Washington, DC 20240; or by email to *Juanita.Mendoza@bie.edu.* Please reference OMB Control Number 1076–0120 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Juanita Mendoza by email at *Juanita.Mendoza@bie.edu,* or by telephone at (202) 208–3559. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 23, 2018 (83 FR 3183). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bureau of Indian Education (BIE) is seeking renewal of the approval for the information collection conducted under 25 CFR part 46 to manage program resources and for fiscal accountability and appropriate direct services documentation. Approval for this collection expires on March 31, 2018. This information includes an annual report form. No changes are being made to the approved burden hours and forms for this information collection.

Title of Collection: Bureau of Indian Education Adult Education Program.

OMB Control Number: 1076–0120.

Form Number: BIA 62123.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals (Tribal Adult Education Program Administrators).

Total Estimated Number of Annual Respondents: 70 per year, on average.

Total Estimated Number of Annual Responses: 70 per year, on average.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 280 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once per year.

Total Estimated Annual Nonhour Burden Cost: $200.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–06439 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0172]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Class III Tribal-State Gaming Compact Process

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 30, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Paula Hart, U.S. Department of the Interior, Office of Indian Gaming, 1849 C Street NW, Mail Stop 3657, Washington, DC 20240; email: *Paula.Hart@BIA.gov.* Please reference OMB Control Number 1076–0172 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Paula Hart, telephone: (202) 219–4066. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of

information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 16, 2017 (82 FR 48112). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Assistant Secretary—Indian Affairs is seeking renewal of the approval for the information collection conducted under 25 CFR 293, Class III Tribal-State Gaming Compact Process and the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2710(d)(8)(A), (B) and (C), which authorizes the Secretary to approve, disapprove or ''consider approved'' (*i.e.,* deemed approved) a tribal state gaming compact or compact amendment and publish notice of that approval or considered approval in the **Federal Register**. The information collected includes tribal-state compacts or compact amendments entered into by Indian tribes and State governments. The Secretary of the Interior reviews this information and may approve, disapprove or consider the compact approved.

Title of Collection: Class III Tribal-State Gaming Compact Process.

OMB Control Number: 1076–0172.

Form Number: None

Type of Review: Extension without change of currently approved collection.

Respondents/Affected Public: Indian tribes and State governments.

Total Estimated Number of Annual Respondents: 40 per year.

Total Estimated Number of Annual Responses: 40 per year.

Estimated Completion Time per Response: 200 hours.

Total Estimated Number of Annual Burden Hours: 8,000 hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–06433 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900 253G]; OMB Control Number 1076–0094]

Agency Information Collection Activities; Law and Order on Indian Reservations—Marriage and Dissolution Applications

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 29, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Ms. Tricia Tingle, Associate Director, Tribal Justice Support Directorate at 1849 C Street NW, MS–2603 MIB, Washington, DC 20240 or by email to *Tricia.Tingle@bia.gov.* Please reference OMB Control Number 1076–0094 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Tricia Tingle by email at *Tricia.Tingle@bia.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA 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 Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR 11.600(c) and 11.606(c). This information collection allows the Clerk of the Court of Indian Offenses to collect personal information necessary for a Court of Indian Offenses to issue a marriage license or dissolve a marriage. Courts of Indian Offenses have been established on certain Indian reservations under the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2, 9, and 13, which authorize appropriations for ''Indian judges.'' The courts provide for the administration of justice for Indian tribes in those areas where the tribes

retain jurisdiction over Indians, exclusive of State jurisdiction, but where tribal courts have not been established to exercise that jurisdiction and the tribes has, by resolution or constitutional amendment, chosen to use the Court of Indian Offenses. Accordingly, Courts of Indian Offenses exercise jurisdiction under 25 CFR 11. Domestic relations are governed by 25 CFR 11.600, which authorizes the Court of Indian Offenses to conduct and dissolve marriages.

In order to obtain a marriage licenses in a Court of Indian Offenses, applicants must provide the six items of information listed in 25 CFR 11.600(c), including identifying information, such a Social Security number, information on previous marriage, relationship to the other applicant, and a certificate of the results of any medical examination required by applicable tribal ordinances or the laws of the State in which the Indian country under the jurisdiction of the Court of Indian Offenses is located. To dissolve a marriage, applicants must provide the six items of information listed in 25 CFR 11.606(c), including information on occupation and residency (to establish jurisdiction), information on whether the parties have lives apart for at least 180 days or if there is serious marital discord warranting dissolution, and information on the children of the marriage and whether the wife is pregnant (for the court to determine the appropriate level of support that may be required from the non-custodial parent). (25 CFR 11.601) Two forms are used as part of this information collection, the Marriage License Application and the Dissolution of Marriage Application.

Title of Collection: Law and Order on Indian Reservations—Marriage & Dissolution Applications.

OMB Control Number: 1076–0094.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 260 per year, on average.

Total Estimated Number of Annual Responses: 260 per year, on average.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 65 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $6,500 (approximately $25 per application for processing fees).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 26, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–06440 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900]

HEARTH Act Approval of Lummi Tribe of the Lummi Indian Reservation Code of Laws, Trust Lands Leasing Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On November 9, 2017, the Bureau of Indian Affairs (BIA) approved the Lummi Tribe of the Lummi Indian Reservation's leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into leases for business and residential purposes without BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Lummi Tribe of the Lummi Indian Reservation.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 77 FR 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State,

Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Lummi Tribe of the Lummi Indian Reservation.

Dated: November 9, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–06443 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0169]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 30, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Ms. Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services, 2600 N Central Ave., STE MS 102, Phoenix, AZ 85004: or email to *Charlene.Toledo@bia.gov.* Please reference OMB Control Number 1076–0169 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Charlene Toledo by telephone at (505) 563–3371.You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 16, 2017. (82 FR 53516) No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Secretary of the Interior probates the estates of individual Indians owning trust or restricted property in accordance with 25 U.S.C.

372–373. In order to compile the probate file, the BIA must obtain the family heirship data regarding the deceased from individuals and the tribe. This section contains the procedures that the Secretary of the Interior follows to initiate the probate of the trust estate for a deceased person who owns an interest in trust or restricted property. The Secretary must perform the necessary research of family heirship data collection requests in this part to obtain the information necessary to compile an accurate and complete probate file. This file will be forwarded to the Office of Hearing and Appeals (OHA) for disposition. Responses to these information collection requests are required to create a probate file for the decedent's estate so that OHA can determine the heirs of the decedent and order distribution of the trust assets in the decedent's estate.

Title of Collection: Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes.

OMB Control Number: 1076–0169.

Form Number: None.

Type of Review: Extension without change of currently approved collection.

Respondents/Affected Public: Indians, businesses, and tribal authorities.

Total Estimated Number of Annual Respondents: 36,906 per year.

Total Estimated Number of Annual Responses: 41,139 per year.

Estimated Completion Time per Response: Varies from 0.5 hours to 45 hours.

Total Estimated Number of Annual Burden Hours: 617,486 per year.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once per respondent per year.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–06434 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900253G; OMB Control Number 1076–0182]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Sovereignty in Indian Education Grant Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 30, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments Dr. Maureen Lesky, Bureau of Indian Education, 1011 Indian School Road NW, Albuquerque, NM 87104; or by email to *Maureen.Lesky@bie.edu.* Please reference OMB Control Number 1076–0182 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Maureen Lesky by email at *Maureen.Lesky@bie.edu,* or by telephone at (505) 563–5397. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 23, 2018 (83 FR 3182). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Indian Tribes and Tribal Organizations may submit proposals to support their efforts to take control and operate BIE-funded schools located on the tribe's reservation. Each proposal must include a project narrative, a budget narrative, a work plan outline, and a Project Director to manage the execution of the grant. The Project Directors will participate in monthly collaboration meetings, submit quarterly budget updates, ensure an annual report is submitted at the end of each project year, and ultimately ensure that the tribal education agency fulfills the obligations of the grant.

Title of Collection: Sovereignty in Indian Education Grant Program.

OMB Control Number: 1076–0182.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Indian Tribes and/or Tribal Education Departments.

Total Estimated Number of Annual Respondents: 11 per year.

Total Estimated Number of Annual Responses: 198 per year.

Estimated Completion Time per Response: Ranges from 1 hour to 40 hours.

Total Estimated Number of Annual Burden Hours: 682 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Proposals and Annual reports once per year and

Budget Reports are submitted 4 times per year.

Total Estimated Annual Nonhour Burden Cost: $0.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–06437 Filed 3–29–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2018–0015; MMAA104000]

Notice of Intent to Prepare an Environmental Impact Statement for Vineyard Wind LLC's Proposed Wind Energy Facility Offshore Massachusetts

AGENCY: Bureau of Ocean Energy Management, Interior.

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

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) is announcing its intent to prepare an Environmental Impact Statement (EIS) for the approval of a Construction and Operations Plan (COP) submitted by Vineyard Wind LLC (Vineyard Wind) that would allow it to construct and operate an 800 megawatt (MW) wind energy facility offshore Massachusetts. This Notice of Intent (NOI) serves to announce the EIS scoping process for the Vineyard Wind COP.

DATES: Comments should be submitted no later than April 30, 2018. BOEM's scoping meetings will be held at the following dates and times. Please see the **ADDRESSES** section for the specific locations.

1. Monday, April 16, 2018, 5:00 p.m. to 8:00 p.m., New Bedford, Massachusetts.

2. Tuesday, April 17, 2018, 5:00 p.m. to 8:00 p.m., Martha's Vineyard, Massachusetts.

3. Wednesday, April 18, 2018, 11:00 a.m. to 2:00 p.m., Nantucket, Massachusetts.

4. Wednesday, April 18, 2018, 6:00 p.m. to 9:00 p.m., Hyannis, Massachusetts.

5. Thursday, April 19, 2018, 5:00 p.m. to 8:00 p.m., Kingston, Rhode Island.

ADDRESSES: Detailed information about the proposed wind energy facility, including the COP, can be found on BOEM's website at: *https://www.boem.gov/Commercial-Wind-Leasing-Offshore-Massachusetts/.* Comments can be submitted in any of the following ways:

1. In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Vineyard Wind COP EIS'' and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166. Comments must be received or postmarked no later than April 30, 2018; or

2. Through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for Docket No. BOEM–2018–0015. Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit.''

Pursuant to the regulations implementing the provisions of NEPA (42 U.S.C. 4321 *et seq.*), BOEM will hold public scoping meetings for the Vineyard Wind COP at the following places and times:

- New Bedford, Massachusetts; Monday, April 16, 2018; Fairfield Inn and Suites, Waypoint Event Center, Sealoft Room, 185 MacArthur Drive, New Bedford, Massachusetts 02740; Open House 5:00–8:00 p.m.; Presentation and Q&A 6:00 p.m.
- Martha's Vineyard, Massachusetts; Tuesday, April 17, 2018; Martha's Vineyard Hebrew Center, 130 Center Street, Vineyard Haven, Massachusetts 02568; Open House 5:00–8:00 p.m.; Presentation and Q&A 6:00 p.m.
- Nantucket, Massachusetts; Wednesday, April 18, 2018; Nantucket Middle School, Cafeteria, 10 Surfside Road, Nantucket, Massachusetts 02554; Open House 11:00 a.m.–2:00 p.m.; Presentation and Q&A 12:00 p.m.
- Hyannis, Massachusetts; Wednesday, April 18, 2018; Double Tree Hotel, 287 Iyannough Road, Cape Cod Room, Hyannis, Massachusetts 02601; Open House 6:00–9:00 p.m.; Presentation and Q&A 6:30 p.m.
- Kingston, Rhode Island; Thursday, April 19, 2018; University of Rhode Island, Ryan Center, Alumni Lounge, 1 Lincoln Almond Plaza, Kingston, Rhode Island 02881; Open House 5:00–8:00 p.m.; Presentation and Q&A 6:00 p.m.

FOR FURTHER INFORMATION CONTACT: For information on the Vineyard Wind COP EIS, the submission of comments, or BOEM's policies associated with this notice, please contact Michelle Morin, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787–1340 or *michelle.morin@boem.gov.*

Proposed Action: The proposed action is the construction and operation of a wind energy facility as described in the COP submitted by Vineyard Wind on Lease Area OCS–A 0501. In its COP, Vineyard Wind is proposing the construction, operation, and eventual decommissioning of an 800MW facility, potentially constructed in two 400 MW phases up to five years apart. Vineyard Wind's COP proposes installing up to 106 wind turbine generators, each with a capacity of between 8 and 10 MW. Foundations would likely be monopoles, jackets, or a combination of both. The proposed facility would also include two to four offshore substations or electrical service platforms. The potential export cable landfalls identified by Vineyard Wind include sites near the towns of Yarmouth, Barnstable, and Nantucket in the Commonwealth of Massachusetts. On-shore construction and staging would take place at the New Bedford Marine Commerce Terminal facility. At its nearest point, the project area is approximately 14 miles from the southeast corner of Martha's Vineyard and a similar distance from the southwest side of Nantucket. Water depths where the turbines would be located range from approximately 37 to 49 meters (approximately 121 to 161 feet).

Once BOEM completes the EIS and associated consultations, BOEM will decide whether to approve, approve with modification, or disapprove the Vineyard Wind COP. If BOEM approves the COP and the proposed facility is constructed, the lessee must submit a plan to decommission the facilities prior to the end of the lease term.

Scoping Process: This NOI commences the public scoping process for identifying issues and potential alternatives for consideration in the Vineyard Wind COP EIS. Throughout the scoping process, Federal agencies, state, tribal, and local governments, and the general public have the opportunity to help BOEM determine significant resources and issues, impact-producing factors, reasonable alternatives (*e.g.,* size, geographic, seasonal, or other

restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS, as well as provide additional information. BOEM will also use the NEPA commenting process to initiate the Section 106 consultation process under the National Historic Preservation Act (54 U.S.C. 300101 *et seq.*), as permitted by 36 CFR 800.2(d)(3). Through this notice, BOEM additionally intends to inform its Section 106 consultation by seeking public comment and input regarding the identification of historic properties or potential effects to historic properties from activities associated with approval of the Vineyard Wind COP.

BOEM's scoping meetings will be held at the places and times listed in the **ADDRESSES** section of this notice.

Cooperating Agencies: BOEM invites other Federal agencies and state, tribal, and local governments to consider becoming cooperating agencies in the preparation of its EIS analyzing the proposed Vineyard Wind COP. According to Council on Environmental Quality (CEQ) guidelines, qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency, and should be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process. Upon request, BOEM will provide potential cooperating agencies with a written summary of expectations for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of pre-decisional information. BOEM anticipates this summary will form the basis for a Memorandum of Agreement between BOEM and any cooperating agency. Agencies should also consider the ''Factors for Determining Cooperating Agency Status'' in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies: *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act.* This document is available on the internet at: *http://energy.gov/sites/prod/files/nepapub/nepa_documents//G-CEQ-CoopAgenciesImplem.pdf.* BOEM, as the lead agency, will not provide financial assistance to cooperating agencies.

Even if a governmental entity is not a cooperating agency, it will have opportunities to provide information and comments to BOEM during the public input stages of the NEPA process.

Comments: Federal agencies, tribal, state, and local governments, and other interested parties are requested to comment on the scope of this EIS, significant issues that should be addressed, and alternatives that should be considered. Comments can be submitted in any of the following ways:

1. In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Vineyard Wind COP EIS'' and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166. Comments must be received or postmarked no later than April 30, 2018; or

2. Through the *regulations.gov* web portal: Navigate to *http://www.regulations.gov* and search for Docket No. BOEM–2018–0015. Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit.''

BOEM does not consider anonymous comments. Please include your name and address as part of your submittal. BOEM makes all comments, including the names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that BOEM withhold their names and/or addresses from the public record; however, BOEM cannot guarantee that it will be able to do so. If you wish your name and/or address to be withheld, you must state your preference prominently at the beginning of your comment. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority: This NOI is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of NEPA.

Dated: March 27, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–06638 Filed 3–29–18; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket ID: BOEM–2017–0063; MMAA104000]

Outer Continental Shelf, Alaska OCS Region, Beaufort Sea, Proposed Oil and Gas Lease Sale for 2019

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Call for Information and Nominations.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is issuing this Call for Information and Nominations (Call) covering a proposed sale in the Beaufort Sea Planning Area in late 2019, as included in the 2019–2024 National Outer Continental Shelf (OCS) Oil and Gas Leasing Draft Proposed Program (2019–2024 National Draft Proposed Program), which BOEM announced on January 4, 2018. The purpose of this Call is to solicit industry nominations for areas of leasing interest and to gather comments and information on the area included in the Call for consideration in planning for this proposed OCS oil and gas lease sale. Because this lease sale is proposed to occur in 2019, and given the long lead time needed to prepare for a proposed sale, the planning process must begin now or the option of a lease sale in 2019 would be precluded. However, this Call is not a decision to lease and is not a prejudgment by the Secretary concerning any area that may be made available for leasing under the 2019–2024 National Program.

DATES: All nominations and comments submitted in response to this Call must be received by BOEM no later than April 30, 2018. BOEM will consider submissions sent by mail so long as they are postmarked by the last day of the comment period.

ADDRESSES: *Public Comment Submission Procedures:* All public comments should be submitted through one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the field entitled, ''Search,'' enter ''BOEM–2017–0063'' and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice;

2. U.S. Postal Service or other delivery service to the following address: Chief, Leasing Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823. Send your comments in an envelope clearly labelled, ''Comments on the Call for Information and

Nominations for Proposed 2019 Lease Sale in the Beaufort Sea Planning Area.''

Nominations/Indications of Industry Interest Submission Procedures: To ensure security and confidentiality of proprietary information to the maximum extent possible, please send nominations/indications of interest and other proprietary information to Chief, Leasing Section, BOEM, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5823. Send your nominations in an envelope clearly labeled, ''Nominations for Proposed 2019 Lease Sale in the Beaufort Sea Planning Area.''

FOR FURTHER INFORMATION CONTACT: Ms. Patricia LaFramboise, Chief, Leasing Section, Bureau of Ocean Energy Management, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503, telephone (907) 334–5200.

SUPPLEMENTARY INFORMATION:

2019–2024 National Program Development: On January 4, 2018, the Department of the Interior announced the release of the 2019–2024 National OCS Oil and Gas Leasing Draft Proposed Program and published a Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for the 2019–2024 National Program. In the 2019–2024 National OCS Oil and Gas Leasing Draft Proposed Program, BOEM identified potential exclusion areas in the Beaufort Sea Planning Area: A Barrow Whaling Area and a Kaktovik Whaling Area. These areas will be analyzed and their potential exclusion from leasing considered as the Department of the Interior moves forward with the 2019–2024 National Program development process. Information on the development of the proposed 2019–2024 National Program and PEIS is available on BOEM's website at: *https://www.boem.gov/National-OCS-Program/.*

Because this sale is proposed to occur at the beginning of the 2019–2024 National Program lease sale schedule, and there is a long lead time needed to prepare for a proposed oil and gas lease sale, the administrative and environmental review processes for this sale must occur simultaneously and in close coordination with the development of the 2019–2024 National Program.

This Call should not be construed as a prejudgment by the Secretary concerning any area that could be made available for leasing under the 2019–2024 National Program. This Call does not indicate a preliminary decision to lease in the area described herein. This Call is not itself a leasing announcement; however, the area described herein, or portions thereof, may be made available for future oil and gas leasing.

Environmental Review Process: BOEM intends to prepare an Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA), covering the proposed lease sale included in this Call.

The lease sale EIS will evaluate the potential effects of leasing on the human, marine, and coastal environments, and may develop measures and lease stipulations to mitigate adverse impacts for the options being analyzed. Several consultations will be conducted concurrently with the NEPA process. These consultations include, but are not limited to, those required by the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act, Section 106 of the National Historic Preservation Act (NHPA), and Executive Order 13175—''Consultation and Coordination with Tribal Governments.'' The results of these consultations will assist BOEM in its leasing decisions.

BOEM's Leasing Process: BOEM's regulations for planning and holding an oil and gas lease sale are found at 30 CFR 556.300–309.

(1) Call for Information and Nominations: See section below.

(2) Area Identification: Based on the information and nominations submitted in response to this Call, BOEM will develop a recommendation of the area proposed for further leasing consideration and/or environmental analysis. Upon approval by the Secretary, BOEM will announce the proposed area identified for leasing in the **Federal Register**, in accordance with 30 CFR 556.302(a)(3).

(3) Proposed Notice of Sale (NOS): If BOEM proceeds with consideration of leasing after completion of Area Identification and environmental analysis, it will publish a Notice of Availability of a PNOS in the **Federal Register** and send the Proposed NOS to the Governor of Alaska for comment and recommendations on the size, timing, and location of the proposed sale. The Proposed NOS describes the size, timing, and location of the proposed sale, provides additional information on the area(s) proposed for leasing, lists proposed lease terms and conditions of the sale, and provides proposed stipulations to mitigate potential adverse impacts on the environment.

(4) Final Notice of Sale (NOS): If BOEM decides to proceed with leasing, it will publish a Final NOS in the **Federal Register** at least 30 days before the date of the lease sale. The Final NOS describes the place, time, and method for filing bids and the place, date, and hour for opening and publicly announcing bids. It also contains a description of the area(s) offered for lease, the lease terms and conditions of the sale, and stipulations to mitigate potential adverse impacts on the environment.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the Outer Continental Shelf Lands Act (OCSLA), as amended (43 U.S.C. 1331–1356), and the implementing regulation at 30 CFR 556.301.

2. Purpose of the Call

The purpose of this Call is to solicit industry nominations for areas of leasing interest and to gather comments and information from the public on the area(s) that should be included in the proposed OCS oil and gas lease sale in the Beaufort Sea Planning Area in 2019. Pursuant to 30 CFR 556.301, BOEM seeks comments from industry and the public on:

(a) industry interest in the area proposed for leasing, including nominations or indications of interest in specific blocks within the area;

(b) geological conditions, including bottom hazards;

(c) archaeological sites on the seabed or near shore;

(d) potential multiple uses of the proposed leasing area, including subsistence and navigation;

(e) areas that should receive special concern and analysis; and

(f) other socioeconomic, biological, and environmental information.

Information submitted in response to this Call will be used to:

- Determine the Area Identification under 30 CFR 556.302;
- Prioritize areas with potential for oil and gas development;
- Develop potential lease terms and conditions;
- Identify potential use conflicts and potential mitigation measures; and
- Assist in BOEM's planning and environmental review process.

3. Description of the Call Area

The Beaufort Sea Planning Area is located offshore the State of Alaska and extends from the 3-nautical mile (nm) (4.8 kilometers [km]) limit of State of Alaska submerged lands to and northward approximately to latitude 75° N on the west (west of longitude 148° W) or to latitude 74° N on the east (east of longitude 148° W). The planning area

extends from longitude 156° W (roughly north of the village of Utqiaġvik, formerly known as Barrow) on the west to the Canadian maritime boundary. This area consists of 11,876 whole and partial blocks (about 65 million acres, or 26.2 million hectares).

A map depicting the Call Area is available for download on the BOEM website at: *http://www.boem.gov/Beaufort2019*. Copies of Official Protraction Diagrams (OPDs) also are available for download on the BOEM website at: *https://www.boem.gov/Maps-and-GIS-Data/*.

4. Instructions on the Call

Parties interested in leasing are requested to indicate their interest in, and comment on, the Federal acreage within the boundaries of the Call Area that they wish to have included in the proposed lease sale. Respondents should explicitly outline the areas of interest along block lines and rank the areas or specific blocks in which they are interested, according to their priority, using the following indicators: 1 [high], 2 [medium], or 3 [low]. Respondents are encouraged to be as specific as possible in prioritizing blocks and supporting nominations of specific blocks with detailed information, such as relevant geologic, geophysical, and economic data. Areas where interest has been indicated, but on which respondents have not indicated priorities, will be considered low priority. Respondents may also submit a list of blocks nominated by OPD and Leasing Map designations to ensure correct interpretation of their nominations. OPDs and Leasing Maps are available on BOEM's website at *https://www.boem.gov/Maps-and-GIS-Data/*.

BOEM also seeks comments from all interested parties about particular geological, environmental, biological, archaeological and socioeconomic conditions, multi-use conflicts, or other information about conditions that could affect the potential leasing and development of particular areas. Comments may refer to broad areas or may refer to particular OCS blocks.

5. Protection of Privileged or Proprietary Information

BOEM will protect privileged or proprietary information that industry submits in accordance with the Freedom of Information Act (FOIA) and OCSLA requirements. To avoid inadvertent release of such information, all documents and every page containing such information should be marked with ''Confidential—Contains Proprietary Information.'' To the extent a document contains a mix of proprietary and nonproprietary information, the document should be clearly marked to indicate which portion of the document is proprietary and which is not. Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. The OCSLA states that the ''Secretary shall maintain the confidentiality of all privileged or proprietary data or information for such period of time as is provided for in this subchapter, established by regulation, or agreed to by the parties'' (43 U.S.C. 1344(g)). BOEM considers nominations of specific blocks to be proprietary, and therefore BOEM will not release information that identifies any particular nomination with any particular party, so as not to compromise the competitive position of any participants in the process of indicating interest.

However, please be aware that BOEM's practice is to make all comments, including the names and addresses of individuals, available for public inspection. Before including your address, phone number, email address, or other personal identifying information in your comment, please be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. In order for BOEM to withhold from disclosure your personal identifying information, you must identify any information contained in the submission of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequence(s) of the disclosure of information, such as embarrassment, injury or other harm. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. BOEM will make available for public inspection, in their entirety, all comments submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

Dated: March 5, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–06533 Filed 3–29–18; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1036]

Certain Magnetic Tape Cartridges and Components Thereof: Commission Determination To Review in Part the Final Initial Determination; and, on Review, To Find No Violation of Section 337; 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 review in part the Chief Administrative Law Judge's (''ALJ'') final initial determination (''ID''), issued on January 25, 2018, finding no violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) (''section 337''), in the above-captioned investigation. On review, the Commission has determined to find no violation of section 337. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the above-captioned investigation on January 24, 2017, based on a complaint filed by Sony Corporation of Tokyo, Japan; Sony Storage Media and Devices Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, ''Sony''). *See* 82 FR 8209–10 (Jan. 24, 2017). The complaint, as

supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain magnetic tape cartridges and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,345,779 (''the '779 patent''); U.S. Patent No. 7,115,331 (''the '331 patent''); U.S. Patent No. 6,896,959 (''the '959 patent''); and U.S. Patent No. 7,016,137 (''the '137 patent''). *Id.* The notice of investigation named Fujifilm Holdings Corporation of Tokyo, Japan; Fujifilm Corporation of Tokyo, Japan; Fujifilm Holdings America Corporation of Valhalla, New York; and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, ''Fujifilm'') as respondents in this investigation. *Id.* The Office of Unfair Import Investigations is also a party to this investigation. *Id.*

All asserted claims of the '959 patent and the '137 patent and one asserted claim of the '331 patent have been terminated from the investigation. *See* Order Nos. 20 and 21; Comm'n Notices (Sep. 25, 2017). The evidentiary hearing was held on September 25–28, 2017.

On January 25, 2018, the Chief ALJ issued his final ID and his recommended determination (''RD'') on remedy and bonding in this investigation. The ID finds no violation of section 337 by Fujifilm in connection with claims 1–6 of the '779 patent and claims 1–3, 9–11, 13–14, and 16–17 of the '331 patent (collectively, ''the Asserted Patents''). Specifically, the ID finds that Fujifilm does not infringe the asserted claims of the Asserted Patents. The ID also finds that the asserted claims of the '331 patent have not been proven invalid but that the asserted claims of the '779 patent are anticipated and/or obvious. The ID further finds that the technical prong of the domestic industry requirement has not been satisfied for the '779 patent but has been satisfied for the '331 patent. And, finally, the ID finds the economic prong of the domestic industry requirement has not been satisfied for the Asserted Patents.

On February 7, 2018, Sony and the Commission's Investigative Attorney each filed a timely petition for review of the ID and Fujifilm filed a contingent petition for review of the ID. On February 15, 2018, the parties filed timely responses to the petitions for review. No public interest comments were filed by the public in this investigation.

Having examined the record of this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID in part. First, the Commission has determined to correct three typographical errors on page 51 of the ID. In line 16 of the ID, ''securing the leader pin spring in the tape cartridge'' is replaced with ''securing the leader pin in the tape cartridge.'' In line 18 of the ID, ''claim'' is replaced with ''claim 1'' and ''leader pin sits loosely'' is replaced with ''leader pin spring sits loosely.''

Second, with respect to the '779 patent, the Commission has determined to review the ID's finding that the 15th embodiment in U.S. Patent No. 6,236,539 (''Morita'') does not anticipate the asserted claims, and the ID's finding that claims 5 and 6 are rendered obvious by a combination of Morita's 6th and 15th embodiments.

Third, with respect to the '331 patent, the Commission has determined to review the ID's finding that the Fujifilm's accused products do not infringe and that IBM's domestic industry products do not practice the asserted claims of the '331 patent; the ID's construction of the claim term ''metallic magnetic particulate pigment;'' the ID's finding that JP 2002–074641 (''Mori'') does not anticipate the asserted claims; and the ID's finding that JP 2003–123226 (''Naoe'') does not anticipate the asserted claims.

Finally, the Commission has determined to review the ID's finding that the economic prong of the domestic industry requirement has not been satisfied for the Asserted Patents.

On review, the Commission has determined to construe the ''magnetic metallic particulate pigment'' limitation in claims 1 and 16 of the '331 patent to mean the ''magnetic metal particle pigments have a composition including, but not limited to, metallic iron and/or alloys of iron with cobalt and/or nickel, and magnetic or non-magnetic oxides of iron, other elements, or mixtures thereof.'' JX–0004 at 4:36–39.

The Commission has also determined to affirm the ID's finding that Fujifilm's accused products do not infringe and that IBM's domestic industry products do not practice the asserted claims of the '331 patent. The Commission adopts the ID's analysis on pages 99–120 and 125–128, and further relies on Dr. Wang's coercivity measurements for Fujifilm's accused products and IBM's domestic industry products as a basis for finding Sony's expert's conclusions unreliable. *See* RX–0010C (Wang RWS) Q/A 282, 296, 303. Dr. Wang's coercivity measurements demonstrate that these products do not meet the ''coercivity of at least about [2300/2500] Oe'' limitation as required by claims 1 and 16 of the '331 patent.

The Commission has determined to take no position on the other issues under review.

The Commission has further determined not to review the remainder of the ID, including the ID's findings that Fujifilm does not infringe the asserted claims of the '779 patent; that claims 1–4 of the '779 patent are anticipated by Morita's 6th embodiment; and that the technical prong of the domestic industry requirement has not been satisfied for the '779 patent. Accordingly, the Commission has determined to affirm with modifications the ID's finding of no violation of section 337. The investigation is terminated in its entirety.

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 26, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06416 Filed 3–29–18; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1091]

Certain Intraoral Scanners and Related Hardware and Software Commission Determination Not To Review an Initial Determination Granting a Motion for Leave To Amend the Complaint and Notice of Investigation To Add Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No.11) of the presiding administrative law judge (''ALJ''), granting complainant's unopposed motion for leave to amend the complaint and notice of investigation to add 3Shape Trios A/S of Copenhagen, Denmark, as a respondent.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202)

205–2737. 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 this investigation on December 20, 2017, based on a complaint, as amended and supplemented, filed on behalf of Align Technology, Inc. of San Jose, California (''complainant''). 82 FR 60418 (Dec. 20 2017). The complaint, as amended and supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain color intraoral scanners and related hardware and software by reason of infringement of certain claims of U.S. Patent No. 8,363,228, U.S. Patent No. 8,451,456, U.S. Patent No. 8,675,207, U.S. Patent No. 9,101,433, U.S. Patent No. 6,948,931, and U.S. Patent No. 6,685,470. The Notice of Investigation named 3Shape A/S of Copenhagen, Denmark and 3Shape, Inc. of Warren, New Jersey as respondents. The Office of Unfair Import Investigations was not named as a party in this investigation.

On March 6, 2018, the complainant filed an unopposed motion for leave to file a second amended complaint naming 3Shape Trios A/S as a new respondent in the investigation under Commission Rule 210.14(b)(1). On March 15, 2018, the ALJ issued the subject ID, granting complainant's unopposed motion. The ALJ found that good cause exists to amend the complaint and there is no evidence of any prejudice to the parties at this early stage of the investigation. No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 26, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06415 Filed 3–29–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1090]

Certain Intraoral Scanners and Related Hardware and Software; Commission Determination Not To Review an Initial Determination Granting a Motion for Leave To Amend the Complaint and Notice of Investigation To Add Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 8) of the presiding administrative law judge (''ALJ''), granting complainant's unopposed motion for leave to amend the complaint and notice of investigation to add 3Shape Trios A/S of Copenhagen, Denmark, as a respondent.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 19, 2017, based on a complaint filed on behalf of Align Technology, Inc. (''Align'') of San Jose, California. 82 FR 60215 (Dec. 19, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain intraoral scanners and related hardware and software by reason of infringement of one or more claims of U.S. Patent Nos.: 9,615,901; 8,638,448; 8,638,447; 6,845,175; and 6,334,853. *Id.* The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named as respondents 3Shape A/S of Copenhagen K, Denmark; and 3Shape, Inc., of Warren, New Jersey. The Office of Unfair Import Investigations is not participating in the investigation.

On March 5, 2018, Align filed an unopposed motion for leave to file a second amended complaint naming 3Shape Trios A/S as a new respondent in the investigation under Commission Rule 210.14(b)(1). Order No. 8 at 1 (Mar. 7, 2018). On March 7, 2018, the ALJ issued the subject ID granting the motion. *Id.* at 2. The ALJ found that good cause exists to amend the complaint and there is no evidence of any prejudice to the parties at this early stage of the investigation. *Id.* No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 26, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06417 Filed 3–29–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for the Court Training and Improvements Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0026. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 2 remaining grantees of the previously authorized Court Training and Improvements Program. The grant program creates a unique opportunity for Federal, State, Territorial, and Tribal courts or court-based programs to significantly improve court responses to sexual assault, domestic violence, dating violence, and stalking cases utilizing proven specialized court processes to ensure victim safety and offender accountability. The program challenges courts and court-based programs to work with their communities to develop specialized practices and educational resources that will result in significantly improved responses to sexual assault, domestic violence, dating violence and stalking cases, ensure offender accountability, and promote informed judicial decision making.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 2 remaining respondents (grantees from the previously authorized Court Training and Improvements Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Court Training and Improvements Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 4 hours, that is 2 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06455 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; COPS Office Progress Report

AGENCY: Community Oriented Policing Services (COPS) Office, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Community Oriented Policing Services (COPS) Office, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Kimberly J. Brummett, Program Specialist, Community Oriented Policing Services (COPS) Office, 145 N Street NE, Washington, DC 20530 (phone: 202–353–9769).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* COPS Office Progress Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A. The applicable component within the Department of Justice is the Community Oriented Policing Services (COPS) Office.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Under the Violent Crime and Control Act of 1994, the U.S. Department of Justice COPS Office would require the completion of the COPS Progress Report by recipients of COPS hiring and non-hiring grants. Grant recipients must complete this report in order to inform COPS of their activities with their awarded grant funding.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,200 grantees will be required to submit an active progress report each quarter. The estimated range of burden for respondents is expected to be between 20 minutes to 25 minutes for each quarterly completion.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2,000 hours. It is estimated that respondents will take up to 25 minutes each quarter to complete the quarterly progress report. The burden hours for collecting respondent data sum to 2,000 hours (1,200 respondents × .4167 hours × 4 times annually = 2,000 hours).

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06465 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on February 2, 2018, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Legal Assistance for Victims Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0007. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 200 grantees of the Legal Assistance for Victims Grant Program (LAV Program) whose eligibility is determined by statute. In 1998, Congress appropriated funding to provide civil legal assistance to domestic violence victims through a set-aside under the Grants to Combat Violence Against Women, Public Law 105–277. In the Violence Against Women Act of 2000 and again in 2005, Congress statutorily authorized the LAV Program. 34 U.S.C. 20121. The LAV Program is intended to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence. The LAV Program awards grants to law school legal clinics, legal aid or legal services programs, domestic violence victims' shelters, bar associations, sexual assault programs, private nonprofit entities, and Indian tribal governments. These grants are for providing direct legal services to victims of domestic violence, sexual assault, and stalking in matters arising from the abuse or violence and for providing enhanced training for lawyers representing these victims. The goal of the Program is to develop innovative, collaborative projects that provide quality representation to victims of domestic violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual

progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. An LAV Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06454 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on February 2, 2018, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension to Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0016. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 120 grantees of the Transitional Housing Assistance Grant Program (Transitional Housing Program) whose eligibility is determined by statute. This discretionary grant program provides transitional housing, short-term housing assistance, and related support services for individuals who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Eligible applicants are States, units of local government, Indian tribal governments, and other organizations, including domestic violence and sexual assault victim services providers, domestic violence or sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 120 respondents (grantees) approximately one hour to complete the Semi-Annual Progress Report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 240 hours, that is 120 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06452 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0027]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Engaging Men and Youth Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0027. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 8 grantees of the Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies (Consolidated Youth Program) who are implementing engaging men and youth projects. The Consolidated Youth Program creates a unique opportunity for communities to increase collaboration among non-profit victim service providers, violence prevention programs, and child and youth organizations serving victims ages 0–24. Additionally, it supports organizations and programs that promote boys' and men's role in combating violence against women and girls. Eligible applicants are nonprofit, nongovernmental entities, Indian tribes or tribal nonprofit organizations, and territorial, tribal or unit of local government entities.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 8 respondents (grantees from the Consolidated Youth Program who are implementing engaging men and youth projects) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of grantee activities.

(6) Program grantees will only be required to complete the sections of the form that pertain to their own specific activities.

(7) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 16 hours, that is 8 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06451 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Semiannual Progress Report for the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0006. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes 200 grantees from the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program (ICJR Program) (also known as Grants to Encourage Arrest Policies and Enforcement of Protection Orders) which encourages state, local, and tribal governments and state, local, and tribal courts to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law requiring the coordinated involvement of the entire criminal justice system. Eligible applicants are states and territories, units of local government, Indian tribal governments, coalitions, victim service providers and state, local, tribal, and territorial courts.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 200 respondents (ICJR Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. An ICJR Program grantee will only be required to complete the sections of the form that pertain to its own specific activities (victim services, law enforcement, training, etc.).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: March 27, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–06453 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Resource, Conservation and Recovery Act

On March 26, 2018, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the District of Iowa in the case entitled *In re Wellman Dynamics Corporation,* Case No. 16–01825–als11 (Bankr. S.D. Iowa), DOJ #90–10–07797/2.

The United States, on behalf of the Environmental Protection Agency (''EPA''), filed a proof of claim on January 17, 2017, in this bankruptcy action, which asserts that Wellman Dynamics Corporation (''WDC'') is liable to the United States to comply with by the Resource, Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.,* applicable regulations, and to perform an Administrative Order on Consent (''AOC''), Docket No. RCRA–07–2003–0167, which requires the Debtor to conduct an RCRA facility investigation and to complete a corrective measures study related to the Wellman Facility, located in Creston, Iowa. Under the Settlement Agreement, WDC Acquisition LLC has agreed to be responsible for fulfilling all obligations mandated by RCRA, the regulations, and for performing the AOC, as well as to perform various environmental obligations under the jurisdiction of the Iowa Department of Natural Resources and Iowa Department of Public Health at the Wellman facility in according with the schedule set forth in the Settlement Agreement. The United States also agrees to withdraw as moot the protective proof of claim filed by the EPA.

The publication of this notice opens a period for public comment on the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Wellman Dynamics Corporation,* Case No. 16–01825-als-11 (Bankr. S.D. Iowa). All comments must be submitted no later than fifteen (15) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Under Section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the proposed Settlement Agreement may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas P. Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–06456 Filed 3–29–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; O*NET Data Collection Program

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''O*NET Data Collection Program'' (expires September 30, 2018). This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by May 29, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation;

including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Lauren Fairley by telephone at (202) 693–3731, TTY 1–877–889–5627 (TTY/TDD), (these are not toll-free numbers) or by email at *fairley.lauren@dol.gov* or by accessing: *http://www.onetcenter.org/ombclearance.html.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration—Division of National Programs Tools and Technical Assistance, 200 Constitution Avenue NW, C4526, Washington, DC 20210, by email: *fairley.lauren@dol.gov* or by Fax (202) 693–3015.

FOR FURTHER INFORMATION CONTACT: Contact Lauren Fairley by telephone at (202) 693–3015 (this is not a toll-free number) or by email at *fairley.lauren@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

I. Background

The O*NET Data Collection Program is an ongoing effort to collect and maintain current information on the detailed characteristics of occupations and skills for more than 900 occupations. The resulting database provides the most comprehensive standardized source of occupational and skills information in the nation. O*NET information is used by a wide range of audiences, including individuals making career decisions, public agencies and schools providing career exploration services or education and training programs, and businesses making staffing and training decisions. The O*NET system provides a common language, framework and database to meet the administrative needs of various federal programs, including workforce investment and training programs supported by funding from the Departments of Labor, Education, and Health and Human Services.

Section 308 of the Workforce Innovation and Opportunity Act requires the Secretary of Labor to oversee the ''development, maintenance, and continuous improvement of a nationwide workforce and labor market information system'' which shall include, among other components, ''skill trends by occupation and industry.'' The O*NET database provides:

- Detailed information for more than 900 occupations.
- Descriptive information using standardized descriptors for skills, abilities, interests, knowledge, work values, education, training, work context, and work activities.
- Occupational coding currently based on the 2010 Standard Occupational Classification (SOC) taxonomies—and will be transitioning to the 2018 SOC taxonomy.

The O*NET electronic database and related O*NET products and tools have been incorporated into numerous public and private sector products and resources, examples of O*NET use are presented in the *O*NET Products at Work (PAW)* document at *http://www.onetcenter.org/paw.html.* These products in turn serve millions of customers. Section 308 of the Workforce Innovation and Opportunity Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0421.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: O*NET Data Collection Program.

Form: N/A.

OMB Control Number: 1205–0421.

Affected Public: Private sector (for-profit businesses and not-for-profit organizations); State, local and tribal governments, Federal government, Individuals or Households.

Estimated Number of Respondents: 28,494.

Frequency: Varies.

Total Estimated Annual Responses: 28,494.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 14,293 hours.

Total Estimated Annual Other Cost Burden: $0

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 2018–06414 Filed 3–29–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; General Inquiries to State Agency Contacts

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) titled, ''General Inquiries to State Agency Contacts,'' 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 30, 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=201711-1220-003* (this link will only become active on the day following publication of this notice) 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–BLS, 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 Inquiries to State Agency Contacts information collection. The BLS awards funds to State Agencies in order to assist them in operating either or both the Labor Market Information and the Occupational Safety and Health Statistics Federal/State Cooperative Statistical Programs. To ensure a timely flow of data and to be able to evaluate and improve the programs, it is necessary to conduct ongoing communications between the BLS and State partners dealing with, for example, deliverables, program enhancements, and administrative issues. The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C. 1, 2.

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 1220–0168.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2018. 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 December 12, 2017 (82 FR 58447).

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 1220–0168. 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–BLS.

Title of Collection: General Inquiries to State Agency Contacts.

OMB Control Number: 1220–0168.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 54.

Total Estimated Number of Responses: 23,890.

Total Estimated Annual Time Burden: 15,927 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 26, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06494 Filed 3–29–18; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Equal Access to Justice Act

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) titled, ''Equal Access to Justice Act,'' 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 30, 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=201803-1225-001* 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–DM, 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 Equal Access to Justice Act (EAJA) information collection requirements for the DOL codified in regulations 29 CFR part 16, subpart B. The EAJA provides for payment of fees and expenses to eligible parties who have prevailed against a Federal agency in certain administrative proceedings. In order to obtain an award, the statute and associated DOL regulations require the filing of an application. Other agencies may have their own EAJA regulations. EAJA section 203 authorizes this information collection. *See* 5 U.S.C. 504(a)(2).

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 1225–0013, and 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.

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 1225–0013. 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–DM.

Title of Collection: Equal Access to Justice Act.

OMB Control Number: 1225–0013.

Affected Public: Private Sector—businesses or other for-profits or not-for-profit institutions.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 50 hours.

Total Estimated Annual Other Costs Burden: $23.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06476 Filed 3–29–18; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0024]

Variance Regulations; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to obtain OMB approval for the information collection requirements contained in the Standards on Variance and Other Relief Under Sections 6(b)(6)(A) and 6(b)(6)(C); Variances and Other Relief Under Section 6(d); and Limitation, Variations, Tolerances or Exemptions Under Section 16 of the Occupational Safety and Health Act of 1970 (OSH Act). These statutory and regulatory provisions specify the requirements for submitting applications to OSHA for Temporary, Experimental, Permanent, and National Defense Variances.

DATES: Comments must be submitted (postmarked, sent or received) by May 29, 2018.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2009–0024, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2009–0024) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other materials in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted

material) is not publically available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Theda Kenney at the number below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Charles McCormick or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the correct format, reporting burden (time and costs) is minimal, collection instruments are clearly understandable, and OSHA's estimate of the information collection burden is correct. The OSH Act (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the OSH Act, and 29 CFR 1905.10, 1905.11, and 1905.12, specify the procedures that employers must follow to apply for a variance from the requirements of an OSHA standard. OSHA uses the information collected under these procedures to: (1) Evaluate the employer's claim that the alternative means of compliance would provide affected employees with the requisite level of health and safety protection; (2) assess the technical feasibility of the alternative means of compliance; (3) determine that the employer properly notified affected employees of the variance application and their right to a hearing; and (4) verify that the application contains the administrative information required by the applicable variance regulation.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting OMB approval of the information collection (paperwork) requirements contained in Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the Occupational Safety and Health Act of 1970, and 29 CFR 1905.10, 1905.11, and 1905.12. These statutory and regulatory provisions specify the requirements for submitting applications to OSHA for temporary, experimental, permanent, and national defense Variances.

OSHA has previously developed and received OMB approval to use variance application forms for the four types of variances specified by the OSH Act and variance regulations. The four types of variances are: Temporary Variances (Section 6(b)(6)(A) of the Act; 29 U.S.C. 655; 29 CFR 1905.10); Experimental Variances (Section 6(b)(6)(C) of the Act; 29 U.S.C. 655); Permanent Variances (Section 6(d) of the Act; 29 U.S.C. 655; 29 CFR 1905.11); and National Defense Variances (Section 16 of the Act; 29 U.S.C. 665; 29 CFR 1905.12). The variance regulations specify the information that employers must provide when requesting one of these variances. The variance application forms would organize and clarify the information collection requirements for each type of variance by specifying the requirements in comprehensible language, and providing explanatory material. Employers applying for a variance could download and complete the applicable form from OSHA's website. The forms would expedite the application process for employers, and ensure that the information on the application is complete and accurate.

There are no adjustments or program changes associated with this ICR. The Agency is proposing to retain its previous burden hour estimate of 366 hours. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to approve these information collection requirements and Variance application forms.

Type of Review: Extension of a currently approved collection.

Title: Variance Regulations (29 CFR 1905.10, 1905.11, and 1905.12).

OMB Control Number: 1218–0265.

Affected Public: Businesses or other for-profits and not-for-profit institutions.

Frequency of Responses: On occasion.

Number of Respondents: 12.

Total Responses: 12.

Average Time per Response: Various.

Estimated Total Burden Hours: 366.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2009–0024). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publically available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on March 26, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–06525 Filed 3–29–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0125]

On-Site Consultation Programs; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the regulations addressing On-Site Consultation Programs.

DATES: Comments must be submitted (postmarked, sent, or received) by May 29, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0125, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the OSHA Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0125) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Patrick Showalter at (202) 693–2220 to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Patrick Showalter, Director, Office of Small Business Assistance, Directorate of Cooperative and State Programs, OSHA, U.S. Department of Labor, telephone (202) 693–2220.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance process to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Section 7(c)(1) of the OSH Act authorizes the Secretary of Labor (Secretary) to, ''with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement.'' Section 21(c) of the OSH Act authorizes the Secretary to ''consult with and advise employers and employees . . . as to effective means of preventing occupational illnesses and injuries.''

Additionally, Section 21(d) of the OSH Act instructs the Secretary to ''establish and support cooperative agreements with the States under which employers subject to the Act may consult with State personnel with respect to the application of occupational safety and health requirements under the Act or under State plans approved under section 18 of the Act.'' This gives the Secretary authority to enter into agreements with the States to provide On-Site Consultation services, and establish rules under which employers may qualify for an inspection exemption. To satisfy the intent of these and other sections of the OSH Act, OSHA codified the terms that govern cooperative agreements between OSHA and State governments whereby State agencies provide On-Site Consultation services to private employers to assist them in complying with the requirements of the OSH Act. The terms were codified as the Consultation Program regulations (29 CFR part 1908).

The On-Site Consultation Program regulations specify services to be provided, and practices and procedures to be followed by the State On-Site Consultation Programs. Information collection requirements set forth in the On-Site Consultation Program regulations are in two categories: State Responsibilities and Employer Responsibilities. Eight regulatory provisions require information

collection activities by the State. The Federal government provides 90 percent of the funds for On-Site Consultation services delivered by the States, which result in the information collection. Four requirements apply to employers and specify conditions for receiving the free consultation services.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply—for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an extension of its current approval of the collection of information requirements for the regulation. The Agency is requesting an adjustment decrease of 497 burden hours (from 215,704 to 215,207 hours). While better burden hour and costs estimates for completing documentation for the ''Safety and Health Program Assessment Worksheet for Full Service Safety and Health'' increased the burden hours, this was offset by the decrease in the number of On-Site Consultation visits.

In addition, the Agency requests OMB approval to update the Safety and Health Program Assessment Worksheet, OSHA Form 33, to include minor edits.

Type of Review: Extension of a currently approved collection.

Title: On-Site Consultation Programs (29 CFR part 1908).

OMB Control Number: 1218–0110.

Affected Public: Business or other for-profits.

Number of Respondents: 22,752 (52 State Consultation Programs and 22,700 Employers).

Frequency: Initial, annual, quarterly, periodic.

Average Time per Response: Varies.

Estimated Number of Responses: 94,487.

Estimated Total Burden Hours: 215,207.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2011–0125) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so that the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350; (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on March 20, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–06526 Filed 3–29–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–030]

Freedom of Information Act (FOIA) Advisory Committee; Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: NARA is announcing an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting.

DATES: The meeting will be on April 17, 2018, from 10:00 a.m. to 1:00 p.m. EDT. You must register for the meeting by 5:00 p.m. EDT on April 16, 2018.

ADDRESSES: National Archives and Records Administration (NARA); 700 Pennsylvania Avenue NW; William G. McGowan Theater; Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Amy Bennett, Designated Federal Officer for this committee, by mail at National Archives and Records Administration; Office of Government Information Services; 8601 Adelphi Road—OGIS; College Park, MD 20740–6001, by telephone at 202–741–5770, or by email at *foia-advisory-committee@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA announces this committee meeting in accordance with the Federal Advisory Committee Act (5 U.S.C. App) and the second United States Open Government National Action Plan (NAP) released on December 5, 2013.

Agenda and meeting materials: You may find all meeting materials at *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Meetings.htm.* This will be the final meeting of the second committee term. The purpose of this meeting will be to review the work of the committee's three subcommittees and approve the committee's final report. *https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Subcommittees.htm.*

Procedures: The meeting is open to the public. Due to access procedures,

you must register in advance if you wish to attend the meeting. You will also go through security screening when you enter the building. Registration for the meeting will go live via Eventbrite on April 12, 2018, at 10:00 a.m. EDT. To register for the meeting, please do so at this Eventbrite link: *https://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-meeting-april-17-2018-registration-37728366560.*

This program will be live-streamed on the U.S. National Archives' YouTube channel, *https://www.youtube.com/user/usnationalarchives/playlists.* The webcast will include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202–741–5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Amy Bennett at the phone number, mailing address, or email address listed above.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2018–06523 Filed 3–29–18; 8:45 am]

BILLING CODE 7515–01–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 27, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–06422 Filed 3–29–18; 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 27, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–06421 Filed 3–29–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On February 12, 2018 the National Science Foundation published a notice in the **Federal Register** of a permit modification request received. The permit modification was issued on March 27, 2018 to:

Ari Friedlaender; Permit No. 2015–011

Nadene Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–06478 Filed 3–29–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On October 24, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on November 24, 2017 to:

1. Cedar Wright, Permit No. 2018–019
2. Dierk M. Reuter, Permit No. 2018–020
3. Lars Maltha Rasmussen, Albatros Expeditions, Permit No. 2018–021
4. Bill Davis, Permit No. 2018–025

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–06445 Filed 3–29–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8224; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On October 3, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on November 2, 2017 to:

1. Robin West, Permit No. 2018–007
2. Dwayne Stevens, Permit No. 2018–014
3. Brandon Harvey, Permit No. 2018–015
4. Conrad Combrink, Permit No. 2018–017

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–06444 Filed 3–29–18; 8:45 am]

BILLING CODE 7555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Board of Directors Meeting; Sunshine Act

TIME & DATE: 2:00 p.m., Wednesday, April 11, 2018

PLACE: NeighborWorks America—Gramlich Boardroom 999 North Capitol Street NE, Washington DC 20002

STATUS: Open (with the exception of Executive Sessions)

CONTACT PERSON: Jeffrey T. Bryson, Interim President & CEO (202) 760–4101; *JBryson@nw.org*

Agenda:

I. Call to Order
II. Approval of Minutes
III. Executive Session: Report from Interim CEO
IV. Executive Session: Internal Audit Update
V. Executive Session: Recognition of Service for Mr. Hoenig
VI. Executive Session: Approve Final FY18 Budget
VII. Approve NY Office Lease/Relocation
VIII. Approve Delegation of Authority Increase
IX. WeConnect Roadmap
X. Events and Training Mgmt. System
XI. 2017 Culture Survey Results
XII. Management Program Background and Updates
XIII. Adjournment

The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552 (b)(2) and (4) permit closure of the following portion(s) of this meeting:

- External Audit Update
- Audit Committee Report
- Report from CEO

Jeffrey T. Bryson,

Interim President & CEO.

[FR Doc. 2018–06630 Filed 3–28–18; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00025 and 052–00026; NRC–2008–0252]

Vogtle Electric Generating Plant, Units 3 and 4: Tier 1 and Tier 2* Editorial and Consistency Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment and exemption to Combined License (COL) Nos. NPF–91 and NPF–92, issued to Southern Nuclear Operating Company, Inc. (SNC) and Georgia Power Company; Oglethorpe Power Corporation; MEAG Power SPVM, LLC; MEAG Power SPVJ, LLC; MEAG Power SPVP, LLC; and the City of Dalton, Georgia (together, ''the licensee''), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia. The requested amendments include changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document (DCD) Tier 2* and Tier 2 information and related changes to the VEGP, Units 3 and 4, COL Appendix C (and corresponding plant-specific DCD Tier 1) information.

DATES: Submit comments by April 30, 2018. Requests for a hearing or petition for leave to intervene must be filed by May 29, 2018.

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–2008–0252. 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.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: Peter Hearn, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–000; telephone: 301–415–1189; email: *Peter.Hearn@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0252 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–2008–0252.
- *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 application for amendment, dated November 30, 2017, and supplemented on March 16, 2018, are available in ADAMS under Accession Nos. ML17334B211 and ML18075A438.
- *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–2008–0252 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 posts all comment submissions at *http://www.regulations.gov,* as well as entering 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 submissions into ADAMS.

II. Introduction

The NRC is considering issuance of amendments to COL Nos. NPF–91 and NPF–92, issued to the licensee for operation of the VEGP, Units 3 and 4, located in Burke County, Georgia. A **Federal Register** notice was published on February 27, 2018 (82 FR 83 FR 8509), providing an opportunity to comment, request a hearing, and petition for leave to intervene for a license amendment request (LAR 17–042) with the same subject for the VEGP COL. The original license amendment request was supplemented on March 16, 2018, increasing the scope of the previous application. The staff is renoticing the amendment request to include the latest supplement to LAR 17–042.

The proposed amendments include changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document (DCD) Tier 2* and Tier 2 information and related changes to the VEGP, Units 3 and 4, COL Appendix C (and corresponding plant-specific DCD Tier 1) information. Specifically, the proposed amendments involve editorial changes to promote consistency within the information presented in COL Appendix C (and corresponding plant-specific Tier 1) and the UFSAR. In addition, the changes affect the VEGP, Unit 3 and Unit 4, COL. The additional scope changes references to the AP1000 Design Control Document (DCD), Revision 19, and the Final Safety Analysis Report to reference the UFSAR, and makes additional non-technical reference updates.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse AP1000 DCD, the licensee also requested an exemption from the requirements of the generic DCD Tier 1 in accordance with section 52.63(b)(1) of title 10 of the *Code of Federal Regulations* (10 CFR).

Before any issuance of the proposed license amendments, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed consistency and editorial changes to the COL, COL Appendix C (and associated plant-specific Tier 1) and Tier 2 and Tier 2* information in the UFSAR do not involve a technical change, (*e.g.;* there is no design parameter or requirement, calculation, analysis, function or qualification change). No structure, system, or component (SSC) design or function would be affected. No design or safety analysis would be affected. The proposed changes do not affect any accident initiating event or component failure, thus the probabilities of the accidents previously evaluated are not affected. No function used to mitigate a radioactive material release and no radioactive material release source term is involved, thus the radiological releases in the accident analyses are not affected.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed consistency and editorial changes to the COL, COL Appendix C (and associated plant specific Tier 1) and Tier 2 and Tier 2* information in the UFSAR do not change the design or functionality of safety-related SSCs. The proposed change does not affect plant electrical systems, and does not affect the design function, support, design, or operation of mechanical and fluid systems. The proposed change does not result in a new failure mechanism or introduce any new accident precursors. No design function described in the UFSAR is affected by the proposed changes.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed consistency and editorial changes to the COL, COL Appendix C (and associated plant specific Tier 1) and Tier 2 and Tier 2* information in the UFSAR do not involve any change to the design as described in the COL. There would be no change to an existing design basis, design function, regulatory criterion, or analysis. No safety analysis or design basis acceptance limit/criterion is involved.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day notice period if the Commission concludes the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, the Commission will publish a notice of issuance in the **Federal**

Register. Should the Commission make a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and a petition to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest. The petition must also set forth the specific contentions which the petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions consistent with the NRC's regulations, policies, and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1).

The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 29, 2018. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter ''petition''), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper

copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.html.* Participants may attempt to use other software not listed on the website, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Electronic Filing Help Desk will not be able to offer assistance in using unlisted software.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a petition. Submissions should be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 7:00 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated November 30, 2017, and supplemented on March 16, 2018.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Dated at Rockville, Maryland, this 26th day of March, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–06387 Filed 3–29–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Resolution of Auxiliary Building Wall Thickness and Description Inconsistencies

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issued License Amendment Nos. 103 and 102 to Combined License (COL) Nos. NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on December 19, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 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–2008–0252. Address questions about NRC dockets to Jennifer Borges; 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 request for the amendments and exemptions were submitted by letters dated December 14, 2016, and August 25, 2017, and are available in ADAMS under Accession Nos. ML16349A583 and ML17237C049, respectively.
- *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: Peter Hearn, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1189; email: *Peter.Hearn@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NRC has granted an exemption from paragraph B of section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issued License Amendment Nos. 103 and 102 to COLs, NPF–91 and NPF–92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes to the Updated Final Safety Analysis Report and plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information to address inconsistencies in the design thicknesses of the auxiliary building column line 1 wall and column line I wall, and the location description for the auxiliary building labyrinth wall.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment request. The exemption met all applicable regulatory criteria set forth in §§ 50.12 and 52.7 of 10 CFR, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17293A348.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs Nos. NPF–91 and NPF–92). The exemption documents for VEGP, Units 3 and 4, can be found in ADAMS under Accession Nos. ML17293A344 and ML17293A345, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this notice. The amendment documents for COL Nos. NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML17293A346 and ML17293A347, respectively. A summary of the amendment documents is provided in Section III of this notice.

II. Exemption

Reproduced below is the exemption document issued to VEGP, Units 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated December 14, 2016, as revised by letter dated August 25, 2017, the licensee requested from the NRC or Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request (LAR) 16–033, ''Resolution of Auxiliary Building Wall Thickness and Description Inconsistencies.''

For the reasons set forth in Section 3.1 of the NRC staff's safety evaluation that supports this license amendment, the Commission finds that:

A. The exemption is authorized by law;

B. The exemption presents no undue risk to public health and safety;

C. The exemption is consistent with the common defense and security;

D. Special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. The special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. The exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, as described in the licensee's request dated December 14, 2016, as revised by letter dated August 25, 2017. This exemption is related to, and necessary for, the granting of License Amendment No. 103 [for Unit 3, 102 for Unit 4], which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's safety evaluation that supports this license amendment, this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated December 14, 2016, as revised by letter dated August 25, 2017, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COL Nos. NPF–91 and NPF–92. The proposed amendment is described in Section I of this notice.

The Commission has determined that the application for amendment complies with the standards and requirements of

the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on October 5, 2017 (82 FR 46537). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued these amendments on December 19, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17293A341).

Dated at Rockville, Maryland, on March 26, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–06393 Filed 3–29–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0218]

Information Collection: Physical Protection of Plants and Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Physical Protection of Plants and Materials.''

DATES: Submit comments by May 29, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure 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–2017–0218. 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.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0218 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–2017–0218.
- *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 supporting statement associated with the part 73 information collections and the burden table are available in ADAMS under Accession Nos. ML18018B146 and ML18018B223.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 73, ''Physical Protection of Plants and Materials.''
2. *OMB approval number:* 3150–0002.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Once for the initial submittal of Cyber Security Plans, Physical Security Plans, Safeguards Contingency Plans, and Security Training and Qualification Plans and then on occasion when changes are made. Required reports are submitted and evaluated as events occur.
6. *Who will be required or asked to respond:* Nuclear power reactor licensees licensed under 10 CFR part 50 or 52 who possess, use, import, export, transport, or deliver to a carrier for

transport, special nuclear material; actively decommissioning reactor licensees; Category I fuel facilities; Category II and III fuel facilities; nonpower reactors (research and test reactors); and other entities who mark and handle Safeguards Information.

7. *The estimated number of annual responses:* 177,986 (40,819 reporting responses + 136,957 third party disclosure responses + 210 recordkeepers).

8. *The estimated number of annual respondents:* 210 (60 power reactors; 10 decommissioning reactor facilities; 3 Category I fuel facilities; 4 Category II and III fuel facilities; 31 nonpower reactors; and 102 other entities who mark and handle Safeguards Information.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 541,406 hours (22,591 reporting + 475,852 recordkeeping + 42,963 third party disclosure).

10. *Abstract:* The NRC regulations in 10 CFR part 73 prescribe requirements to establish and maintain a physical protection system and security organization with capabilities for protection of (1) Special nuclear material (SNM) at fixed sites, (2) SNM in transit, and (3) plants in which SNM is used. Part 73 contains reporting and recordkeeping requirements which are necessary to help ensure that an adequate level of protection is provided for nuclear facilities and nuclear material, such as: Development and maintenance of security documents, including a physical security plan, training and qualification plan, safeguards contingency plan, cyber security plan, and security implementing procedures; notifications to the NRC regarding safeguards and cyber security events; notifications to state governors and tribes of shipments of irradiated reactor fuel; and requirements for conducting criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information. The objective is to ensure that activities involving special nuclear material are consistent with interests of common defense and security and that these activities do not constitute an unreasonable risk to public health and safety. The information in the reports and records submitted by licensees is used by the NRC staff to ensure that the health and safety of the public and the environment are protected, and licensee possession and use of special nuclear material is in compliance with license and regulatory requirements.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 26th day of March, 2018.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–06495 Filed 3–29–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1051; NRC–2018–0052]

Holtec International HI–STORE Consolidated Interim Storage Facility Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Intent to prepare an environmental impact statement; conduct a scoping process; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received a license application by letter dated March 30, 2017, from Holtec International (Holtec). By this application, Holtec is requesting authorization to construct and operate a HI–STORE consolidated interim storage facility (CISF) for spent nuclear fuel at a site in Lea County, New Mexico (the proposed action). Holtec intends to initially store 500 canisters or 8680 metric tons of uranium in the CISF and eventually store up to 10,000 canisters in the CISF. The NRC staff will prepare an EIS to document the potential environmental impacts from the proposed action. As part of the EIS development process, the NRC is seeking comments on the scope of its environmental review.

DATES: Submit comments by May 29, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received 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–2018–0052. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: Jill Caverly, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC, 20555–0001; telephone: 301–415–7674; email: *Jill.Caverly@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0052 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0052.
- *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.* In addition, for the convenience of the reader, instructions about obtaining materials referenced in this document are provided in a table in Section VII of this notice entitled, Availability of Documents.
- *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.

• *Project web page:* Information related to the Holtec HI–STORE CISF project can be accessed on the NRC's Holtec HI–STORE CISF web page at *https://www.nrc.gov/waste/spent-fuel-storage/cis/holtec-international.html.*

B. Submitting Comments

Please include Docket ID NRC–2018–0052 in your comment submission. Written comments may be submitted during the scoping period as described in the **ADDRESSES** section of the document.

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 posts all comment submissions at *https://www.regulations.gov* as well as entering 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 submissions into ADAMS.

II. Background

By letter dated March 30, 2017, Holtec submitted an application to the NRC for a specific license, pursuant to part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.'' Holtec is seeking to construct and operate a HI–STORE CISF for spent nuclear fuel in Lea County, New Mexico. As proposed by Holtec, the request is to initially possess and store 500 canisters or up to 8,680 metric tons of uranium (MTUs) and subsequently amend the license to eventually store up to 10,000 canisters for a 40-year license period. The proposed Holtec HI–STORE CISF site is located in southeastern New Mexico, 32 miles east of Carlsbad, New Mexico and 34 miles west of Hobbs, New Mexico.

The NRC staff has completed an acceptance review of Holtec's HI–STORE CISF license application. By letter dated July 7, 2017, the NRC staff provided the results of its initial acceptance review to Holtec and requested supplemental information in order to accept the application for detailed review. Holtec, by letters dated, October 6, 2017 and December 22, 2017, provided the supplemental information related to its application. The NRC staff has reviewed the additional information and determined it contains sufficient information for NRC to conduct a detailed technical review. The environmental report (ER) can be found on the NRC's project-specific web page at *https://www.nrc.gov/waste/spent-fuel-storage/cis/holtec-international.html.*

The purpose of this notice is to: (1) Inform the public that the NRC staff will prepare an EIS as part of its review of Holtec's HI–STORE CISF license application in accordance with 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' and (2) provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA). The NRC staff also will document its compliance with other applicable federal statutes, such as the Endangered Species Act, in the EIS.

III. Environmental Review

The EIS prepared by the NRC staff will examine the potential environmental impacts of the proposed action. The NRC staff will evaluate the potential impacts to various environmental resources, such as air quality, surface and ground water, transportation, geology and soils, and socioeconomics. The EIS will analyze potential impacts of Holtec's proposed facility on historic and cultural resources and on threatened and endangered species. Additionally, the economic, technical, and other benefits and costs of the proposed action and alternatives will be considered in the EIS.

The NRC staff will also conduct a safety review to determine Holtec's compliance with NRC's regulations, including 10 CFR part 20, ''Standards for Protection Against Radiation'' and 10 CFR part 72. The NRC staff's findings will be published in a safety evaluation report.

IV. CISF Construction and Operation

The NRC's Federal action is to either grant or deny Holtec's request for a license. If the NRC approves Holtec's request, then Holtec could proceed with the proposed project—the construction and operation of the CISF—as described in its application and summarized here.

Holtec proposes to construct the CISF on an approximately 4.21 square kilometer (1040 acre) site in Lea County, New Mexico. The site is located 32 miles east of Carlsbad, New Mexico and 34 miles west of Hobbs, New Mexico. Holtec is currently requesting authorization to possess and store 500 canisters of spent nuclear fuel (SNF) containing up to 8,680 MTUs, which includes spent uranium-based fuel from commercial nuclear reactors as well as a small quantity of spent mixed-oxide fuel. If the requested license is issued by the NRC, Holtec anticipates subsequently requesting an amendment to the license to request authorization to possess and store SNF containing an additional 500 canisters or up to 8,680 MTU for each of 19 subsequent expansion phases to be completed over the course of 20 years. Ultimately, Holtec anticipates that approximately 10,000 canisters of SNF would be stored at the CISF upon completion of 20 phases. Each phase would require NRC review and approval.

Holtec would receive canisters containing SNF from the reactor sites, and once accepted at its site, Holtec would transfer them into onsite dry cask storage systems. Holtec would employ the HI–STORM UMAX canister storage system which is certified by the NRC (Docket No. 72–1040). HI–STORM UMAX stores sealed canisters containing SNF in a subterranean in-ground vertical ventilated module. Holtec is requesting a license for a term of 40 years.

V. Alternatives To Be Evaluated

The EIS will analyze the environmental impacts of the proposed action, the no-action alternative, and reasonable alternatives. A brief description of each is provided below.

No-Action Alternative—the no-action alternative would be to deny the license application. Under this alternative, the NRC would not issue the license and Holtec would not construct nor operate the CISF at its site in southeast New Mexico. This alternative serves as a baseline for the comparison of environmental impacts of the proposed action and the reasonable alternatives.

Proposed action—the proposed Federal action is to issue a license to Holtec authorizing the company to

construct and operate the CISF. If the NRC approves the license application, it would issue Holtec a specific license under the provisions of 10 CFR part 72, and Holtec would proceed with the proposed activities.

Alternatives to the Proposed Action—other alternatives not listed here may be identified during scoping or through the environmental review process.

VI. Scope of the Environmental Review

The NRC staff is conducting a scoping process for the Holtec HI–STORE CISF EIS, which begins on the day this notice appears in the **Federal Register**. In accordance with 10 CFR 51.29, the NRC seeks public input to help the NRC determine the appropriate scope of the EIS, including significant environmental issues to be analyzed in depth, as well as those that should be eliminated from detailed study because they are peripheral or are not significant. The NRC staff is planning to publish information related to this action in newspapers serving the communities near the Holtec site, requesting information and comments from the public. Additionally, the NRC is planning to hold public scoping meetings to receive comments in person in accordance with 10 CFR 51.26. The dates, times, and locations for any meetings will be provided in a future **Federal Register** notice.

After the close of the scoping period, the NRC staff will prepare a concise summary of its scoping process, the comments received, as well as the NRC's responses. The Scoping Summary Report will be included in NRC's draft EIS as an appendix and sent to each participant in the scoping process for whom the staff has an address.

The Holtec HI–STORE CISF EIS will address the potential impacts from the proposed action. The anticipated scope of the EIS will consider both radiological and non-radiological impacts associated with the proposed project and its alternatives. The EIS will also consider unavoidable adverse environmental impacts, the relationship between short-term uses of resources and long-term productivity, and irreversible and irretrievable commitments of resources. The following resource areas have been tentatively identified for analysis in the EIS: Land use, transportation, geology and soils, water resources, ecological resources, air quality and climate change, noise, historical and cultural resources, visual and scenic resources, socioeconomics, public and occupational health, waste management, environmental justice, and cumulative impacts. This list is not intended to be exhaustive, nor is it a predetermination of potential environmental impacts. The EIS will describe the NRC staff's approach and methodology undertaken to determine the resource areas that will be studied in detail and the NRC staff's evaluation of potential impacts to those resource areas.

The NRC encourages members of the public, local, State, Tribal, and Federal government agencies to participate in the scoping process. Written comments may be submitted during the scoping period as described in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** section of this document. Participation in the scoping process for the Holtec HI–STORE CISF EIS does not entitle participants to become parties to any proceeding to which the EIS relates.

In addition to requesting scoping comments through this **Federal Register** notice, the NRC staff also intends to reach out to interested stakeholders, including other Federal and State agencies and Indian Tribes. The NRC staff seeks to identify, among other things, all review and consultation requirements related to the proposed action, and agencies with jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards. The NRC invites such agencies to participate in the scoping process and, as appropriate, cooperate in the preparation of the EIS.

The NRC staff will continue its environmental review of Holtec's HI–STORE CISF license application, and with its contractor, prepare a draft EIS and, as soon as practicable, publish it for public comment. The NRC staff plans to have a public comment period for the draft EIS. Availability of the draft EIS and the dates of the public comment period will be announced in a future **Federal Register** notice. The final EIS will include NRC's responses to public comments received on the draft EIS.

VII. Availability of Documents

The documents identified in this **Federal Register** notice are accessible to interested persons by the means indicated in either the **SUPPLEMENTARY INFORMATION** section of this notice or in the table below:

Document	Adams Accession No.
Holtec's HI–STORE CISF license application and Environmental Report	ML17115A418
Rev. 0 (March 2017)	ML17139C535
NRC's request for supplemental information (July 2017)	ML17191A357 ML17191A358
Holtec's submittal of responses to NRC's request for supplemental information and Environmental Report Rev. 0A (October 2017).	ML17310A234 ML17345B064
Holtec's submittal of responses to NRC's request for supplemental information and Environmental Report Rev. 1 (December 2017).	ML17362A093 ML18023A904
NRC's response to Holtec and acceptance of the application for docketing and detailed review (February 28, 2018)	ML18059A251

Dated at Rockville, Maryland, on March 26, 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–06398 Filed 3–29–18; 8:45 am]

BILLING CODE 7509–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of collection of information.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval for three years under the Paperwork Reduction Act of the collection of information under its regulation on Payment of Premiums

(OMB control number 1212–0009; expires March 31, 2018), without modification. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by April 30, 2018.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to 202–395–6974.

The OMB submission (including the collection of information, comments, and supporting statement) will be posted at *http://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review.html.* Copies of the collection of information and comments may also be obtained without charge by writing to the Disclosure Division, Office of General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; visiting the Disclosure Division; faxing a request to 202–326–4042; or calling 202–326–4040 during normal business hours. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The premium payment regulation and the premium instructions (including illustrative forms) for 2018 are available at *www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–326–4400 ext. 6352. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400 ext. 6352.)

SUPPLEMENTARY INFORMATION: Section 4007 of Title IV of the Employee Retirement Income Security Act of 1974 (ERISA) requires pension plans covered under Title IV pension insurance programs to pay premiums to PBGC. All plans covered by Title IV pay a flat-rate per-participant premium. An underfunded single-employer plan also pays a variable-rate premium based on the value of the plan's unfunded vested benefits.

Pursuant to section 4007, PBGC has issued its regulation on Payment of Premiums (29 CFR part 4007). Under § 4007.3 of the premium payment regulation, the plan administrator of each pension plan covered by Title IV of ERISA is required to file a premium payment and information prescribed by PBGC for each premium payment year. Premium information must be filed electronically using ''My Plan Administration Account'' (''My PAA'') through PBGC's website except to the extent PBGC grants an exemption for good cause in appropriate circumstances, in which case the information must be filed using an approved PBGC form. Under § 4007.10 of the premium payment regulation, plan administrators are required to retain records about premiums and information submitted in premium filings.

Premium filings report (i) the flat-rate premium and related data (all plans), (ii) the variable-rate premium and related data (single-employer plans), and (iii) additional data such as identifying information and miscellaneous plan-related or filing-related data (all plans). PBGC needs this information to identify the plans for which premiums are paid, to verify whether the amounts paid are correct, to help PBGC determine the magnitude of its exposure in the event of plan termination, to help track the creation of new plans and transfer of participants and plan assets and liabilities among plans, and to keep PBGC's insured-plan inventory up to date. That information and the retained records are also needed for audit purposes.

The collection of information under the regulation has been approved by OMB through March 31, 2018, under control number 1212–0009. On January 24, 2018 (at 83 FR 3369), PBGC gave public notice that it intended to request extension of OMB approval of this collection of information for three years and invited public comment. No comments were received. 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.

PBGC estimates that it will receive 23,700 premium filings per year from 23,700 plan administrators under this collection of information. PBGC further estimates that the annual burden of this collection of information is 10,439 hours and $16,392,500.

Issued in Washington DC by:

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–06394 Filed 3–29–18; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–65; CP2018–191]

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:* April 3, 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:

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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).:* CP2018–65; *Filing Title:* USPS Notice of Amendment to Parcel Select Contract 25, Filed Under Seal; *Filing Acceptance Date:* March 22, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Matthew R. Ashford; *Comments Due:* April 3, 2018.

2. *Docket No(s).:* CP2018–191; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 8 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* March 26, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Matthew R. Ashford; *Comments Due:* April 3, 2018.

This Notice will be published in the **Federal Register**.

Stacy Ruble,

Secretary.

[FR Doc. 2018–06481 Filed 3–29–18; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF STATE

[Public Notice 10261]

60-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *May 29, 2018.*

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2018–0003'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov*.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Application for Immigrant Visa and Alien Registration.
- *OMB Control Number:* 1405–0185.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO/L/R).
- *Form Number:* DS–260.
- *Respondents:* Immigrant Visa Applicants.
- *Estimated Number of Respondents:* 710,000.
- *Estimated Number of Responses:* 710,000.
- *Average Time per Response:* 155 minutes.
- *Total Estimated Burden Time:* 1,834,167 Annual Hours.
- *Frequency:* Once per application.
- *Obligation To Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Electronic Application for Immigrant Visa and Alien Registration (DS–260) is used to collect biographical information from individuals seeking an immigrant visa. The consular officer uses the information collected to elicit information necessary to determine an applicant's eligibility for a visa.

Methodology

The DS–260 will be submitted electronically over an encrypted connection to the Department via the internet. The applicant will be instructed to print a confirmation page containing a bar coded record locator, which will be scanned at the time of processing.

Additional Information

The Department is revising the collection to add several additional questions for immigrant visa applicants. One question lists multiple social media platforms and requires the applicant to provide any identifiers used by applicants for those platforms during the five years preceding the date of application. The platforms listed may be updated by the Department by adding or removing platforms. Additional platforms will be added only if collection is consistent with the uses described in the Supporting Statement and after Office of Management and Budget approval. In addition, the applicant will be given the option to provide information about any social media identifiers associated with any platforms other than those that are listed that the applicant has used in the last five years. The Department will collect this information for identity resolution and vetting purposes based on statutory visa eligibility standards. Other questions seek five years of previously used telephone numbers, email addresses, and international travel; all prior immigration violations; and whether specified family members have been involved in terrorist activities. The ''Sign and Submit'' statement will provide applicants information related to correcting records within Federal Bureau of Investigation databases and additional information regarding the immigrant visa medical examination. Applicants from countries where female genital mutilation/cutting (FGM/C) is prevalent will be provided a link in the DS–260 to an electronic pamphlet that covers the illegality of the practice in the United States. Further, applicants will be required to check a box verifying

that the link was provided to them. Finally, the revised visa application forms will include additional information regarding the visa medical examination that some applicants may be required to undergo. Additional details of the changes are available in supporting documents.

Carl C. Risch,

Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–06490 Filed 3–29–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 10260]

60-Day Notice of Proposed Information Collection: Application for Nonimmigrant Visa

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *May 29, 2018.*

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2018–0002'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov*.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Nonimmigrant Visa.
- *OMB Control Number:* 1405–0182.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO).
- *Form Number:* DS–160 and DS–156.
- *Respondents:* All Nonimmigrant Visa Applicants.
- *Estimated Number of Respondents:* 14,000,000.
- *Estimated Number of Responses:* 14,000,000.
- *Average Time per Response:* 90 Minutes.
- *Total Estimated Burden Time:* 21,000,000 Annual Hours.
- *Frequency:* Once per respondent's application.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Online Application for Nonimmigrant Visa (DS–160) is used to collect biographical information from individuals seeking a nonimmigrant visa. The consular officer uses the information collected to determine the applicant's eligibility for a visa. Form DS–156 is required by regulation of all nonimmigrant visa applicants who do not use the Online Application for Nonimmigrant Visa (Form DS–160). Posts will use the DS–156 in limited circumstances when the DS–160 is unavailable, as outlined below, to elicit information necessary to determine an applicant's visa eligibility.

Methodology

The DS–160 will be submitted electronically over an encrypted connection to the Department via the internet. The applicant will be instructed to print a confirmation page containing a bar coded record locator, which will be scanned at the time of processing. The Nonimmigrant Visa Application (DS–156) paper version will be used only in the following limited circumstances when applicants cannot access the DS–160:

- An applicant has an urgent medical or humanitarian travel need and the consular officer has received explicit permission from the Visa Office to accept form DS–156;
- The applicant is a student exchange visitor who must leave immediately in order to arrive on time for his/her course and the consular officer has explicit permission from the Visa Office to accept form DS–156;
- The applicant is a diplomatic or official traveler with urgent government business and form DS–160 has been unavailable for more than four hours; or
- Form DS–160 has been unavailable for more than three days and the officer receives explicit permission from the Visa Office.

In order to obtain a copy of form DS–156, an applicant must contact the Embassy or consulate at which he or she is applying, and request a copy.

Additional Information

This collection is being revised to include both nonimmigrant visa application methods: the online version (form DS–160) which is used by the vast majority of applications, and the paper version (form DS–156) which is used in limited circumstances. Currently, the online application and paper application are approved under two separate collections. With this renewal, the Department seeks to combine these into a single collection. Upon approval, the Department will seek to discontinue OMB Control Number 1405–0018, the existing collection for form DS–156.

The Department also is revising the collection to add several additional questions for nonimmigrant visa applicants. One question lists multiple social media platforms and requires the applicant to provide any identifiers used by applicants for those platforms during the five years preceding the date of application. The platforms listed may be updated by the Department by adding or removing platforms. Additional platforms will be added only if collection is consistent with the uses described in the Supporting Statement and after Office of Management and Budget approval. In addition, the applicant will be given the option to provide information about any social media identifiers associated with any platforms other than those that are listed that the applicant has used in the last five years. The Department will collect this information from visa applicants for identity resolution and vetting purposes based on statutory visa eligibility standards; however, the Department intends not to routinely ask the question of applicants for specific visa classifications, such as most diplomatic and official visa applicants. Other questions seek five years of previously

used telephone numbers, email addresses, and international travel; whether the applicant has been deported or removed from any country; and whether specified family members have been involved in terrorist activities. Additionally, some E-nonimmigrant visa applicants will be asked whether the principal treaty trader was issued a visa. The ''Sign and Submit'' statement will provide applicants additional information related to correcting records within Federal Bureau of Investigation databases. Finally, the revised visa application forms will include additional information regarding the visa medical examination that some applicants may be required to undergo. Additional details of the changes are available in supporting documents.

Carl C. Risch,

Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–06496 Filed 3–29–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Change in Use of Aeronautical Property at Laurinburg-Maxton Airport, Maxton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice

SUMMARY: The Federal Aviation Administration (FAA) is requesting public comment on a request by the Laurinburg-Maxton Airport Commission, on behalf of the airport Sponsor (the City of Laurinburg and the Town of Maxton), to change a portion of airport property from aeronautical to non-aeronautical use at the Laurinburg-Maxton Airport. The request consists of release of approximately 1.72 acres to Mr. William J. Martin for use in conjunction with his existing business, Martin Transport. Martin Transport currently borders the property.

DATES: Comments must be received on or before April 30, 2018.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, Attn: Ja'Monta Smith, Program Manager, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Joanne Gentry, Executive Director for Laurinburg-Maxton Airport Commission at the following address: 16701 Airport Road, Maxton, NC 28364.

FOR FURTHER INFORMATION CONTACT: Ja'Monta Smith, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482.

The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for non-aeronautical purposes at Laurinburg-Maxton Airport, Maxton, NC under the provisions of 49 U.S.C. 47107(h)(2). The FAA determined that the request to release property at Laurinburg-Maxton Airport (MEB) submitted by the Laurinburg-Maxton Airport Commission on behalf of the City of Laurinburg and the Town of Maxton meets the procedural requirements of the FAA and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice. This action is taken under the provisions of 49 U.S.C. 47151.

The following is a brief overview of the request:

The Laurinburg-Maxton Airport Commission on behalf of the City of Laurinburg and the Town of Maxton is proposing the release of approximately 1.72 acres to Mr. William J. Martin for use in conjunction with his existing business, Martin Transport. Martin Transport currently borders the property. This property is located at the intersection of Airport Road and Skyway Church Road in Scotland County, NC. The property is separated from the majority of airport property by other parcels of land owned by others.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, TN, on March 23, 2018.

Phillip Braden,

Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2018–06406 Filed 3–29–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Renewal of AVIATOR Customer Satisfaction Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves on-line, electronic applicant (customer) answers to standard survey questions. The questions are presented as multiple-choice selections and free-form text areas where applicants can choose their desired answer and, if they wish, add additional comments. The information to be collected will be used to and is necessary to gage the level of user satisfaction with the AVIATOR (Automated Vacancy Information Access Tool for Online Referral) system. Additionally, the surveys are used to obtain benchmarking and feedback to ensure quality.

DATES: Written comments should be submitted by August 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including:

(a) Whether the proposed collection of information is necessary for FAA's performance
(b) The accuracy of the estimated burden
(c) Ways for FAA to enhance the quality, utility and clarity of the information collection and
(d) Ways that the burden could be minimized without reducing the quality of the collected information.

The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0699.

Title: AVIATOR (Automated Vacancy Information Access Tool for Online Referral) Customer Satisfaction Survey.

Form Numbers: N/A (electronic).

Type of Review: Renewal.

Background: The Government Performance and Results Act of 1993 (GPRA) Section 2(b)(3) requires agencies to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction''. In addition, as stated in the White House ''Memorandum for Heads of Executive Departments and Agencies'' regarding Executive Order No. 12862, ''the actions the order prescribes, such as surveying customers, surveying employees, and benchmarking, shall be continuing agency activities''. This collection supports the DOT strategic goal of Organizational Excellence.

In compliance with the Government Paperwork Elimination Act (GPEA), all of our data collection will be 100% electronic using an online form; Applicants will be asked to complete the survey just before they exit the system. AVIATOR is the FAA's Online Job Application System. The AVIATOR Customer Satisfaction Survey is designed to identify potential problems with FAA's automated staffing solutions as well as to evaluate customer satisfaction with the on-line application process. The information is not gathered by any other collection. It will be difficult, if not impossible, to improve the AVIATOR system's overall performance and customer satisfaction without utilizing the survey as a performance measurement tool.

Respondents: Individuals who use AVIATOR (the FAA's Online Job Application System).

Frequency: on occasion of use of AVIATOR.

Estimated Average Burden per Response: .05 hours.

Estimated Total Annual Burden: 82 hours (It is estimated that it will take each of the 75,515 (estimated average) external applicants three minutes to complete one survey for a total of 3,776 hours, if all external applicants choose to complete the AVIATOR Customer Satisfaction Survey. The survey statistics show that an average of 2.2% of the applicants (approximately 1,645) complete a survey resulting in an estimate of 82 total hours.)

Issued in Fort Worth, TX, on March 22, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06403 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Approval for Renewal and Revision of Information Collection: High Density Traffic Airports; Slot Allocation and Transfer Methods

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) to renew and revise a currently approved information collection. The FAA collects information to allocate and administer landing and takeoff slots and maintain accurate records of slot transfers at Ronald Reagan Washington National Airport (DCA) under a currently approved collection. The FAA is requesting a renewal for the DCA information collection and a revision to include six additional airports: John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), Los Angeles International Airport (LAX), Newark Liberty International Airport (EWR), O'Hare International Airport (ORD), and San Francisco International Airport (SFO).

The information collection is required from air carriers and other operators at all impacted airports.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Public Comments Invited: Public comment is invited on any aspect of this information collection, including: (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0524.

Title: High Density Traffic Airports; Slot Allocation and Transfer Methods.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal and Revision of an Information Collection.

Background

The FAA has implemented several initiatives to address congestion and delay issues at certain airports within the National Airspace System (NAS). The FAA has issued Orders limiting operations at JFK and LGA.[1] These Orders resulted in part from increasing congestion and delays at the airports requiring the FAA to allocate arrival and departure slots at JFK and LGA. Additionally, the FAA has designated Newark Liberty International Airport (EWR), Chicago O'Hare International Airport (ORD), San Francisco International Airport (SFO), and Los Angeles International Airport (LAX) as Level 2 schedule-facilitated airports under the IATA WSG.[2] These Level 2 designations largely resulted from increasing congestion and delays requiring FAA to implement a voluntary schedule-facilitation process to manage operational growth at EWR, ORD, and SFO. The FAA designated LAX as Level 2 due to long-term construction projects expected to reduce runway capacity. The agency will review this designation upon the completion of the planned construction at LAX.

The FAA uses the current DCA information collection approval in

[1] Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently amended 81 FR 40167 (Jun. 21, 2016); Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006), as most recently amended 81 FR 33126 (May 25, 2016).

[2] Notice of Submission Deadline for Schedule Information for O'Hare International, John F. Kennedy International, and Newark Liberty International Airports for the Summer 2009 Scheduling Season, 73 FR 54659 (Sept. 22, 2008); Notice of Submission Deadline for Schedule Information for San Francisco International Airport for the Summer 2012 Scheduling Season, 76 FR 64163 (Oct. 17, 2011); Notice of Submission Deadline for Schedule Information for Los Angeles International Airport for the Summer 2015 Scheduling Season 80 FR 12253 (Mar. 6, 2015); Notice of Change of Newark Liberty International Airport Designation, 81 FR 19861 (Apr. 6, 2016). The FAA reaffirmed the Level 2 designations by 82 FR 45938 (Oct. 2, 2017).

administering the slot program for scheduled and unscheduled operations at DCA established under 14 CFR part 93, subparts K and S. The FAA utilizes the collected information to (1) allocate available air carrier slots; (2) execute slot transfers; (3) record slot returns; (4) approve slot reservations for unscheduled or ''other'' operators; and (5) track slot usage. Carriers at DCA are the primary providers of slot information to the FAA.

The revision to the existing information collection approval would include information reported to the FAA by carriers holding a slot at JFK or LGA; by unscheduled operators at LGA; and by carriers operating scheduled flights at EWR, LAX, ORD, and SFO. At JFK, carriers must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) requests for seasonal allocation of historic and additional available slots; (3) usage of slots on a seasonal basis; (4) the return of slots; and (5) changes to allocated slots. At LGA, carriers must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) compulsory or voluntary slot returns; (3) requests to be included in a lottery for available slots; and (4) usage of slots on a bi-monthly basis. At LGA, unscheduled operators must request and obtain a reservation from the FAA prior to conducting an operation. At EWR, LAX, ORD and SFO, carriers are asked to notify the FAA of their intended operating schedules during peak hours on a semiannual basis and when there are significant schedule changes.

The FAA estimates that all information from carriers is submitted electronically from data stored in carrier scheduling databases. Nearly all requests for unscheduled operation reservations are submitted electronically through either an internet or touch-tone system interface.

Respondents: 140 carriers at various airports; unknown number of unscheduled operators at LGA and DCA.

Frequency: Information is collected as needed; some reporting on bimonthly or semiannual basis.

Estimated Average Burden per Response: 6 minutes per slot transfer per respondent (*i.e.* transferor and transferee); 6 minutes per slot return; 6 minutes per schedule update; 6 minutes per request for inclusion in a lottery; 2 minutes per unscheduled slot request; 1.5 hours per schedule submission; and 1 hour per slot usage report.

Estimated Total Annual Burden: 5367 hours.

Issued in Fort Worth, TX, on March 23, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06402 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Federal Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA charter renewal.

SUMMARY: The FAA is issuing this notice to advise the public of the renewal of the RTCA Charter (FAA Order 1110.77Y) for 2 months, effective March 29, 2018. The Federal Aviation Administration (FAA) is authorized to establish the RTCA advisory committee in accordance with the provisions of the Federal Advisory Committee Act (FACA). The current charter agreement requires that the RTCA manage various Federal subcommittees on behalf of the agency.

The objective of the advisory committee is to seek resolution of issues and challenges involving air transportation concepts, requirements, operational capabilities, the associated use of technology, and related considerations to aeronautical operations that affect the future of the Air Traffic Management System and the integration of new technologies.

FOR FURTHER INFORMATION CONTACT: Andy Cebula at *acebula@rtca.org* or (202) 330–0652, 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: The Federal Advisory Committee meetings are open to the public and announced in the **Federal Register**, except as authorized by Section 10(d) of the Federal Advisory Committee Act. Issued in Washington, DC, on March 27, 2018.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17 NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2018–06474 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Reduced Vertical Separation Minimum

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Aircraft Operators seeking operational approval to conduct Reduced Vertical Separation Minimum (RVSM) operations must submit application to the FAA.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0679.

Title: Reduced Vertical Separation Minimum.

Form Numbers: N/A.

Type of Review: Renewal.

Background: The authority to collect data from aircraft operators seeking operational approval to conduct Reduced Vertical Separation Minimum (RVSM) operations is contained in Part 91, Section 91.180, as established by a final rule published in the **Federal Register** on October 27, 2003 (68 FR 61304). Aircraft operators seeking operational approval to conduct RVSM operations within the 48 contiguous

States of the United States (U.S.), Alaska and that portion of the Gulf of Mexico where the FAA provides air traffic services must submit their application to the Certificate Holding District Office (CHDO). The CHDO registers RVSM approved airframes in the FAA RVSM Approvals Database to track the approval status for operator airframes. Application information includes evidence of aircraft equipment and RVSM qualification information along with operational training and program elements.

Respondents: Operators wishing to operate in RVSM airspace are required to submit application to the FAA. The FAA estimates processing 1,426 initial applications annually and 3,330 updates to existing approvals.

Frequency: An operator must make application for initial approval to operate in RVSM airspace, or whenever requesting an update to an existing approval.

Estimated Average Burden per Response: 4.00 hours for updates to exisiting applications and 6.8 hours for application for initial approvals.

Estimated Total Annual Burden: 23,017 hours [(3330 × 4.00) + (1426 × 6.8)].

Issued in Fort Worth, TX on March 22, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06404 Filed 3–29–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning qualified separate lines of business.

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Separate Lines of Business.

OMB Number: 1545–1221.

Regulation Project Number: EE–147–87 (T.D. 8376).

Abstract: Section 414(r) of the Internal Revenue Code requires that employers who wish to test their qualified retirement plans on a separate line of business basis, rather than on a controlled group basis, provide notice to the IRS that the employer treats itself as operating qualified separate lines of business. Additionally, an employer may request an IRS determination that such lines satisfy administrative scrutiny. This regulation elaborates on the notice requirement and the determination process.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 125.

Estimated Time per Respondent: 3 hours, 33 minutes.

Estimated Total Annual Burden Hours: 444.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 27, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06513 Filed 3–29–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, April 10, 2018.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Tuesday, April 10, 2018, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

The agenda will include various IRS issues.

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: March 26, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06509 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS) Treasury

ACTION: Notice of meeting

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, April 18, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Wednesday, April 18, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: March 26, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06502 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Effective Dates and Other Issues Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the guidance provided relating to the effective dates and other issues arising under the Employee Benefit Provisions of the Tax Reform Act of 1984.

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Effective Dates and Other Issues Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984.

OMB Number: 1545–0916.

Agency Number: TD 8073.

Abstract: TD 8073 provides temporary regulations relating to effective dates and certain other issues arising under sections 91, 223, and 511–561 of the Tax Reform Act of 1984. These temporary regulations were generally presented in the form of questions and answers (Q&A's). Taxpayers may rely on them for guidance pending the issuance of final regulations.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 8,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 4,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 26, 2018.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2018–06499 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, April 12, 2018.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, April 12, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues. Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: March 26, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06501 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Claims for Credit or Refund by Tax Return Preparers or Appraisers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the application for a claim for credit or refund by tax return preparers or appraisers

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Claims for credit or refund by tax return preparers or appraisers.

OMB Number: 1545–0240.

Form Number: 6118.

Abstract: Form 6118 is used by tax return preparers to file for a refund of penalties incorrectly charged. The information enables the IRS to process the claim and have the refund issued to the tax return preparer.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 1 hour 8 minutes.

Estimated Total Annual Burden Hours: 11,400.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 21, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–06493 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will

conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, April 17, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, April 17, 2018, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or 214–413–6523, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: March 26, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06512 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, April 17, 2018.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Tuesday, April 17 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW, Room 1509- National Office, Washington, DC 20224, or contact us at the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: March 26, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06510 Filed 3–29–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0113]

Agency Information Collection Activity: Application for Fee or Roster Personnel Designation

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, 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 29, 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 Administration (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. 2900–0113'' in any correspondence. During the comment period, comments may be viewed online through the 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: 38 CFR 36.4301; Public Law 104–13; 44 U.S.C. 3501–21.

Title: Application for Fee or Roster Personnel Designation.

OMB Control Number: 2900–0113.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses fee basis appraisers to appraise residential real estate and recommend value for loan purposes. A fee appraiser is a qualified person requested by the Secretary to render an estimate of the reasonable value of a property, or of a specified type of property, within a stated area for the purpose of justifying the extension of credit to an eligible veteran (38 CFR 36.4301). The fee appraiser's estimate of value is reviewed by a VA staff appraiser or lender's staff appraisal reviewer who uses the data to establish the VA reasonable value (38 U.S.C. 3710(b)(4), (5), (6) and 3731(f)(1)), which becomes the maximum loan guaranty amount an eligible veteran can obtain.

Affected Public: Private Sector.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,000 per year.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–06527 Filed 3–29–18; 8:45 am]

BILLING CODE 8320–01–P

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