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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 215, 227, 246, 247, 248, 249, 272, and 277

RIN 0584–AE42

Food and Nutrition Service Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 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 published in the **Federal Register** on September 28, 2016, ''Food and Nutrition Service Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.''

DATES: This document is effective April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Lael Lubing, Food and Nutrition Service, Financial Management, Grants Division, 3101 Park Center Drive, Room 732, Alexandria, VA, (703) 305–2161 or *lael.lubing@fns.usda.gov.*

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service published a final rule on September 28, 2016, (81 FR 66487), which amends FNS regulations to implement the Department of Agriculture final guidance of USDA-specific requirements at 2 CFR part 400 on December 19, 2014 (79 FR 75871). Prior to that, on December 26, 2013, the Office of Management and Budget (OMB) published ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' in 2 CFR part 200 (78 FR 78589). OMB's final guidance at 2 CFR part 200 followed a Notice of Proposed Guidance issued February 1, 2013 (78 FR 7282), and an Advanced Notice of Proposed Guidance issued February 28, 2012 (77 FR 11778).

List of Subjects

7 CFR Part 215 and 227

Grant programs-education, Grant programs-health.

7 CFR Parts 246 and 247

Grant programs-health, Grant programs-social programs.

7 CFR Parts 248, 249, 272, and 277

Grant programs-social programs.

Accordingly, 7 CFR parts 215, 227, 246, 247, 248, 249, 272, and 277 are amended as follows:

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

■ 1. The authority citation for 7 CFR part 215 continues to read as follows:

Authority: 42 U.S.C. 1772 and 1779.

§ 215.11 [Amended]

■ 2. In § 215.11(b)(2), remove the words ''cla, aiming'' and add in its place the word ''claiming''.

PART 227—NUTRITION EDUCATION AND TRAINING PROGRAM

■ 3. The authority citation for 7 CFR part 227 continues to read as follows:

Authority: Sec. 15, Pub. L. 95–166, 91 Stat. 1340 (42 U.S.C. 1788), unless otherwise noted.

§ 227.35 [Amended]

■ 4. In § 227.35(h) remove the word ''communty'' and add in its place the word ''community''.

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN

■ 5. The authority citation for 7 CFR part 246 continues to read as follows:

Authority: 42 U.S.C. 1786.

■ 6. In § 246.13, revise the section heading to read as follows:

§ 246.13 Financial management system.

* * * * *

§ 246.17 [Amended]

■ 7. In § 246.17(c)(5), remove the word ''resonsible'' and add in its place the word ''responsible''.

■ 8. In § 246.20, revise paragraph (b)(1) to read as follows:

§ 246.20 Audits.

* * * * *

(b) * * *

(1) State agencies must obtain annual audits in accordance with 2 CFR part 200, subpart F, and appendix XI, Compliance Supplement, and USDA implanting regulations 2 CFR parts 400 and 415. In addition, States must require local agencies under their jurisdiction to obtain audits in accordance with 2 CFR part 200, subpart F, and appendix XI, Compliance Supplement, and USDA implementing regulations 2 CFR parts 400 and 415.

* * * * *

PART 247—COMMODITY SUPPLEMENTAL FOOD PROGRAM

■ 9. The authority citation for 7 CFR part 247 continues to read as follows:

Authority: Sec. 5, Pub. L. 93–86, 87 Stat. 249, as added by Sec. 1304(b)(2), Pub. L. 95–113, 91 Stat. 980 (7 U.S.C. 612c note); sec. 1335, Pub. L. 97–98, 95 Stat. 1293 (7 U.S.C. 612c note); sec. 209, Pub. L. 98–8, 97 Stat. 35 (7 U.S.C. 612c note); sec. 2(8), Pub. L. 98–92, 97 Stat. 611 (7 U.S.C. 612c note); sec. 1562, Pub. L. 99–198, 99 Stat. 1590 (7 U.S.C. 612c note); sec. 101(k), Pub. L. 100–202; sec. 1771(a), Pub. L. 101–624, 101 Stat. 3806 (7 U.S.C. 612c note); sec 402(a), Pub. L. 104–127, 110 Stat. 1028 (7 U.S.C. 612c note); sec. 4201, Pub. L. 107–171, 116 Stat. 134 (7 U.S.C. 7901 note); sec. 4221, Pub. L. 110–246, 122 Stat. 1886 (7 U.S.C. 612c note); sec. 4221, Pub. L. 113–79, 7 U.S.C. 612c note).

§ 247.25 [Amended]

■ 10. In § 247.25:

■ a. In paragraph (d):

■ i. Remove the words ''parts 3016 and 3019 of this title'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415, which set out the principles for determining whether specific costs are allowable''.

■ ii. Remove the words ''part 3016 of this title'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

■ iii. Remove the words ''part 3019 of this title'' and add in their place the words ''2 CFR part 200, subpart E, and

USDA implementing regulations 2 CFR parts 400 and 415''.

■ b. In paragraph (e), remove the words ''part 3016 of this title'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

■ 11. In § 247.27(a), revise the first sentence to read as follows:

§ 247.27 Financial management.

(a) * * * State and local public agencies, as well as nonprofit organizations, must maintain a financial management system that complies with the Federal regulations contained in 2 CFR part 200, subparts D and E, and USDA implementing regulations 2 CFR parts 400 and 415. * * *

* * * * *

§ 247.32 [Amended]

■ 12. In § 247.32:

■ a. In paragraph (a) introductory text, remove the words ''part 3016 of this title'' and add in their place the words ''2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415''.

■ b. In paragraph (b) introductory text, remove the words ''part 3016 of this title'' and add in their place the words ''2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415''.

PART 248—WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP)

■ 13. The authority citation for 7 CFR part 248 continues to read as follows:

Authority: 42 U.S.C. 1786.

§ 248.12 [Amended]

■ 14. In § 248.12(a)(3):

■ a. Remove the words ''2 CFR part 200, subpart E and USDA implementing regulations 2 CFR part 400 and part 415'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415.''

■ b. Remove the words ''part 3016 or this part,'' and add in their place the words ''2 CFR part 200, subparts D and E, and USDA implementing regulations 2 CFR parts 400 and 415,''.

PART 249—SENIOR FARMERS' MARKET NUTRITION PROGRAM (SFMNP)

■ 15. The authority citation for 7 CFR part 249 continues to read as follows:

Authority: 7 U.S.C. 3007.

§ 249.11 [Amended]

■ 16. In § 249.11(d), remove the words ''part 3016 of this title'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

§ 249.12 [Amended]

■ 17. In § 249.12:

■ a. In paragraph (a)(1) introductory text, remove the words ''2 CFR part 200, subpart E and USDA implementing regulations 2 CFR part 400 and part 415 and this part'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

■ b. In paragraph (a)(2), remove the words ''part 3016.22 of this title'' and ''2 CFR part 200, subpart E and USDA implementing regulations 2 CFR part 400 and part 415'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

§ 249.21 [Amended]

■ 18. In § 249.21:

■ a. In paragraph (a), remove the words ''2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415for'' and add in their place the words ''2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415 for''.

■ b. In paragraph (c)(2), remove the words ''part 3016 of this title'' and add in its place the words ''2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415''.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

■ 19. The authority citation for 7 CFR part 272 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

§ 272.1 [Amended]

■ 20. In § 272.1:

■ a. In paragraph (c)(1)(v), remove the word ''provison'' and add in its place the word ''provision''.

■ b. In paragraph (g)(84)(i), remove the word ''approporiate'' and add in its place the word ''appropriate''.

■ c. In paragraphs (g)(93)(i) and (g)(98)(iii), remove the word ''occured'' and add in its place the word ''occurred''.

■ d. In paragraph (g)(116), remove the word ''implemention'' and add in its place the word ''implementation''.

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

■ 21. The authority citation for 7 CFR part 277 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

§ 277.9 [Amended]

■ 22. In § 277.9(c)(2), remove the words ''this part and 2 CFR part 200, subpart E and USDA implementing regulations 2 CFR part 400 and part 415'' and add in their place the words ''2 CFR part 200, subpart E, and USDA implementing regulations 2 CFR parts 400 and 415''.

§ 277.13 [Amended]

■ 23. In § 277.13(f), remove the word ''Excecutive'' and add in its place the word ''Executive''.

§ 277.17 [Amended]

■ 24. In § 277.17(d)(2)(viii), remove the word ''by2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415'' and add in their place the words ''by 2 CFR part 200, subpart D, and USDA implementing regulations 2 CFR parts 400 and 415''.

Dated: March 12, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–06519 Filed 4–2–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2018–0103; Airspace Docket No. 18–ASO–1]

RIN 2120–AA66

Amendment of Restricted Areas R–2907C; Lake George, FL, R–2910B, R–2910C, and R–2910E; Pinecastle, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment; correction.

SUMMARY: This action corrects a final rule, technical amendment published in the **Federal Register** on March 13, 2018 that incorrectly stated the location of restricted area R–2907C in Florida.

DATES: Effective date 0901 UTC, May 24, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule, technical amendment in the **Federal Register** for Docket No. FAA–2018–0103

(83 FR 10784; March 13, 2018). The final rule, technical amendment updated the controlling agency information of four restricted areas (R–2907C, R–2910B, R–2910C, and R–2910E) in Florida. Subsequent to publication, the FAA determined that the location of R–2907C was incorrectly stated as ''Pinecastle, FL'' instead of ''Lake George, FL.'' This correction inserts ''Lake George, FL'' at all references to restricted area R–2907C.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of March 13, 2018 (83 FR 10784) FR Doc. 2018–05041, Amendment of Restricted Areas R–2907C, R–2910B, R–2910C, and R–2910E; Pinecastle, FL, is corrected as follows:

On page 10784, column 1, line 26, in the subject heading, after the word R–2907C, insert ''Lake George, FL,''. On page 10784, column 1, line 34, under **SUMMARY**, after the word R–2907C, insert ''Lake George, FL,''. On page 10784, column 2, line 13, under Authority for this rulemaking, after the word R–2907C, insert '' Lake George, FL,''. On page 10784, column 2, line 20, under The Rule, after the word R–2907C, insert ''Lake George, FL,''. On page 10784, column 2, line 66, and column 3, line 17, under Environmental Review, after the word R–2907C, insert ''Lake George, FL,''.

§ 73.29 [Amended]

■ On page 10784, column 3, line 51 correct the location of R–2907C to read as follows:

R–2907C Lake George, FL [Corrected]

Issued in Washington, DC, on March 28, 2018.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–06746 Filed 4–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9777]

RIN 1545–BG41; 1545–BH38

Arbitrage Guidance for Tax-Exempt Bonds; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9777) that were published in the **Federal Register** on Monday, July 18, 2016. The final regulations are related to arbitrage restrictions under section 148 of the Internal Revenue Code applicable to tax-exempt bonds and other tax-advantaged bonds issued by State and local governments.

DATES: This correction is effective on *April 3, 2018* and is applicable on or after July 18, 2016.

FOR FURTHER INFORMATION CONTACT: Spence Hanemann at (202) 317–6980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9777) that are the subject of this correction are issued under section 148 of the Internal Revenue Code.

Need for Correction

As published July 18, 2016 (81 FR 46582), the final regulations (TD 9777) contain an error that needs to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.148–4 is amended by revising the paragraph heading for paragraph (h)(3)(iv) to read as follows:

§ 1.148–4 Yield on an issue of bonds.

* * * * *

(h) * * *

(3) * * *

(iv) *Accounting for modifications and terminations*—* * *

* * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2018–06704 Filed 4–2–18; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0701; FRL–9976–30—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the District of Columbia (the District). This revision pertains to the infrastructure requirement for interstate transport of pollution with respect to the 2010 1-hour sulfur dioxide (SO_2) national ambient air quality standards (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 3, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0701. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Joseph Schulingkamp, (215) 814–2021, or by email at *schulingkamp.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 17, 2014, the District of Columbia (the District) through the District Department of Energy and the Environment (DDOEE) submitted a SIP revision addressing the infrastructure requirements under section 110(a)(2) of the CAA for the 2010 1-hour SO_2 NAAQS.

I. Background

A. General

On June 2, 2010, the EPA strengthened the SO_2 primary standards, establishing a new 1-hour primary standard at the level of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations (hereafter ''the 2010 1-hour SO_2 NAAQS''). At the same time, the EPA also revoked the previous 24-hour and annual primary SO_2 standards. *See* 75 FR 35520 (June 22, 2010). *See* 40 CFR 50.11. The previous SO_2 air quality standards were set in 1971, including a 24-hour average primary standard at 140 ppb and an annual average primary standard at 30 ppb. *See* 36 FR 8186 (April 30, 1971).

SO_2 is one of a group of highly reactive gases known as ''oxides of sulfur.'' Nationally, the largest sources of SO_2 emissions are fossil fuel combustion at power plants and other industrial facilities. Smaller sources of SO_2 emissions include industrial processes such as extracting metal from ore, and the burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. SO_2 is linked with a number of adverse effects on the respiratory system.

B. EPA's Infrastructure Requirements

Pursuant to section 110(a)(1) of the CAA, states are required to submit a SIP revision to address the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements to assure attainment and maintenance of the NAAQS—such as requirements for monitoring, basic program requirements, and legal authority. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances of each NAAQS and what is in each state's existing SIP. In particular, the data and analytical tools available at the time the state develops and submits the SIP revision for a new or revised NAAQS affect the content of the submission. The content of such SIP submission may also vary depending upon what provisions the state's existing SIP already contains.

Specifically, section 110(a)(1) provides the procedural and timing requirements for SIP submissions. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS.

C. Interstate Pollution Transport Requirements

Section 110(a)(2)(D)(i)(I) of the CAA requires a state's SIP to address any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in any downwind state. The EPA sometimes refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance), or jointly as the ''good neighbor'' provision of the CAA. Further information can be found in the Technical Support Document (TSD) for this rulemaking action, which is available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2014–0701.

II. Summary of SIP Revision and EPA Analysis

On July 17, 2014, the District, through DDOEE, submitted a revision to its SIP to satisfy the infrastructure requirements of section 110(a)(2) of the CAA for the 2010 1-hour SO_2 NAAQS, including section 110(a)(2)(D)(i)(I). On April 13, 2015 (80 FR 19538), the EPA approved the District's infrastructure SIP submittal for the 2010 1-hour SO_2 NAAQS for all applicable elements of section 110(a)(2) with the exception of 110(a)(2)(D)(i)(I).[1] This rulemaking action is addressing the portions of the District's infrastructure submittal for the 2010 1-hour SO_2 NAAQS that pertain to transport requirements.[2] On October 18, 2017 (82 FR 48472 and 82 FR 48439), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the District approving the SIP revision. EPA received four comments on the rulemaking and withdrew the DFR prior to the effective date of December 18, 2017.

The portion of the District's July 17, 2014 SIP submittal addressing interstate transport (for section 110(a)(2)(D)(i)(I)) includes an emissions inventory and air quality data that concludes that the District does not have sources that can contribute with respect to the 2010 1-hour SO_2 NAAQS to nonattainment in, or interfere with maintenance in, any other state. The submittal also included currently available air quality monitoring data which alleged that SO_2 levels continue to be well below the 2010 1-hour SO_2 NAAQS in the District and in any areas surrounding or bordering the District. EPA has reviewed current monitoring data for SO_2 and finds monitor data within the District, and in areas surrounding the District, continue to show no nonattainment issues with regards to the SO_2 NAAQS.

Additionally, the District described in its submittal several existing SIP-approved measures and other federally enforceable source-specific measures, including measures pursuant to permitting requirements under the CAA, that apply to SO_2 sources within the District. The District alleges with these measures, SO_2 emissions within the District are minimal. The EPA finds that the District's existing SIP provisions, as identified in the July 17, 2014 SIP submittal, are adequate to prevent the District's emission sources from significantly contributing to nonattainment or interfering with maintenance in another state with respect to the 2010 1-hour SO_2 NAAQS. In light of these measures, the EPA does not expect SO_2 emissions in the District to increase significantly, and therefore does not expect monitors in the District and nearby states to have difficulty continuing to attain or maintain attainment of the NAAQS. A detailed summary of EPA's review and rationale for approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2010 1-hour SO_2 NAAQS may be found in the TSD for this rulemaking action, which is available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2014–0701.

III. Response to Comments

During the comment period, EPA received four anonymous comments on the rulemaking. Of the comments, one comment was generally supportive of EPA's action and thus no response is required. A second comment generally discussed CAA section 112 and hazardous air pollutant (HAP) standards but provided no specific information related to this rulemaking action, which was taken under section 110(a)(2)(D)(i)(I). EPA believes this

[1] In the April 13, 2015 action, the EPA also approved the District's infrastructure SIPs for the 2008 ozone and 2010 NO_2 NAAQS, with the exception of the transport elements in 110(a)(2)(D)(i)(I).

[2] For the EPA's explanation of its ability to act on discrete elements of section 110(a)(2), *see* 80 FR 2865 (Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Infrastructure Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, and 2010 Sulfur Dioxide National Ambient Air Quality Standards; Approval of Air Pollution Emergency Episode Plan (January 21, 2015)).

comment was not germane to this rulemaking action, and thus no further response is provided. The remaining comments relevant to this action are summarized below with EPA's response.

Comment #1: The commenter stated that EPA could not approve the District's plan because no dispersion modeling was performed and EPA must perform dispersion modeling, including modeling for mobile sources, because, ''it's not unlikely for DC to contribute to [nearby] states as DC is so small [transport is] inevitable.'' The commenter also raised concerns that EPA did not evaluate mobile source SO_2 emissions and SO_2 emissions from combustion of residential heating oil in EPA's transport evaluation.

Response #1: EPA disagrees with the commenter's assertion that dispersion modeling is needed, including modeling for mobile sources before EPA can approve a SIP submittal as meeting interstate transport requirements in CAA section 110(a)(2)(D); there is no requirement in this CAA provision that even suggests that dispersion modeling is needed for determining whether or not a state significantly contributes to a neighboring state's attainment with a specific NAAQS or interferes with another state maintaining a NAAQS. EPA has previously found that a weight of evidence (WOE) approach is sufficient to determine whether or not a state significantly contributes to another state.[3] EPA believes the WOE evaluation provided in EPA's TSD is adequate to determine potential contribution from the District to other neighboring states; the analysis includes (1) an evaluation of the District's sources and trends, (2) a selection of a spatial scale in which EPA would evaluate potential contribution, (3) a review of monitored SO_2 data and control measures, and (4) an analysis of the information presented in the other three factors. Using these factors, EPA believes the District does not significantly contribute to any neighboring states' nonattainment or interfere with their ability to maintain the 2010 SO_2 NAAQS. Further, as to the commenter's claim that it is not unlikely for the District to contribute to nearby states due to its size, EPA notes that the commenter did not provide any justification to substantiate this claim.

In addition, EPA disagrees with the assertion that EPA did not address contribution from SO_2 emissions from mobile source or residential heating oil in the TSD. Mobile source contribution was discussed in Step 3 of the analysis in the TSD and is controlled in the District with a high enhanced inspection and maintenance (I/M) program which is within the District's approved SIP, EPA's Heavy-duty Highway Rule, EPA's Tier 1 Motor Vehicle Emission Standards, and EPA's Tier 2 Vehicle and Gasoline Sulfur Program, all of which are expected to reduce SO_2 emissions from the mobile source sector. Residential heating oil contribution was also discussed in Step 3 and is controlled by the District's 20 DCMR sections 801 and 803 which restrict the sulfur content of all commercially available residential fuel oil and completely ban the use of heavier fuel oils (numbers 5 and 6). The District's regulations of fuel oil are also contained in the District's federally enforceable SIP.

The controls described for both mobile sources and residential heating oil further supplement the low emissions profile of the District as discussed in the TSD and support EPA's assertion that the District's SO_2 emissions do not significantly contribute to nonattainment in, or interfere with the maintenance of, another state with regards to the 2010 SO_2 NAAQS.

Comment #2: The second commenter stated that EPA did not address a March 28, 2017 Executive Order regarding the promotion of energy independence and economic growth. The commenter also similarly raised the issue of addressing interstate transport originating from mobile sources. The commenter concluded by saying EPA should repeal this rule until the effects of this rule are understood on the energy sector and the economy as a whole.

Response #2: As to the issue regarding mobile sources, EPA addressed this issue in Response #1. As to the March 28, 2017 Executive Order (E.O.),[4] EPA disagrees that this rulemaking should be ''repealed'' because EPA did not address the E.O. The E.O. in question pertains to reviewing existing regulations, order, guidance documents, policies, and any other similar agency actions (collectively, agency action) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy. First, EPA does not believe this E.O. applies to this rulemaking action because, to the extent this rulemaking is considered an agency action under the E.O., this action was not an existing agency action as of March 28, 2017, the date the E.O. was signed. Second, assuming *arguendo,* that this rulemaking action is considered an agency action under the E.O., this rulemaking action does not create a burden as that term is defined in the E.O. As defined in the E.O., the term ''burden'' means, ''to unnecessarily obstruct, delay, curtail, or otherwise impose significant cost on the siting, permitting, production, utilization, transmission, or delivery of energy resources.'' This rulemaking action does not affect the siting, permitting, production, utilization, transmission, or delivery of energy resources as this action merely approves the District's submission as meeting various CAA requirements, thus any required review under this E.O. is not applicable. Third, EPA does not believe this E.O. applies to our regulatory action to approve the District's SIP submittal whereby we are approving that the District has a SIP to address interstate transport of emissions such that sources do not significantly contribute to nonattainment or interfere with maintenance in another state. If a SIP submittal from a state has everything required in the list contained in CAA section 110(a)(2) including required emission limitations, then CAA section 110(k)(3) requires that EPA must or ''shall'' approve the SIP submission. Thus, considering the plain language of the CAA in section 110(k)(3), EPA cannot consider disapproving or requiring changes to a state's SIP submittal based on a particular E.O. or statutory reviews. As explained in the TSD, EPA finds the District's SIP meets requirements in section 110(a)(2)(D). Thus, EPA shall approve the SIP submission.

IV. Final Action

EPA is approving the portions of the District's July 17, 2014 SIP revision addressing interstate transport for the 2010 1-hour SO_2 NAAQS as these portions meet the requirements in section 110(a)(2)(D)(i)(I) of the CAA.

[3] *See, e.g.,* Air Quality State Implementation Plans; Approvals and Promulgations: Utah; Interstate Transport of Pollution for the 2006 $PM_{2.5}$ NAAQS; May 20, 2013 (78 FR 29314); Final Rule 78 FR 48615 (August 9, 2013); Approval and Promulgation of Implementation Plans; State of California; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference With Maintenance Requirements, Proposed Rule 76 FR 146516 (March 17, 2011), Final Rule 76 FR 34872 (June 15, 2011); Approval and Promulgations of State Implementation Plans; State of Colorado; Interstate Transport of Pollution for the 2006 24-Hour $PM_{2.5}$ NAAQS, Proposed Rule, 80 FR 27121 (May 12, 2015), Final Rule 80 FR 47862 (August 10, 2015).

[4] Based on the comment, EPA assumes the E.O. in question is E.O. 13738, Promoting Energy Independence and Economic Growth, signed March 28, 2017.

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 4, 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, addressing the District's interstate transport for the 2010 1-hour SO_2 NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Sulfur oxides.

Dated: March 16, 2018.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

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 J—District of Columbia

■ 2. In § 52.470, the table in paragraph (e) is amended by adding a second entry for ''Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS'' before the entry for ''Emergency Air Pollution Plan'' to read as follows:

§ 52.470 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	District-wide	7/18/14	4/3/18, [Insert **Federal Register** citation].	This action addresses CAA section. 110(a)(2)(D)(i)(I) for the 2010 SO_2 NAAQS.
*	*	*	*	*

[FR Doc. 2018–06655 Filed 4–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0477; FRL–9976–09—Region 7]

Approval of Nebraska Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide and the 2012 Fine Particulate Matter National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

DATES: This final rule is effective on May 3, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2017–0477. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Crable, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7391, or by email at *Crable.Gregory@epa.gov.*

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

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

I. Background

EPA received Nebraska's infrastructure SIP submissions addressing the 2010 NO_2 NAAQS, the 2010 SO_2 NAAQS, and the 2012 $PM_{2.5}$ NAAQS.[1] On September 20, 2017, EPA proposed to approve certain elements of these infrastructure SIP submissions from the State of Nebraska. *See* 82 FR 43926. In conjunction with the September 20, 2017, notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving the same elements of the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS infrastructure SIP submissions. *See* 82 FR 43848. However, in the DFR, EPA stated that if EPA received adverse comments by October 20, 2017, the action would be withdrawn and not take effect. EPA received one set of adverse comments prior to the close of the comment period. EPA withdrew the DFR on November 17, 2017. *See* 82 FR 54299. This action is a final rule based on the NPR. A detailed discussion of Nebraska's SIP submissions and EPA's rationale for approving the SIP submissions were provided in the DFR and the associated Technical Support Document (TSD) in the docket for this rulemaking and will not be restated here, except to the extent relevant to our response to the adverse public comment we received.

II. What is being addressed in this document?

EPA is taking final action to approve the infrastructure submissions as meeting the applicable submission requirements section 110(a)(1). EPA is approving certain elements of the 2010 NO_2 and SO_2 infrastructure SIP submissions from the State of Nebraska received on February 7, 2013, and August 22, 2013, respectively. EPA is also taking action to approve certain elements of the 2012 $PM_{2.5}$ infrastructure submission received on February 22, 2016. Specifically, in regard to the 2010 NO_2 NAAQS, EPA is approving, the following SIP submission elements related to CAA section 110(a)(2): (A) through (C), (D)(i)(I)—Prongs 1 and 2, (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M).

Regarding the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS, EPA is approving the State's SIP submission addressing the following infrastructure elements of section 110(a)(2): (A) through (C), (D) (i) (II)—Prong 3, (D) (ii), (E) through (H), and (J) through (M). As discussed in the TSD, EPA is not acting, at this time, on section 110(a)(2)(D)(i)(I)— prongs 1 and 2, as it relates to the 2010 SO_2 NAAQS as those elements were not part of the state SIP submission. Section 110(a)(2)(D)(i)(I)—prongs 1 and 2, as it relates to the 2012 $PM_{2.5}$ NAAQS, were included in the state SIP submission. The EPA intends to act on section 110(a)(2)(D)(i)(I)—prongs 1 and 2, as it relates to the 2012 $PM_{2.5}$ NAAQS in a subsequent rulemaking action.

Regarding the 2010 NO_2 and SO_2 and the 2012 $PM_{2.5}$ infrastructure submissions and as explained in the TSD, EPA is not acting, at this time, on section 110(a)(2)(D)(i)(II)—prong 4.

As noted, a TSD is included as part of the docket to discuss the details of this action.

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

The state has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. A public comment period was held for the NO_2 infrastructure SIP from December 27, 2012, to January 28, 2013. The only comments were from the EPA, and the infrastructure SIP submission was revised to address the comments. A public hearing was held on January 28, 2013.

The state held a public comment period for the SO_2 infrastructure SIP from April 25, 2013, to May 28, 2013. NDEQ received comments from the Sierra Club on May 28, 2013. The state addressed the Sierra Club's comments with no revisions to its proposed SIP. A public hearing was held on May 27, 2013.

A public comment period was held for the $PM_{2.5}$ infrastructure SIP from

[1] The EPA received the 2010 NO_2 infrastructure submission on February 7, 2013, the 2010 SO_2 infrastructure submission on August 22, 2013, and the 2012 $PM_{2.5}$ infrastructure submission on February 22, 2016.

November 23, 2015, to December 29, 2015. A public hearing was held on December 29, 2015. No comments were received.

All three submissions satisfied the completeness criteria of 40 CFR part 51, appendix V. As explained in more detail in the TSD, which is part of this docket, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. EPA's Response to Comments

The public comment period on EPA's proposed rule opened September 20, 2017 the date of its publication in the **Federal Register** and closed on October 20, 2017. During this period, EPA received one comment letter. No changes were made to the proposals in this final action after consideration of the adverse comments received.

Comment 1: The commenter stated that with regard to 2010 NO_2 NAAQS, EPA has not shown that Nebraska is not significantly contributing to downwind problems due to interstate transport of NO_X. The commenter specifically asserted that EPA should have addressed NO_X emissions in Nebraska rather than only evaluated national level data, and that the lack of a requirement for near road monitors for phase 3 is not adequate to show no downwind issues. The commenter further contended that EPA must analyze all source categories including point sources and conduct modeling to show large point sources are not causing downwind contribution.

Response 1: The EPA disagrees with the commenter's assertions. As an initial matter, the question of whether emissions from Nebraska significantly contribute to nonattainment or interfere with maintenance of the NAAQS in violation of section 110(a)(2)(D)(i)(I) depends on whether there are areas in downwind states having or expected to have trouble attaining or maintaining the NAAQS. In the EPA's TSD, the EPA analyzed a variety of data and determined that there were no downwind areas in other states with air quality concerns with respect to the 2010 NO_2 NAAQS. EPA cited several pieces of data to support this conclusion. EPA first explained that at the time of designations for NO_2 in January of 2012, no areas of the country were violating the 2010 NO_2 NAAQS. EPA further reviewed monitoring and emissions trends since the designations and identified no areas that are having problems attaining or maintaining the NAAQS. In fact, the highest NO_2 near-road monitoring design value recorded in Colorado based on the most current available information at the time of publication of the proposed rule (*e.g.* 2013 to 2015 data) is 72 parts per billion (ppb). Based on the most current available, certified and quality assured information (*e.g.* 2014 to 2016 data), the highest NO_2 near-road monitoring design value recorded in Colorado is 74 ppb. Both of these design values are well below the 2010 NO_2 NAAQS of 100 ppb. Thus, in the absence of any downwind air quality concerns, Nebraska cannot be found to contribute, let alone significantly contribute to downwind nonattainment or interfere with maintenance of the NAAQS. The commenter does not identify any flaws with EPA's assessment of the data.

Thus, the commenter is incorrect to state that EPA only relied on the lack of near-road monitors in Nebraska in concluding that the state is in compliance with the requirements of section 110(a)(2)(D)(i)(I). Moreover, because neither EPA nor the commenter have identified any downwind air quality problems to which Nebraska could contribute, the EPA does not agree that it was necessary to evaluate the impact of individual point sources in Nebraska, via modeling or any other analyses, on air quality in other states.

Finally, the commenter is incorrect in asserting that EPA failed to evaluate NO_X emissions in Nebraska. In the TSD, EPA reviewed NO_X emission trends in the state, which demonstrated that NO_X emissions in Nebraska have followed a downward trend for 2011 to 2016.

EPA has demonstrated that Nebraska is not significantly contributing to downwind nonattainment or interfering with maintenance of the 2010 NO_2 NAAQS. Therefore, the EPA disagrees with the commenter's assertions and will approve elements of 110(a)(2)(D)(i)(I)—Prongs 1 and 2 for Nebraska's NO_2 infrastructure SIP submission.

Comment 2: The commenter stated that with respect to the $PM_{2.5}$ NAAQS, EPA does not have the discretion to ''act at a later date.'' In addition, the commenter states that EPA is mandated by statute to act within 18 months of the state's submission, and that since the state's submission was received in February 2016, EPA has failed to act in a timely manner and does not have the luxury of acting at a later date. If EPA cannot approve the state's plan, the EPA must disapprove.

Response 2: EPA acknowledges the commenter's concern for the interstate transport of air pollutants. However, EPA disagrees with the commenter's argument that EPA cannot approve certain elements of an infrastructure SIP submission without also taking action on the elements related to interstate transport.

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

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

Comment 3: The commenter stated that with respect to the SO_2 NAAQS, since the state has not submitted a plan with regards to interstate transport, EPA must make a finding of failure to submit. The commenter further stated that acting is on a SIP is not discretionary and that EPA had yet to act.

Response 3: Please refer to Response 2. Additionally, in EPA's rulemaking proposing to approve Nebraska's infrastructure SIP for the 2010 1-hour SO_2 NAAQS, EPA stated that it was not

taking any action with respect to the good neighbor provisions in section 110(a)(2)(D)(i)(I) for this NAAQS. EPA understands the commenter's concern with respect to interstate transport. EPA will evaluate whether it is appropriate to make a finding of failure to submit in a separate action.

Comment 4: The commenter stated that for all three NAAQS, EPA does not have the discretion to not act on prong 4 and must act within 18 months of the state's submission. The commenter stated that EPA ''does not have the luxury'' of acting on a submission at a later date. If EPA cannot approve due to the state not having an approved Regional Haze SIP then EPA is required to disapprove.

Response 4: Please refer to Response 2. EPA is not required to act on the prong 4 elements of Nebraska's 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ infrastructure SIP submissions in this particular rulemaking. Like the elements of section 110(a)(2)(D)(i)(I), prong 4 is severable from other infrastructure SIP elements and EPA interprets section 110(k) as allowing it to act on individual severable elements or requirements in a SIP submission.

With respect to the comment on prong 4, although EPA's evaluation of a state's SIP submission can be related to the status of that state's regional haze program,[2] Nebraska's regional haze program [3] is not relevant here because EPA is not taking action on that element of Nebraska's 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ infrastructure SIP submissions in this rulemaking.

Comment 5: Initially in comments 2 through 4, the commenter indicated that this was the commenter's official notice of intent to EPA for failure to perform its nondiscretionary duty to act on the state's submission with respect to element D(i)(II)—prong 4 for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS, failure to perform its nondiscretionary duty to make a finding of failure to submit with respect to the interstate transport portions of SO_2 NAAQS, and for failing to perform its nondiscretionary duty to act on the state's submission with regards to interstate transport of $PM_{2.5}$.

Response 5: A public comment submitted on a proposal does not constitute notice of intent to sue the Administrator for failure to perform a nondiscretionary duty. Clean Air Act section 304(b)(2) requires a 60-day notice of a civil action against the Administrator for an alleged failure to perform a non-discretionary duty to *the Administrator.* EPA's regulations require that service of notice to the Administrator ''shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, Washington, DC 20460.'' 40 CFR 54.2(a). The commenter's public comment submitted via *regulations.gov* does not satisfy the regulatory requirements for notices of intent to file suit against the Administrator for failure to perform a non-discretionary duty.

V. What action is EPA taking?

EPA is approving elements the infrastructure SIP submissions from Nebraska, which address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 NO_2 and SO_2 and 2012 $PM_{2.5}$ NAAQS. As stated in the above preamble, EPA is approving certain elements of the state's submission as meeting the submission requirements of section 110(a)(1) for all three submissions.

Regarding the 2010 NO_2 NAAQS, EPA is approving the following infrastructure elements of 110(a)(2): (A) through (C), (D)(i)(I)—Prongs 1 and 2, (D)(i)(II)—prong 3, (D)(ii), (E) through (H), and (J) through (M). As explained in the TSD, EPA intends to act on section 110(a)(2)(D)(i)(II)—prong 4, in a subsequent rulemaking.

EPA is approving the following infrastructure elements of 110(a)(2) as it relates to the 2010 SO_2 and the 2012 $PM_{2.5}$ NAAQS: (A) through (C), (D) (i) (II)—Prong 3, (D) (ii), (E) through (H), and (J) through (M). As discussed in the TSD, EPA intends to act on section 110(a)(2)(D)(i)(II)—prong 4, in a subsequent rulemaking and is not acting at this time on section 110(a)(2)(D)(i)(I)—prongs 1 and 2, for both the 2010 SO_2 and 2012 $PM_{2.5}$ NAAQS.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 and SO_2 NAAQS as well as the 2012 $PM_{2.5}$ NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Nebraska's SIP, EPA believes that Nebraska has the infrastructure to address all applicable required elements of sections 110(a)(1) and (2) (except otherwise noted) to ensure that the 2010 NO_2 and SO_2 NAAQS and the 2012 $PM_{2.5}$ NAAQS are implemented in the state.

VI. Statutory and Executive Order Reviews

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

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

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

[3] Federal Implementation Plan for Best Available Retrofit Technology Determination, 77 FR 40150 (July 6, 2012).

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 4, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CC—Nebraska

■ 2. Amend § 52.1420(e) by adding entries ''(32)'', ''(33)'' and ''(34)'' in numerical order to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(e) * * *

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
* *	*	*	*	* *
(32) Section 110(a)(2) Infrastructure Requirements for the 2010 NO_2 NAAQS.	Statewide	2/7/13	4/3/2018, [Insert **Federal Register** citation].	This action addresses the following CAA elements 110(a)(2)(A) through (C), (D)(i)(I)—Prongs 1 and 2, (D)(i)(II)—Prong 3, (D)(ii), (E) through (H), and (J) through (M). [EPA–R07–OAR–2017–0477; FRL–9976–09–Region 7].
(33) Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	Statewide	8/22/13	4/3/2018, [Insert **Federal Register** citation].	This action addresses the following CAA elements 110(a)(2)(A) through (C), (D)(i)(II)—Prong 3, (D)(ii), (E) through (H), and (J) through (M). [EPA–R07–OAR–2017–0477; FRL–9976–09–Region 7].
(34) Section 110(a)(2) Infrastructure Requirements for the 2010 $PM_{2.5}$ NAAQS.	Statewide	2/22/16	4/3/2018 and [Insert **Federal Register** citation].	This action addresses the following CAA elements 110(a)(2)(A) through (C), (D)(i)(II)—Prong 3, (D)(ii), (E) through (H), and (J) through (M). [EPA–R07–OAR–2017–0477; FRL–9976–09–Region 7].

[FR Doc. 2018–06654 Filed 4–2–18; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 5b

[Docket Number NIH–2016–0001]

RIN 0925–AA63

Privacy Act; Implementation

AGENCY: National Institutes of Health (NIH), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS or Department), through the National Institutes of Health (NIH), is issuing this final rule to make effective the exemptions that HHS/NIH proposed for a subset of records covered in a new Privacy Act system of records, System No. 09–25–0225, NIH Electronic Research Administration (eRA) Records (NIH eRA Records). The new system covers records used in managing NIH research and development applications and awards throughout the award lifecycle. The listed exemptions are necessary to maintain the integrity of the NIH extramural peer review and award processes, and will enable the agency to prevent, when appropriate, individual record subjects from having access to, and other rights under the Privacy Act with respect to, confidential source-identifying material in the records.

DATES: This final rule is effective April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Celeste Dade-Vinson, NIH Privacy Act Officer, Office of Management Assessment, National Institutes of Health, 6011 Executive Boulevard, Suite 601, MSC 7669, Rockville, Maryland 20852, telephone 301–496–4606, fax 301–402–0169, email *privacy@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974 (Privacy Act), the exemptions were described in a Notice of Proposed Rulemaking (NPRM) published for public notice and comment on December 8, 2016 (81 FR 88637). The new system of records was described in a System of Records Notice (SORN) published for public notice and comment the same day (81 FR 88690). Only certain confidential source-identifying information was proposed to be exempted, from the accounting of disclosures, access and amendment, and notification provisions in subsections (c)(3) and (d)(1) through (4) of the Privacy Act, based on subsection (k)(5) of the Act. One comment was received on the NPRM and no comments were received on the SORN. No changes to the proposed exemptions or to the SORN were made as a result of comment received. The NIH research and development award programs provide funds through contracts, cooperative agreements, and grants to support biomedical and behavioral research and development projects and centers, training, career development, small business, and loan repayment and other research programs. The NIH is responsible to Congress and the U.S. taxpayers for carrying out its research and development award programs in a manner that facilitates research cost-effectively and in compliance with applicable statutes, rules and regulations, including 42 U.S.C. 217a, 281, 282, 41 U.S.C. 423 and 45 CFR part 75. The NIH uses an award process that relies on checks and balances, separation of responsibilities, and a two-level peer review system to ensure that funding applications submitted to the NIH are evaluated in a manner that is fair, equitable, timely, and free of bias. The two-level peer review system is authorized by 42 U.S.C. 216, 42 U.S.C. 282(b)(6), 42 U.S.C. 284(c)(3), and 42 U.S.C. 289a and governed by regulations at 42 CFR part 52h, ''Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects.'' The two-level system separates the scientific assessment of proposed projects from policy decisions about scientific areas to be supported and the level of resources to be allocated, which permits a more objective and complete evaluation than would result from a single level of review. The two-level review system is designed to provide NIH officials with the best available advice about scientific and technical merit as well as program priorities and policy considerations. The initial or first level review involves panels of experts established according to scientific disciplines, generally referred to as Scientific Review Groups (SRGs), whose primary function is to evaluate the scientific merit of grant applications. The second level of review of grant applications is performed by National Advisory Boards or Councils composed of both scientific and lay representatives. The recommendations made by these Boards or Councils are based not only on considerations of scientific merit as judged by the SRG but also on the relevance of a proposed project to the programs and priorities of the NIH. Referees are those individuals who supply reference or other letters of recommendations for a grant or cooperative agreement applicant.

Confidential referee and peer reviewer identifying material is contained in records such as reference or recommendation letters, reviewer critiques, preliminary or final individual overall impact/priority score records, and/or assignment of peer reviewers to an application and other evaluative materials and data, which referees and peer reviewers provide to the NIH Office of Extramural Research (OER) under express promises that they will not be identified as the sources of the information, and which NIH/OER compiles solely for the purpose of determining applicants' suitability, eligibility, or qualifications for federal contracts, grants, or cooperative agreements. To the extent that records in System No. 09–25–0225 are retrieved by personal identifiers for individuals other than the referees and reviewers (for example, individual applicants), the exemptions for the new system will enable the agency to prevent, when appropriate, those individual record subjects from having access to, and other rights under the Privacy Act with respect to, confidential source-identifying material in the records.

Under the Privacy Act (5 U.S.C. 552a), individuals have a right of access to records about them in federal agency systems of records, and other rights with respect to those records (such as notification, amendment, and an accounting of disclosures), but the Act permits certain types of systems of records (identified in section 552a (j) and (k)) to be exempted from certain requirements of the Act. Subsection (k)(5) permits the head of an agency to promulgate rules to exempt from the requirements in subsections (c)(3) and (d)(1) through (4) of the Act investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal contracts, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

On December 8, 2016, HHS/NIH published a System of Records Notice (SORN) describing the new system (81 FR 88690). On the same date, HHS/NIH also published a Notice of Proposed Rulemaking (NPRM) (81 FR 88637) proposing to exempt a subset of records in the system of records under subsection (k)(5) of the Privacy Act from requirements pertaining to providing an

accounting of disclosures, access and amendment, and notification (5 U.S.C. 552a(c)(3) and (d)). The comment period for the SORN and NPRM was open through February 6, 2017. The Agency received one comment and recommendation on the NPRM during the rulemaking comment period. The comment applauded HHS/NIH's efforts to exempt information contained within the system of records as specified in this section of the notice. The commenter recommended that the Agency reassess information contained within the system of records on a recurrent basis to ensure that relevant records are appropriately treated as exempt from the Privacy Act provisions in question. After considering the comment and recommendation, HHS/NIH believes the exemptions are necessary to maintain the integrity of the NIH extramural peer review and award processes. Protecting referee and peer reviewer identities as the sources of the information they provide protects them from harassment, intimidation, and other attempts to improperly influence award outcomes, and ensures that they are not reluctant to provide sensitive information or frank assessments to the government under an express promise that their identities as sources would be held in confidence. Case law has held that exemptions promulgated under subsection (k)(5) may protect source-identifying material even where the identity of the source is known.

The specific rationales that support the exemptions, as to each affected Privacy Act provision, are as follows:

• *Subsection (c)(3).* An exemption from the requirement to provide an accounting of disclosures to record subjects is needed to protect the identity of any referee or peer reviewer source who is expressly promised confidentiality. Release of an accounting of disclosures to an individual who is related to the application under assessment or evaluation could identify particular referees and peer reviewers as sources of recommendations or evaluative input received, or to be received, on the application. Inappropriately revealing their identities in association with the nature and scope of their assessments or evaluations and could lead them to alter or destroy their assessments or evaluations or subject them to harassment, intimidation, or other improper influences, which would impede or compromise the fairness and objectivity of the grant or contract review process.

• *Subsection (d)(1).* An exemption from the access requirement is needed both during and after a grant or contract review proceeding, to avoid inappropriately revealing the identity of any referee or peer reviewer source who was expressly promised confidentiality. Protecting confidential referee and peer reviewer identifying material from inappropriate access by record subjects is necessary for the integrity of the peer review process to ensure such sources provide candid assessments or evaluations to the government without fear that their identities as linked to a specific work product will be inappropriately revealed. Allowing an individual applicant or other individual who is the subject of an assessment or evaluation to access material that would inappropriately reveal a confidential referee or peer reviewer source could interfere with or compromise the objectivity and fairness of grant and contract review proceedings, constitute an unwarranted invasion of the personal privacy of the source and violate the express promise of confidentiality made to the source.

• *Subsections (d)(2) through (d)(4).* An exemption from the amendment provisions is necessary while one or more related grant and/or contract review proceedings are pending, but only if and to the extent that disclosure of information in the amendment request process would inappropriately reveal the identity of any referee or peer reviewer source who was expressly promised confidentiality. This exemption will be limited to allowing the agency, when processing an amendment or correction request by an individual applicant or other individual who is the subject of an evaluation or assessment in a pending proceeding, to avoid disclosing the existence of the record and its contents, if doing so would inappropriately reveal the identity of any referee or peer reviewer source who was expressly promised confidentiality. Inappropriately revealing the identity of a confidential referee or peer reviewer source to an individual applicant or other individual who is the subject of an evaluation or assessment in a pending proceeding could interfere with that proceeding, would constitute an unwarranted invasion of the personal privacy of a source, or would violate the express promise of confidentiality made to the source.

Accordingly, pursuant to 5 U.S.C. 552a(k)(5), the agency is now exempting the following source-identifying material in system of records 09–25–0225 NIH eRA Records from the accounting, access, amendment and notification provisions of the Privacy Act (paragraphs (c)(3) and (d)(1) through (4)), based on the specific rationales indicated above:

> Material that would inappropriately reveal the identities of referees who provide letters of recommendation and peer reviewers who provide written evaluative input and recommendations to NIH about particular funding applications under an express promise by the government that their identities in association with the written work products they authored and provided to the government will be kept confidential; this includes only material that would reveal a particular referee or peer reviewer as the author of a specific work product (*e.g.,* reference or recommendation letters, reviewer critiques, preliminary or final individual overall impact/priority scores, and/or assignment of peer reviewers to an application and other evaluative materials and data compiled by NIH/OER); it includes not only an author's name but any content that could enable the author to be identified from context.

Notwithstanding the exemptions, consideration will be given to any requests for notification, access, and amendment that are addressed to the System Manager, as provided in the SORN for system of records 09–25–0225, and to accounting of disclosure requests.

The **Federal Register** notice containing the SORN proposed for new system of records 09–25–0225 (81 FR 88690, published December 8, 2016) provides for that SORN to be effective upon publication of this final rule. No changes were made to the SORN as a result of public comments and, therefore, the SORN, as published at 81 FR 88690, is now effective.

Analysis of Impacts

I. Review Under Executive Orders 12866, 13563, and 13771

The agency has reviewed this rule under Executive Orders 12866 and 13563, which direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to maximize the net benefits. The agency believes that this rule is not a significant regulatory action under Executive Order 12866, and therefore does not constitute an Executive Order 13771 regulatory action, because it will not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees or loan programs, or the

rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. This rule renders certain Privacy Act requirements inapplicable to certain agency records (in this case, certain confidential source-identifying records in NIH research and development award records) in accordance with criteria established in subsection (k)(5) of the Privacy Act (5 U.S.C. 552a(k)(5)), based on a showing that agency compliance with those Privacy Act requirements with respect to those records would harm the effectiveness or integrity of the agency function or process for which the records are maintained (in this case, NIH research and development award processes).

II. Review Under the Regulatory Flexibility Act (5 U.S.C. 601–612)

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant regulatory impacts of a rule on small entities. Because the rule imposes no duties or obligations on small entities, we have determined, and the Director certifies, that the rule will not have a significant economic impact on a substantial number of small entities.

III. Review Under the Unfunded Mandates Reform Act of 1995 (Section 202, Pub. L. 104–4)

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2015) Implicit Price Deflator for the Gross Domestic Product. The agency does not expect that this final rule would result in any 1-year expenditure by State, local, and tribal governments that would meet or exceed this amount.

IV. Review Under the Paperwork Reduction Act of 1995 (44 U.S.C. 35–1 et seq.)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act.

V. Review Under Executive Order 13132, Federalism

This rule will not have any 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. Therefore, the requirements of Executive Order 13132 are inapplicable.

List of Subjects in 45 CFR Part 5b

Privacy.

For the reasons set out in the preamble, the Department amends part 5b of title 45 of the Code of Federal Regulations as follows:

PART 5b—PRIVACY ACT REGULATIONS

■ 1. The authority citation for part 5b continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552a.

■ 2. Amend § 5b.11 by:
■ a. Removing ''and,'' from the end of paragraph (b)(2)(iv)(A);
■ b. Removing the period at the end of paragraph (b)(2)(iv)(B) and adding ''; and'' in its place; and
■ c. Adding paragraph (b)(2)(iv)(C).

The addition reads as follows:

§ 5b.11 Exempt systems.

* * * * *

(b) * * *

(2) * * *

(iv) * * *

(C) NIH Electronic Research Administration (eRA) Records, HHS/NIH/OD/OER, 09–25–0225.

* * * * *

Dated: February 5, 2018.

Francis S. Collins,

Director, National Institutes of Health.

Approved: March 28, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2018–06676 Filed 4–2–18; 8:45 am]

BILLING CODE 4140–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51, 54, and 69

[WC Docket Nos. 10–90, 14–58; CC Docket No. 01–92; FCC 18–13]

Developing a Unified Intercarrier Compensation Regime

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission reconsiders rules adopted in the *Rate-of-Return Reform Order.* Specifically, the Commission replaces the surrogate cost methods for Consumer Only Broadband Loops, revises CBOL imputation rules, and lastly, clarifies matters concerning reductions in the Connect America Fund Broadband Loop Support. Further review of the record supports the adjustments, and further promotes the Commission's goals of providing certainty and stability for carriers and continued consumer access to advanced telecommunications and information services.

DATES: Effective May 3, 2018.

FOR FURTHER INFORMATION CONTACT: Victoria Goldberg, Wireline Competition Bureau, Pricing Policy Division at (202) 418–1540 or at *Victoria.goldberg@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Order on Reconsideration and Clarification, WC Docket Nos. 10–90 and 14–58, CC Docket No. 01–92; FCC 18–13, released on February 16, 2018. A full-text copy of this document may be obtained at the following internet address: *https://apps.fcc.gov/edocs_public/attachmatch/FCC-18-13A1.docx.*

Synopsis

I. Introduction

1. By the Second Order on Reconsideration and Clarification (Order), we reconsider rules adopted in the *Rate-of-Return Reform Order* relating to rate-of-return local exchange carriers' (LECs) provision of consumer broadband-only loops (CBOLs). First, we revise our rules to replace the surrogate cost method for determining the cost of CBOLs with rules employing existing separations and cost allocation procedures. Second, we revise the rule requiring rate-of-return carriers to impute on CBOLs an amount equal to the Access Recovery Charge (ARC) that could have been assessed on a voice or voice/broadband line to better implement our intent to maintain the balance between end user charges and universal service adopted in the *USF/ICC Transformation Order.* Finally, we clarify two matters pertaining to reductions in Connect America Fund Broadband Loop Support (CAF BLS) due to competitive overlap. Making these adjustments to the rules for rate-of-return carriers serves the Commission's goals of providing more certainty and stability for carriers investing for the future, thereby ensuring that all consumers have access

to advanced telecommunications and information services.

II. Background

2. In the *Rate-of-Return Reform Order,* the Commission revised its approach to providing universal service support to rate-of-return LECs. The Commission adopted a voluntary path under which rate-of-return carriers could elect model-based support for a term of 10 years in exchange for meeting defined build-out obligations. For carriers not electing model-based support, among other things, the Commission modernized the existing interstate common line support rules to provide support in situations where customers subscribe to stand-alone broadband service, instead of traditional regulated local exchange voice service.

3. To implement the provision of universal service support for stand-alone broadband, the Commission defined a new type of service that would receive such support—CBOL service. Because CBOL costs were included in the Special Access category by the separations and Part 69 cost allocation rules, the Commission required carriers to shift CBOL costs from the Special Access category to a new CBOL category. The goal was to avoid including such CBOL costs in the determination of just and reasonable rates for special access services and to develop the support mechanism and tariff rates for CBOL service. Reasoning that CBOL costs were similar to common line costs, the Commission decided to use common line costs as a surrogate for identifying the CBOL costs to be shifted from the Special Access category to the CBOL category for each CBOL. This process is referred to as the ''surrogate method.'' The surrogate method included the broadest definition of loop costs feasible based on the Commission's then-current cost accounting rules. It also was intended to identify those costs in an expansive manner, to segregate the broadband-only loop investment and expenses from other special access costs currently included in the Special Access category, and to preclude cross-subsidization. The Commission recognized, however, that it might be appropriate to revisit the surrogate method in the future if it was not working as intended.

4. In the course of implementing the new rules and carrier introduction of the new CBOL service, it became apparent that, in certain limited situations, the surrogate cost methodology over-allocated costs out of the Special Access category, thereby reducing the revenue requirement and resulting special access services rates more than intended; indeed, in the worst case scenario, rates would have been reduced to zero. Concluding that it would be unreasonable to apply the surrogate method in such circumstances, the Wireline Competition Bureau (Bureau) granted a limited waiver of sections 69.311 and 69.416 of the Commission's rules in cases where use of the surrogate cost method would result in such unintended rate reductions. The Bureau granted a similar limited waiver of the rules concerning use of the surrogate cost method for the 2017 annual access charge tariff filing, and any later tariff filings related to the development of the CBOL revenue requirement.

5. In the *Rate-of-Return Reform Order,* the Commission also adopted a rule requiring that rate-of-return carriers impute an amount equal to the ARC on CBOL service as part of the process of calculating their CAF ICC Support. The Commission anticipated the migration of some end users from their current voice/broadband offerings to supported broadband-only lines due to increased affordability of these services. It recognized that as such migration occurred, the reduction in the number of ARC-eligible lines would require carriers to recover more from CAF ICC support. To help maintain the careful balance between end-user charges and universal service support adopted in the *USF/ICC Transformation Order,* the Commission adopted the ARC imputation rule for CBOL service. Those rules do not distinguish between carriers' revenue from new and existing broadband only loop subscribers.

6. NTCA—The Rural Broadband Association filed a petition asking the Commission to reconsider portions of the *Rate-of-Return Reform Order.* Among other things, NTCA asks that the Commission reconsider the surrogate method for estimating CBOL costs, and instead adopt a more cost-based method. NTCA also requests that the Commission reconsider the ARC imputation rule and grandfather stand-alone broadband connections in place as of September 30, 2011 from imputation of the ARC amounts.

7. Further, the Commission also adopted rules in the *Rate-of-Return Reform Order* to eliminate CAF BLS in census blocks served by an unsubsidized competitor. The Commission recognized that the census blocks served by an unsubsidized competitor are likely to be lower cost areas, as compared to the other census blocks in the carrier's study area. Accordingly, the Commission provided that a carrier subject to competitive overlap may elect one of three methodologies to ''disaggregate'' its support into competitive census blocks (in which support would be eliminated) and non-competitive census blocks (in which support would not be eliminated). The Commission further adopted a plan for transitioning support reductions for areas subject to competitive overlap.

III. Discussion

8. Upon review of the record, we modify our rules by replacing the surrogate cost method for determining the cost of CBOLs and revise the rule requiring rate-of-return carriers to impute an amount equal to the ARC that could have been assessed on a voice or voice/broadband line. We also clarify two matters pertaining to the manner in which competitive overlap can lead to a reduction in CAF BLS. These actions will further advance our goal of ensuring deployment of advanced telecommunications and information services networks throughout ''all regions of the nation.''

A. Replacing the Surrogate Method

9. First, we revise sections 69.311 and 69.416 as set forth in the Appendix to determine CBOL costs from the Part 36 and Part 69 cost studies without using a surrogate method. While the surrogate method produced CBOL cost estimates in the expected ranges for many, if not most, carriers, in other situations the estimates were problematic. For a few carriers, particularly those that elected to freeze their separations category relationships, use of the surrogate method would have eliminated the Special Access revenue requirement thereby requiring carriers to offer special access services at no charge. The costs shifted to the CBOL category are also an input into the amount of CAF BLS a carrier is eligible to receive; accordingly, this over-allocation would have had the unintended effect of increasing the projected revenue requirement for CAF BLS. Because use of the surrogate method does not result in an appropriate cost allocation for some rate-of-return carriers, we now reconsider and adopt a different approach for identifying CBOL costs that should be shifted from the Special Access category to the CBOL category commencing with the 2018 annual access charge tariff filings.

10. We find the approach suggested by NTCA to be a significantly better approach than the surrogate method. NTCA proposes that the Commission revise section 69.311(b) to specify that broadband-only investment shall equal the amount of broadband-only loop investment included in CWF Category 2

Wideband and COE Category 4.11 Wideband Exchange Line Circuit Equipment, and related reserves and other investment, assigned to interstate special access pursuant to Parts 36 and 69 of the Commission's rules. It further proposes that broadband-only loop expenses should then be determined by reference to such investments. We note that the National Exchange Carrier Association (NECA) supported a similar concept for moving forward. No party has opposed this approach.

11. Rate-of-return carriers, other than average schedule carriers and those that elected to freeze their separations category relationships, perform cost studies to implement the Part 36 and 69 cost allocations in the process of establishing interstate access rates. The approach proposed by NTCA and supported by NECA would use existing cost categories and allocation procedures to identify the costs shifted to the CBOL category. Because this approach takes the actual costs from the cost studies into consideration rather than using common line costs as a surrogate, it should produce a more accurate means of identifying and allocating these costs. Under this approach, carriers can identify and track CBOL investment costs that are directly assigned to the Special Access category, as well as track indirect costs to the new CBOL category. Once investments are assigned, the existing rules provide procedures for allocating expenses among categories in a consistent manner that will allow carriers to determine the expenses associated with CBOL services and shift them to the CBOL category. In addition to producing more accurate results, using the current cost study process minimizes the burden on carriers and the likelihood of cost variability and distortions in future years.

12. While NTCA proposes specific assignment categories—separations category 2.1, cable and wire facilities, and category 4.1.1, circuit equipment—we find that the better approach is to be less specific concerning permitted cost categories. The Federal-State Joint Board on Jurisdictional Separations is considering reforms of the separations procedures that have been frozen since 2000. More generic rule language will simplify harmonization of any reforms adopted in that proceeding with the cost allocation rules in Part 69. Therefore, the new rules will require rate-of-return carriers to use direct assignment principles to the extent possible before making any indirect allocations.

13. Rate-of-return carriers shall use the revised procedures for determining broadband-only line costs to be shifted beginning July 1, 2018. Such carriers have already completed the cost studies necessary for developing data related to support amounts and access rates for tariff year 2017 and the *Second Cost Surrogate Waiver Order* mitigated the most significant short-term concerns with the surrogate method. Moreover, the changes we adopt largely reflect longer-term considerations. Making the revisions to these rules applicable beginning July 1, 2018 allows carriers to plan for these changes as part of the next annual access tariff filings.

B. ARC Imputation

14. Upon further consideration, we also revise, effective for a period of five years, section 51.917(f) of our rules to address NTCA's concern that, under the existing rule, a carrier's CAF ICC support is reduced because of the imputation of an amount on CBOLs that was not part of the balance struck in the *USF/ICC Transformation Order.* NTCA argues that ''[a] standalone broadband connection in place as of September 30, 2011 was never included within the CAF–ICC baseline and thus was not part of the 'careful balancing' that went into establishing the mechanism.'' Other parties support reconsideration of the ARC imputation rule and the solution proposed by NTCA.

15. We agree with NTCA that our focus on reconsideration should be on the goal of balancing end-user and universal service support adopted in the *USF/ICC Transformation Order.* The ARC imputation for CBOLs was intended to ensure that new support for CBOLs would not unduly increase CAF ICC. Although the ARC imputation achieves that goal, we agree with NTCA that, as implemented, the ARC imputation may unduly penalize rate-of-return carriers that offered stand-alone broadband connections before the *Rate-of-Return Reform Order.* As such, we believe adjusting the ARC imputation calculation is appropriate. At the same time, however, we are mindful of the concerns raised by NTCA regarding the need to ensure that any exemption that we create ''be properly targeted and limit potential adverse impacts on carriers that do not qualify for such an exemption.''

16. We limit the ARC imputation amount so that the total ARC revenues and imputation for the current tariff period will not exceed a pre-*Rate-of-Return Reform Order* baseline as a result of CBOL imputation. Specifically, we set the baseline as the ARC revenues from the most recent tariff period prior to the effective date of the CBOL imputation rule (tariff year 2015–16). Under this approach, a rate-of-return carrier's CAF ICC support will be reduced by the ARC imputation on CBOLs only if a carrier's maximum assessable ARCs and imputed CBOL ARCs falls short of the baseline amount. We revise section 51.917(f) of the Commission's rules to explain the process for making the necessary comparisons and any resulting imputation on CBOLs.

17. The revisions to section 51.917(f) rules will take effect on July 1, 2018, the date that the upcoming annual access tariffs will take effect. This effective date will simplify implementation and avoid any complications that would occur as a result of a need to true-up such amounts in 2019. All rate-of-return carriers must reflect the effects of these rule revisions in their Tariff Review Plans for the June 2018 annual access charge tariff filings. We adopt NTCA's recommendation to sunset section 51.917(f)(5), the provision implementing our revisions to the imputation requirement, after five years. We believe that such a limitation is warranted in light of our currently-limited experience with CAF-supported CBOL-based service. We will monitor the effects of section 51.917(f)(5) during that period and take further action as necessary.

18. We reject the grandfathering approach suggested by NTCA. That approach raises unnecessarily complicated administrative issues with respect to the determination and verification of the number of stand-alone broadband lines in service on September 30, 2011. We also question whether a simple frozen number of lines is the best approach since some turnover would be expected over time. For these reasons, we decline to adopt the grandfathering solution suggested by NTCA.

C. Clarification of Competitive Overlap Procedures

19. In addition to the issues on reconsideration addressed above, we also clarify two matters related to reductions in support due to the competitive overlap procedure adopted in the *Rate-of-Return Reform Order.*

20. First we clarify the reduction amounts associated with the second disaggregation method. In the *Rate-of-Return Reform Order,* the Commission published a table showing the ''reduction ratio'' for specified ''competitive ratios'' (*i.e.,* the ratio of competitive square miles to non-competitive square miles in a study area). While the table sets forth a precise reduction ratio for each competitive ratio that was listed, it did not clearly reflect the intent of the Commission with respect to the reduction ratios that

should apply to competitive ratios *in between* the specified competitive ratios. The table below fills in the gaps in accordance with the Commission's clear intent and replaces the table in the *Rate-of-Return Reform Order.*

Competitive ratio	Reduction	
More than (%)	But no more than (%)	Ratio (%)
0	20	N/A
20	25	3.3
25	30	6.7
30	35	10.0
35	40	13.3
40	45	16.7
45	50	20.0
50	55	25.0
55	60	30.0
60	65	35.0
65	70	40.0
70	75	45.0
75	80	50.0
80	85	62.5
85	90	75.0
90	95	87.5
95	100	100

21. Second, in discussing the transition to support reductions and in the associated rule, the Commission referred to the transition schedule where the CAF BLS subject to competitive overlap is ''more than 25 percent'' of total CAF BLS. This reference was in contrast to areas ''where the reduction of CAF BLS from competitive census block(s) represents *less than 25 percent* of the total CAF BLS support the carrier would have received in the study area in the absence of this rule.'' To prevent a gap when the reduction is exactly 25 percent, we clarify that that schedule applies where the CAF BLS subject to competitive overlap is 25 percent or more of total CAF BLS, and modify section 54.319(g) to reflect that clarification.

IV. Procedural Matters

A. Paperwork Reduction Act Analysis

22. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it does not contain any new or modified information collection burdens for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

B. Congressional Review Act

23. The Commission will send a copy of this Second Order on Reconsideration and Clarification 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 Certification

24. The Regulatory Flexibility Act of 1980, as amended (RFA), requires agencies to prepare a regulatory flexibility analysis for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.'' The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 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 Small Business Administration (SBA).

25. This Order amends rules adopted in the *Rate-of-Return Reform Order* by replacing the surrogate cost method for calculating the costs of Consumer Broadband-only Loops (CBOLs) and revising the Access Recovery Charge (ARC) imputation rules for CBOLs. These revisions do not create any burdens, benefits, or requirements that were not addressed by the Final Regulatory Flexibility Analysis attached to the *Rate-of-Return Reform Order.* Therefore, we certify that the rule revisions adopted in this Second Order on Reconsideration and Clarification will not have a significant economic impact on a substantial number of small entities.

26. The Commission will send a copy of the Second Order on Reconsideration and Clarification, including a copy of this Final Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, the Second Order on Reconsideration and Clarification and this Final Certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

V. Ordering Clauses

27. Accordingly, *it is ordered,* pursuant to the authority contained in sections 1, 2, 4(i), 205, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, and 405 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 205, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 1302, that this Second Order on Reconsideration and Clarification *is adopted*, effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**.

28. *It is further ordered* that Parts 51, 54, and 69 of the Commission's rules, 47 CFR parts 51, 54, and 69, *are amended* as set forth in the Appendix, and such rule amendments *shall be effective* thirty (30) days after publication of the rules amendments in the **Federal Register**.

29. *It is further ordered* that the Commission *shall send* a copy of this Second Order on Reconsideration and Clarification to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

30. *It is further ordered,* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Second Order on Reconsideration and Clarification, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

31. *It is further ordered* that the Petition for Reconsideration and/or Clarification of NTCA—The Rural Broadband Association filed May 25, 2016, is *granted in part* as described herein.

List of Subjects

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, Internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 51, 54 and 69 as follows:

PART 51—INTERCONNECTION

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 47 U.S.C. 151–55, 201–05, 207–09, 218, 220, 225–27, 251–54, 256, 271, 303(r), 332, 1302.

■ 2. Amend § 51.917 by revising the first sentence of paragraph (f)(4) and adding paragraph (f)(5) to read as follows:

§ 51.917 Revenue recovery for Rate-of-Return Carriers.

* * * * *

(f) * * *

(4) Except as provided in paragraph (f)(5) of this section, a Rate-of-Return Carrier must impute an amount equal to the Access Recovery Charge for each Consumer Broadband-Only Loop line that receives support pursuant to § 54.901 of this chapter, with the imputation applied before CAF–ICC recovery is determined. * * *

(5) Notwithstanding paragraph (f)(4) of this section, commencing July 1, 2018 and ending June 30, 2023, the maximum total dollar amount a carrier must impute on supported consumer broadband-only loops is limited as follows:

(i) For the affected tariff year, the carrier shall compare the amounts in paragraphs (f)(5)(i)(A) and (B) of this section.

(A) The sum of the revenues from projected Access Recovery Charges assessed pursuant to paragraph (e) of this section, any amounts imputed pursuant to paragraph (f)(2) of this section, and any imputation pursuant to paragraph (f)(4) of this section.

(B) The sum of the revenues from Access Recovery Charges assessed pursuant to paragraph (e) of this section and any amounts imputed pursuant to paragraph (f)(2) of this section for tariff year 2015–16, after being trued-up.

(ii) If the amount determined in paragraph (f)(5)(i)(A) of this section is greater than the amount determined in paragraph (f)(5)(i)(B), the sum of the revenues from projected Access Recovery Charges assessed pursuant to paragraph (e) of this section and any amounts imputed pursuant to paragraph (f)(2) of this section for the affected year must be compared to the amount determined in paragraph (f)(5)(ii)(B) of this section.

(A) If the former amount is greater than the latter amount, no imputation is made on Consumer Broadband-Only Loops.

(B) If the former amount is equal to or less than the latter amount, the imputation on Consumer Broadband-Only Loops is limited to the difference between the two amounts.

PART 54—UNIVERSAL SERVICE

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

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 4. Amend § 54.319 by revising paragraph (g) introductory text to read as follows:

§ 54.319 Elimination of high-cost support in areas with 100 percent coverage by an unsubsidized competitor.

* * * * *

(g) For any incumbent local exchange carrier for which the disaggregated support for competitive census blocks represents 25 percent or more of the support the carrier would have received in the study area in the absence of this rule, support shall be reduced for each competitive census block according to the following schedule:

* * * * *

PART 69—ACCESS CHARGES

■ 5. The authority citation for part 69 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 203, 205, 218, 220, 254, 403.

■ 6. Amend § 69.311 by revising the introductory text of paragraph (b) and adding paragraph (c) to read as follows:

§ 69.311 Consumer Broadband-Only Loop investment.

* * * * *

(b) Until June 30, 2018, the consumer broadband-only loop investment to be removed from the special access category shall be determined using the following estimation method.

* * * * *

(c) Beginning July 1, 2018, each carrier shall determine, consistent with the Part 36 and Part 69 cost allocation rules, the amount of Consumer Broadband-Only Loop investment and related reserves and other investment assigned to the interstate Special Access category that is to be shifted to the Consumer Broadband-Only Loop category.

■ 7. Amend § 69.416 by revising the introductory text of paragraph (b) and adding paragraph (c) to read as follows:

§ 69.416 Consumer Broadband-Only Loop expenses.

* * * * *

(b) Until June 30, 2018, the consumer broadband-only loop expenses to be removed from the special access category shall be determined using the following estimation method.

* * * * *

(c) Beginning July 1, 2018, each carrier shall determine, consistent with the Part 36 and Part 69 cost allocation rules, the amount of Consumer Broadband-Only Loop expenses assigned to the interstate Special Access category that are to be shifted to the Consumer Broadband-Only Loop category.

[FR Doc. 2018–06488 Filed 4–2–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2017–0017; 4500030113]

RIN 1018–BB45

Endangered and Threatened Wildlife and Plants; Threatened Species Status for Yellow Lance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine threatened species status under the Endangered Species Act of 1973, as amended (ESA or Act), for yellow lance (*Elliptio lanceolata*), a mussel species from Maryland, Virginia, and North Carolina. The effect of this regulation will be to add this species to the List of Endangered and Threatened Wildlife.

DATES: This rule is effective May 3, 2018.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R4–ES–2017–0017 and *https://www.fws.gov/southeast/.* Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov.* Comments, materials, and documentation that we considered in this rulemaking will be available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551F Pylon Drive, Raleigh, NC 27606; 919–856–4520.

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551F Pylon Drive, Raleigh, NC 27606 or telephone 919–856–4520. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the yellow lance. The SSA team was

composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the yellow lance. The SSA report underwent independent peer review by scientists with expertise in mussel biology, habitat management, and stressors (factors negatively affecting the species) to the species. The SSA report, proposed rule, and other materials relating to this rule can be found on the Southeast Region website at *https://www.fws.gov/southeast/* and at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0017.

Previous Federal Action

Please refer to the proposed listing rule for the yellow lance (82 FR 16559; April 5, 2017) for a detailed description of previous Federal actions concerning this species.

Background

Please refer to the proposed listing rule for the yellow lance and the SSA Report for a full summary of species information. Both are available on the Southeast Region website at *https://www.fws.gov/southeast/* and at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0017.

Summary of Changes From the Proposed Rule

In preparing this final rule, we reviewed and fully considered comments from the public on the proposed rule (see below). No substantive changes were made to this final rule after consideration of the comments we received. The SSA report was updated (to version 1.3) based on comments and some additional information provided; many small, non-substantive clarifications and corrections were made throughout the SSA document, including ensuring consistency of colors on maps, providing details about data sources used, updating references in the description of threats section, and minor clarifications. However, the information we received in response to the proposed rule did not change our determination that the yellow lance is a threatened species.

Summary of Comments and Recommendations

In the proposed rule published on April 5, 2017 (82 FR 16559), we requested that all interested parties submit written comments on the proposal by June 5, 2017. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. We did not receive any requests for a public hearing. All substantive information provided during the comment period has either been incorporated directly into this final determination or addressed below.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review actions under the Act, we solicited expert opinion from 13 knowledgeable individuals with scientific expertise that included familiarity with yellow lance and its habitat, biological needs, and threats. We received responses from seven of the peer reviewers.

We reviewed all comments received from the peer reviewers for substantive issues and new information regarding the information contained in the SSA Report. The peer reviewers generally concurred with our methods and conclusions and provided additional information, clarifications, and suggestions to improve the final SSA Report. Peer reviewer comments are addressed in the following summary and were incorporated into the final SSA Report as appropriate.

(1) Comment: One peer reviewer recommended that Natural Heritage Element Occurrences should have been used as metrics to delineate populations instead of river basins and hydrologic unit code 10 (HUC10) management units (MUs).

Our Response: The use of river basins and MUs as metrics was suggested by the Yellow Lance Technical Team. This species expert group, which included Natural Heritage biologists, did not think the element occurrence was appropriate for this analysis, because element occurrences are too fine a scale and represent where individuals have been documented rather than capture the extent of the suitable habitat. The river basin level by itself is too coarse of a scale at which to estimate the condition of factors influencing resiliency, so populations were further delineated using MUs. MUs were defined as one or more HUC10 watersheds that species experts identified as most appropriate for assessing population-level resiliency, because it better captures the extent of suitable habitat for areas where yellow lance are found.

(2) Comment: One peer reviewer suggested we use data from flow gauges to measure water availability for the time period identified.

Our Response: Gauge data are not consistently available for all locations in the analysis. Drought maps were used to give an overall (rangewide) impression about climate-related influences on the population.

(3) Comment: One peer reviewer wanted more information on how the Active River Areas (ARAs) were delineated.

Our Response: An ARA is a pre-defined/delineated shapefile made available by The Nature Conservancy (TNC). The ARA framework is a spatially explicit characterization? of rivers that includes both the channels and the riparian lands necessary to accommodate the physical and ecological processes associated with the river system. The ARA includes material contribution areas, meander belts, floodplains, terraces, and riparian wetlands. For more information, see: *https://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/edc/Documents/ED_freshwater_ARA_NE2008.pdf.*

(4) Comment: One peer reviewer stated that we should have completed a PECE analysis on the conservation management actions.

Our Response: The Policy for the Evaluation of Conservation Efforts (PECE) is a policy that provides guidance on how to evaluate conservation efforts that have not yet been implemented or have not yet demonstrated effectiveness. The management actions described in the SSA Report do not fall under these criteria because they are past and present conservation management actions.

(5) Comment: One peer reviewer noted that not all watersheds are at equal risk of development.

Our Response: We understand that development of watersheds varies across the range of the species. To capture this variation, we used the SLEUTH BAU model of urban growth in the Southeast U.S., which looks at patterns of past development and projects similar spatial pattern of development into the future. We believe this model constitutes the best available information concerning the future development projections within the range of the yellow lance.

Comments From States

(6) Comment: The North Carolina Wildlife Commission and other commenters requested that the Service

implement a rule under section 4(d) of the Act in order to provide for species conservation and other activities resulting in incidental take.

Our Response: We have not proposed a section 4(d) rule at this time, but we plan to propose a section 4(d) rule in the future to tailor the take prohibitions of the Act to those necessary and advisable to provide for the conservation of the yellow lance.

Public Comments

(7) Comment: Several commenters stated that the Service did not acknowledge the benefits of high rates of compliance with forestry Best Management Practices (BMPs), and instead focused on the relatively rare instances of failure to use BMPs. While the Service correctly acknowledges that silvicultural activities performed according to BMPs ''can retain adequate conditions for aquatic ecosystems,'' the remainder of the Service's discussion regarding BMPs focuses on those rare circumstances when BMPs are not implemented.

Our Response: We included forest cover within the ARA as one of the main contributions to the habitat element of instream substrate, thus indicating that well-managed forests are important contributors to maintaining habitat occupied by the species. The SSA Report notes that BMPs were not always common practice, but that those instances of noncompliance today are rare (SSA, p. 52). In Chapter 4, the SSA Report describes the many factors that contribute to the viability of the species, and the instances of failure to use BMPs could impact those factors and thus contribute to species decline, especially if those noncompliance areas are within the few known locations where the species persists. If BMPs associated with forestry practices are not followed, stream temperatures can increase, sedimentation can lower water quality, and associated roads can lead to increased sedimentation (references provided in SSA, pp. 50–51). So while improper implementation is rare, it can have drastic negative effects on sensitive aquatic species like freshwater mussels. The intent of Section 4.5 of the SSA Report was to discuss those circumstances when BMPs are not used and how that could affect the species' viability.

(8) Comment: One commenter stated that not implementing a BMP does not equate to a water quality risk and, therefore, also does not equate to noncompliance with State of North Carolina Forest Practice Guidelines Related to Water Quality standards (FPG). The commenter noted that the text written by the Service (''Many forestry activities are not required to obtain a CWA [Clean Water Act] 404 permit, as silviculture activities (such as harvesting for the production of fiber and forest products) are exempted'') lead the reader to believe that this exemption allows forestry activities to create a water quality problem without consequence.

Our Response: The statement from the SSA quoted in the comment above was not intended to indicate that there was no recourse for such action, but rather to indicate that many activities are exempted from permits. We clarified the language in the report. While we understand that not every BMP relates to water quality protections, many of them do contribute to water quality and habitat quality. As indicated in Table 4–3 of the SSA (p. 52), the BMP with one of the lowest implementation rates is one designed to reduce the impacts of stream crossings. Lack of adherence to or compliance with stream crossing BMPs creates a water quality risk, because improperly constructed culverts at stream crossings act as barriers to host fish (and, therefore, the yellow lance). This scenario leads to loss of access to quality habitat, as well as fragmented habitat and a loss of connectivity between populations of the yellow lance. This situation can limit both genetic exchange and recolonization opportunities.

(9) Comment: One commenter stated that references not from the southeastern United States should be removed.

Our Response: In accordance with section 4 of the Act, we are required to make listing decisions on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards under the Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines (*www.fws.gov/informationquality/*), provide criteria and guidance, and establish procedures to ensure that our decisions are based on the best scientific data available. We determined that references from outside the southeastern United States are valid sources of information relevant to the listing decision. The information provided in those references is important to consider because it informs how stream temperature is affected after deforestation, and how biota in the stream are subsequently impacted. Use of these sources conforms with our information standards because it is recent, relevant work that relates to the point being made regarding stream temperatures, that removal of vegetation alongside streams increases water temperature in the stream.

(10) Comment: One commenter stated that the proposed rule and SSA Report do not meet the information standards of the Interagency Policy on Information Standards adopted by the Service. Both documents evaluate a subset of the available data, fail to perform an in-depth analysis of the data that is evaluated, define populations inaccurately, present inaccurate analyses and conclusions, and provide a limited view of the potential future scenarios relative to the viability of the species. Under the ESA and associated Federal policies and guidelines, the rule and SSA Report do not provide sufficient scientific and technical information to support decision-making relative to the proposed listing of the yellow lance.

Our Response: The commenter did not provide any contradictory science or available data that we did not consider. We used an integrated and conservation-focused analytical approach, the Species Status Assessment Framework, to assess the species' biological status for the purpose of informing decisions and activities under the Act. As discussed under Comment 9 above, our information quality standards require our biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for determinations to list a species under the Act. The most comprehensive, current data sets from all known State agency (including museum) databases were used, and references to current data usage are in the text of the SSA (pp. 12 and 22). We used both the peer-reviewed SLEUTH urbanization model and the Intergovernmental Panel on Climate Change (IPCC) model to analyze a wide range of possible future scenarios, and our methods and analyses underwent peer review by independent species experts.

This final rule and the final SSA report rely on published articles, unpublished research, expert habitat modeling, comprehensive digital data, and the expert opinion of subject biologists to determine the listing status for the yellow lance. Additional information was added throughout the SSA to detail data sources used for analysis. The most comprehensive, current data sets from all known State agency (including museum) databases

were used, and references to current data usage are in the text of the SSA (pp. 12 and 22). Survey summaries and detailed maps are provided in Appendix B. Also, in accordance with the Service's peer review policy (59 FR 34270, July 1, 1994), we solicited peer review from knowledgeable individuals with scientific expertise that included familiarity with the species, the geographic region in which the species occurs, and conservation biology principles. Additionally, we requested comments or information from other concerned governmental agencies, the scientific community, industry, and any other interested parties concerning the proposed rule. Comments and information we received helped inform this final rule.

(11) Comment: One commenter stated that the analysis weighed the species assessment towards factors that may restrict future expansion of the species' distribution rather than factors that pose a direct threat to the survival of existing or future mussels.

Our Response: It is appropriate for us to consider factors that would restrict future expansions, especially for a species that is currently reduced from its historical range. Chapter 4 of the SSA Report describes how stressors pose a threat or benefit to the survival of existing mussels, some (*i.e.,* barriers), but not all, may restrict future expansion of the species.

(12) Comment: One commenter stated that the proposed rule and the SSA Report present conflicting statements regarding stressors that affect the species. The first paragraph of Section 5.1 states that the main drivers for change in the future condition analysis is human population growth and increased urbanization. However, the summary Section 4.9 of the SSA Report and the Risk Factors for the Yellow Lance in the **Federal Register** document state that ''the largest threats to the future viability of the species relate to habitat degradation from stressors influencing water quality, water quantity, instream habitat, and habitat connectivity.''

Our Response: The statements do not conflict with each other. Both human population growth and changes in land use (specifically in development land use patterns), including increased urbanization, are stressors that result in habitat degradation (which influences water quality, water quantity, instream habitat, and habitat connectivity) as described in section 4.1 of the SSA Report.

(13) Comment: The future condition analysis in the SSA should consider additional factors influencing viability, not only the impacts of urbanization.

Our Response: We considered six factors influencing viability of the yellow lance as part of the future condition analysis. Habitat conditions, water quality, water quantity, species condition, and climate were also considered. The descriptions can be found in Table 5.1 of the SSA.

(14) Comment: The future conditions evaluation fails to consider the net positive impact of current and future National Pollutant Discharge Elimination System (NPDES) stormwater programs, Department of Transportation (DOT) design standards, agricultural practices, land controls, riparian buffers and land conservation areas, and applicable water quality criteria to protect designated uses of waters.

Our Response: The current condition analysis includes evaluation of all current practices and land uses that may impact yellow lance (positive and negative), as indicated in the data used, including range-wide water quality and land use data (*i.e.,* agricultural practices, buffers, and water quality classifications were all included in the analyses). See SSA Report pages/sections 23–29. Positive and negative effects of these actions are incorporated in the analysis and carried through when modeling potential future conditions. Any practices above and beyond what is currently in practice would need to be analyzed as future efforts. According to our Policy for the Evaluation of Conservation Efforts (68 FR 15100, March 28, 2003), we only consider future efforts that are formalized and sufficiently certain to be implemented and effective.

(15) Comment: One commenter stated that the proposed rule and the SSA Report incorrectly claim that excessive surface water use for agricultural irrigation has an adverse impact on the amount of water available for downstream sensitive areas during low-flow months. According to the commenter, agricultural irrigation in North Carolina is not excessive.

Our Response: The SSA Report states: ''If the water withdrawal is excessive (usually over 10,000 gal/day) or done illegally (without permit if needed, or during dry time of year, or in areas where sensitive aquatic species occur without consultation), this *may cause* impacts to the amount of water available to downstream sensitive areas during low flow months, resulting in dewatering of channels and stranding of mussels.'' [emphasis added]. Both surface and ground water withdrawals can affect base flows in streams during dry times of year. In response to the comment, we amended the SSA Report to clarify this point.

(16) Comment: One commenter recommended that, along with the proposed listing, the Service identify recovery criteria, including the development of conservation strategies and incidental take permit mechanisms, prior to the listing becoming effective.

Our Response: Recovery criteria (and conservation strategies) are developed as part of the recovery planning process, which occurs after the species has been listed under the Act. The Service intends to develop and make available for public review a recovery outline within 30 days of publication of this final rule. Once the final listing is effective, project proponents can apply for incidental take permits pursuant to section 10 of the Act (refer to page 30 below). A habitat conservation plan or ''HCP'' must accompany an application for an incidental take permit. The habitat conservation plan associated with the permit ensures that the effects of the authorized incidental take are adequately minimized and mitigated.

(17) Comment: One commenter expressed concern that endangered species listings would interfere with the Environmental Protection Agency's established Framework for Water Quality Standards Development. The commenter stated that environmental stressors and habitat components that are developed may unnecessarily and inappropriately conflict with water quality standards (WQS).

Our Response: We are required by section 4 of the Act to make a listing decision based solely on the best scientific and commercial data available. However, since a primary goal of the Clean Water Act is to protect the health of waters of the United States for all designated uses, including the protection of aquatic life, and since a primary goal of the Act is to provide for the conservation of species that are endangered or threatened, including the conservation of the ecosystems on which they depend, listed aquatic species and the river systems on which they depend are protected under both laws. There should be no conflict between the protections of the two statutes.

(18) Comment: One commenter opined that the SSA Report incorrectly concludes that pollutants harmful to the yellow lance impair water quality throughout the species' current range, and that the Service has not coordinated with the Environmental Protection Agency (EPA) and the State to determine whether they actually do.

Our Response: The SSA Report (p. 44) explains that water quality criteria do not currently exist for many of the parameters for which freshwater mussels have been demonstrated to be sensitive. For instance, even after EPA revised the criteria for ammonia, after incorporating the toxicity data for sensitive freshwater mollusks, the States have yet to update their WQS through processes such as the Triennial Review. Since WQS for pollutants have not been promulgated by the States within the range of the yellow lance, those pollutants are still deemed to be potentially harmful to the survival and reproduction of the species.

(19) Comment: One commenter expressed concern that portions of the species' range in the proposal may be based on data that are both outdated and possibly incorrectly identify the yellow lance as present in those drainages.

Our Response: All survey records from Virginia were reviewed by both the State malacologist and the Natural Heritage Program biologist to verify correct identity of species in all survey locations. Current occupancy was described as those areas with detections in the past 10 years (2005–2015, based on when data were analyzed). Survey data older than 15 years was included to indicate trends over time, but not analyzed as part of the Current Conditions (see Figure 3–2 on p. 12 of the SSA Report).

Summary of Biological Status and Threats

Please refer to Chapter 4 of the SSA Report for a more detailed discussion of the factors affecting the yellow lance (see **ADDRESSES**). Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations in title 50 of the Code of Federal Regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Our assessment evaluated the biological status of the species and threats affecting its continued existence. It was based upon the best available scientific and commercial data and the expert opinion of the SSA team members.

Current Condition of Yellow Lance

To evaluate the current and future viability of the yellow lance, we assessed a range of conditions to allow us to consider the species' resiliency, representation, and redundancy. The historical range of the yellow lance included streams and rivers in the Atlantic Slope drainages from the Patuxent River Basin south to the Neuse River Basin, with the documented historical distribution in 12 Management Units (MUs) within eight former populations. The yellow lance is presumed extirpated from 25 percent (3/12) of the historically occupied MUs. Of the remaining nine occupied MUs, 17 percent are estimated to have high resiliency, 8 percent moderate resiliency, and 67 percent low resiliency. At the population level, the overall condition of one of the eight populations (the Tar population) is estimated to have moderate resiliency, while the remaining six extant populations (Patuxent, Rappahannock, York, James, Chowan, and Neuse populations) are characterized by low resiliency. The Potomac population is presumed to be extirpated. An assessment of the habitat elements finds that 86 percent of streams that remain part of the current species' range are estimated to be in low or very low condition.

Once known to occupy streams in three physiographic regions (Mountain, Piedmont, and Coastal Plain), the species has lost occurrences in each physiographic region compared with historical occurrences, although it is still represented by at least one population in each region. We estimated that the yellow lance currently has reduced adaptive potential relative to historical potential due to decreased representation in seven river basins and three physiographic regions. The species retains most of its known river basin variability, but its distribution has been greatly reduced in the Rappahannock, York, Chowan, and Neuse River populations. In addition, compared to historical distribution, the species has declined by 70 percent in the Coastal Plain region and by approximately 50 percent in both the Piedmont and the Mountain regions. Latitudinal variability is also reduced, as much of the species' current distribution has contracted and is largely limited to the southern portions of its historical range, primarily in the Tar River Basin.

While the overall range of the yellow lance has not changed significantly, the remaining occupied portions of the range have become constricted within each basin and the species is largely limited to the southern portions of its historical range. One population (the Tar population) was estimated to be moderately resilient, but all other extant populations exhibit low resiliency. Redundancy was estimated as the number of historically occupied MUs that remain currently occupied. The species retains redundancy (albeit in low condition) within the Rappahannock, Chowan, and Neuse River populations, and one population (Tar) has multiple moderate or highly resilient management units. Overall, the species has decreased redundancy across its range due to an estimated 57 percent reduction in occupancy compared to historical levels.

The largest threats to the future viability of the yellow lance are habitat degradation from stressors influencing water quality, water quantity, instream habitat, and habitat connectivity. The stressors we identified that have led to the degradation of the yellow lance habitat include development, agricultural practices, forest management, barriers such as dams and impoundments, and invasive species. A brief summary of these primary stressors is presented below; for a full description of these stressors, refer to chapter 4 of the SSA report for the yellow lance.

Development: Development refers to urbanization of the landscape, including (but not limited to) land conversion for urban and commercial use, infrastructure (roads, bridges, utilities), and urban water uses (water supply reservoirs, wastewater treatment, etc.). The effects of urbanization may include alterations to water quality, water quantity, and habitat (Factor A). Yellow lance adults require clear, flowing water with a temperature less than 35 degrees Celsius (°C) (95 degrees Fahrenheit (°F)) and a dissolved oxygen greater than 3 milligrams per liter (mg/L). Juveniles require very specific interstitial chemistry to complete that life stage: Low salinity (similar to 0.9 parts per thousand (ppt)), low ammonia (similar to 0.7 mg/L), low levels of copper and other contaminants, and dissolved oxygen greater than 1.3 mg/L.

Impervious surfaces associated with development negatively affect water quality when pollutants that accumulate on impervious surfaces are washed directly into the streams during storm events. Storm water runoff affects water quality parameters such as temperature, pH, dissolved oxygen, and salinity, which in turn alters the water chemistry and could make it unsuitable for the yellow lance. Concentrations of contaminants, including nitrogen, phosphorus, chloride, insecticides,

polycyclic aromatic hydrocarbons, and personal care products, increase with urban development.

Urban development can lead to increased variability in streamflow, typically increasing the amount of water entering a stream after a storm and decreasing the time it takes for the water to travel over the land before entering the stream. Stream habitat is altered either directly via channelization or clearing of riparian areas, or indirectly via high streamflows that reshape the channel and cause sediment erosion. Impervious surfaces associated with increased development cause rain water to accumulate and flow rapidly into storm drains, thereby becoming superheated, which can stress or kill these mussel species when the superheated water enters streams. Pollutants like gasoline, oil, and fertilizers are also washed directly into streams and can kill mussels and other aquatic organisms. The large volumes and velocity of water combined with the extra debris and sediment entering streams following a storm can stress, displace, or kill the yellow lance, and the host fish species upon which it depends.

A further risk of urbanization is the accompanying road development that often results in improperly constructed culverts at stream crossings. These culverts act as barriers, either as flow through the culvert varies significantly from the rest of the stream, or if the culvert ends up being perched above the stream bed, and host fish (and, therefore, the yellow lance) cannot pass through them. This scenario leads to loss of access to quality habitat, as well as fragmented habitat and a loss of connectivity between populations of the yellow lance. This situation can limit both genetic exchange and recolonization opportunities.

Significant portions of all of the river basins within the range of the yellow lance are affected by development, from 7 percent in the Tar River basin to 25 percent in the Patuxent River basin (based on the 2011 National Land Cover Data). The Neuse River basin in North Carolina contains one-sixth of the entire State's population, indicating heavy development pressure on the watershed. The Nottoway MU (in the Chowan population) contains 155 impaired stream miles, 4 major discharges, 32 minor discharges, and over 3,000 road crossings, affecting the quality of the habitat for the yellow lance. The Potomac River basin is currently made up of 12.7 percent impervious surfaces, changing natural streamflow, reducing appropriate stream habitat, and decreasing water quality throughout the population. For complete data on all of the populations, refer to appendix D of the SSA report.

Agricultural Practices: The main impacts to the yellow lance from agricultural practices are from nutrient pollution and water pumping for irrigation (Factor A). Fertilizers and animal manure, which are both rich in nitrogen and phosphorus, are the primary sources of nutrient pollution from agricultural sources. Excess nutrients impact water quality when it rains or when water and soil containing nitrogen and phosphorus wash into nearby waters or leach into the water table/ground waters causing algal blooms. These algal blooms can harm freshwater mussels by suffocating host fish and decreasing available oxygen in the water column.

It is common practice to pump water for irrigation from adjacent streams or rivers into a reservoir pond, or to spray the stream or river water directly onto crops. If the water withdrawal is excessive or done illegally, it reduces the amount of water available to downstream sensitive areas during low-flow months, resulting in dewatering of channels and stranding of mussels, leading to desiccation and death. In the Rappahannock River basin, for example, the upper watershed supports largely agricultural land uses. Sedimentation is a problem in the upper watershed, as stormwater runoff from the major tributaries (Rapidan and Hazel rivers) leaves the Rappahannock River muddy even after minor storm events. According to the 2011 National Land Cover Data, all of the watersheds within the range of the yellow lance are affected by agricultural land uses, most with 20 percent or more of the watershed having been converted for agricultural use.

Forest Management: Silviculture activities when performed according to strict forest practices guidelines (FPGs) or best management practices (BMPs) can retain adequate conditions for aquatic ecosystems; however, when FPGs/BMPs are not followed, silviculture can contribute to the myriad of stressors facing aquatic systems in the Southeast. Both small- and large-scale forestry activities have a significant impact upon the physical, chemical, and biological characteristics of adjacent small streams. The clearing of large areas of forested wetlands and riparian systems can eliminate shade provided by these canopies, exposing streams to more sunlight and increasing the in-stream water temperature. The increase in stream temperature and light after deforestation alters the macroinvertebrate and other aquatic species richness and abundance composition in streams. As stated above, the yellow lance is sensitive to changes in temperature, and sustained temperature increases stress and possibly lead to mortality for the species.

Forestry activities often include the construction of logging roads through the riparian zone, which can directly degrade nearby stream environments (Aust et al. 2011, p. 123). Roads can cause localized sedimentation, as well as sedimentation traveling downstream into more sensitive habitats. These effects lead to stress and mortality for the yellow lance, as discussed in ''*Development,*'' above. While BMPs are currently widely adhered to, they were not always common practice in the past. The average implementation rate of BMPs in the southeast states is at 92 percent. While improper implementation is rare, it can have drastic negative effects on sensitive aquatic species like freshwater mussels. One small area of riparian zone that is removed can cause sedimentation and habitat degradation for miles downstream.

Systematic Changes

Climate Change (Factor E): Aquatic systems are encountering changes and shifts in seasonal patterns of precipitation and runoff as a result of climate change. While mussels have evolved in habitats that experience seasonal fluctuations in discharge, global weather patterns can have an impact on the normal regimes (*e.g.,* El Niño or La Niña). Even during naturally occurring low-flow events, mussels become stressed either because they exert significant energy to move to deeper waters or they succumb to desiccation. Because low flows in late summer and early fall are stress-inducing, droughts during this time of year result in stress and, potentially, an increased rate of mortality. Droughts have impacted all river basins within the range of the yellow lance, from an ''abnormally dry'' ranking for North Carolina and Virginia in 2001 on the Southeast Drought Monitor scale to the highest ranking of ''exceptionally dry'' for the entire range of the yellow lance in 2002 and 2007. The 2015 drought data indicated the entire Southeast ranging from ''abnormally dry'' to ''moderate drought'' or ''severe drought.'' These data are from the first week in September, indicating a very sensitive time for drought to be affecting the yellow lance. The Middle Neuse tributaries of the Neuse River basin had consecutive drought years from 2005 through 2012, indicating sustained

stress on the species over a long period of time. Sedentary freshwater mussels have limited refugia from disturbances such as droughts and floods, and they are completely dependent on specific water temperatures to complete their physiological requirements. Changes in water temperature lead to stress, increased mortality, and also increase the likelihood of extinction for the species. Increases in the frequency and strength of storm events alter stream habitat. Stream habitat is altered either directly via channelization or clearing of riparian areas, or indirectly via high streamflows that reshape the channel and cause sediment erosion. The large volumes and velocity of water, combined with the extra debris and sediment entering streams following a storm, stress, displace, or kill yellow lance and the host fish species on which it depends.

Invasive Species: In many areas across the States of Maryland, Virginia, and North Carolina, aquatic invasive species are invading aquatic communities and altering biodiversity by competing with native species for food, light, or breeding and nesting areas. For example, the Asian clam (*Corbicula fluminea*) alters benthic substrates, competes with native species for limited resources, and causes ammonia spikes in surrounding water when they die off en masse. The Asian clam is ubiquitous across the southeastern United States and is present in watersheds across the range of the yellow lance. The flathead catfish (*Pylodictis olivaris*) is an apex predator known to feed on almost anything, including other fish, crustaceans, and mollusks, and to impact host fish communities, reducing the amount of fish available as hosts for the mussels to complete their glochidia life stage. Introductions of flathead catfish into rivers in North Carolina have led to steep declines in numbers of native fish. The flathead catfish has been documented in the Potomac, James, Roanoke, Tar, and Neuse river systems.

Hydrilla (*Hydrilla verticillata*), an aquatic plant, alters stream habitat, decreases flows, and contributes to sediment buildup in streams. High sedimentation can cause suffocation, reduce stream flow, and make it difficult for mussels' interactions with host fish necessary for development. Hydrilla occurs in several watersheds where the yellow lance occurs, including recent documentation from the Tar River. The dense growth is altering the flow in this system and causing sediment buildup, which can cause suffocation in filter-feeding mussels. While data are lacking on hydrilla currently having population-level effects on the yellow lance, the spread of this invasive plant is expected to increase in the future.

Barriers: Extinction/extirpation of North American freshwater mussels can be traced to impoundment and inundation of riffle habitats (shallow water with rapid currents running over gravel or rocks) in all major river basins of the central and eastern United States (Factor A). Upstream of dams, the change from flowing to impounded waters, increased depths, increased buildup of sediments, decreased dissolved oxygen, and the drastic alteration in resident fish populations can threaten the survival of mussels and their overall reproductive success. Downstream of dams, fluctuations in flow regimes, minimal releases and scouring flows, seasonal dissolved oxygen depletion, reduced or increased water temperatures, and changes in fish assemblages can also threaten the survival and reproduction of many mussel species. Because the yellow lance uses smaller host fish (*e.g.,* darters and minnows), it is even more susceptible to impacts from habitat fragmentation due to increasing distance between suitable habitat patches and a low likelihood of host fish swimming over that distance. Even improperly constructed culverts at stream crossings can act as significant barriers and have some similar effects as dams on stream systems. Fluctuating flows through the culvert can vary significantly from the rest of the stream, preventing fish passage and scouring downstream habitats. If a culvert ends up being perched above the stream bed, aquatic organisms cannot pass through it. These barriers not only fragment habitats along a stream course, they also contribute to genetic isolation of the yellow lance. All 12 of the MUs containing yellow lance populations have been impacted by dams, with as few as 3 dams in the Fishing Creek subbasin to more than 100 dams in the York basin (Service 2016, appendix D). The Middle Neuse contains 237 dams and more than 5,000 stream crossings, so connectivity there has been severely affected by barriers.

Synergistic Effects

In addition to the impacts on the yellow lance individually, it is likely that several of the above summarized risk factors are acting synergistically or additively on the species. The combined impact of multiple stressors is likely more harmful than a single stressor acting alone. For example, the Meherrin River MU contains four stream reaches with 34 miles of impaired streams. The stream reaches have low benthic-macroinvertebrate scores, low dissolved oxygen, low pH, and contain *Escherichia coli* (also known as *E. coli*). There are 16 non-major and 2 major discharges within this MU, along with 7 dams, 676 road crossings, and droughts recorded for 4 consecutive years in 2007–2010. The combination of all of these stressors on the sensitive aquatic species in this habitat has impacted yellow lance such that no individuals have been recorded here since 1994.

To forecast the biological conditions of the yellow lance into the future, we devised a range of plausible future scenarios by eliciting expert information on the primary stressors anticipated to affect the species into the future: habitat loss and degradation due to urbanization and the effects of climate change. These scenarios were based, in part, on the results of urbanization (Terando et al. 2014) and climate models (IPCC, 2013) that predict changes in habitat used by the yellow lance. The models that were used to forecast urbanization into the future projected out 50 years, and climate change models included that timeframe as well. The range of plausible future scenarios of yellow lance habitat conditions and population factors suggest possible extirpation in as many as five of seven currently extant populations. Even the most optimistic model predicted that only two populations will remain extant in 50 years, and those populations are expected to be characterized by low occupancy and abundance. For a more-detailed discussion of our evaluation of the biological status of the yellow lance and the factors that may affect its continued existence, please see the SSA Report (Service, 2017 entire) and the proposed rule (82 FR 16559, April 4, 2017).

Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations in title 50 of the Code of Federal Regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the yellow lance. The yellow lance is presumed extirpated from 25 percent (3) of the historically occupied MUs, with most populations characterized by low resiliency. Most of the streams that remain part of the current species' range are estimated to be in low or very low condition with decreased occupancy of yellow lance.

The yellow lance faces threats from declines in water quality, loss of stream flow, riparian and instream fragmentation, and deterioration of instream habitats (Factor A). These threats, which are expected to be exacerbated by continued urbanization (Factor A) and effects of climate change (Factor E), will impact the future viability of the yellow lance. We did not find that the yellow lance was impacted by overutilization (Factor B), or disease or predation (Factor C). While there are regulatory mechanisms in place that may benefit the yellow lance, the existing regulatory mechanisms did not reduce the impact of the stressors to the point that the species is not threatened by extinction (Factor D).

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' We considered whether the yellow lance meets either of these definitions, and we find that the yellow lance meets the definition of a threatened species. Our analysis of the species' current and future conditions, as well as the conservation efforts discussed above, show that habitat modification and destruction (Factor A) and other natural and manmade factors (Factor E) will continue to impact the resiliency, representation, and redundancy for the yellow lance so that it is likely to become in danger of extinction throughout all or a significant portion of its range within the foreseeable future.

We considered whether the yellow lance is currently in danger of extinction and determined that endangered status is not appropriate. The current conditions as assessed in the yellow lance SSA report show multiple resilient populations over a majority of the species' historical range. The yellow lance still exhibits representation across all three physiographic regions, and extant populations remain from the Patuxent River south to the Neuse River. While habitat modification and destruction (Factor A), invasive species (Factor E), and effects of climate change (Factor E) are currently acting on the species and many of those threats are expected to continue into the future, we did not find that the species is currently in danger of extinction throughout all of its range. According to our assessment of plausible future scenarios, the species is likely to become an endangered species in the foreseeable future throughout all of its range.

Under the Act and our implementing regulations, a species warrants listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the yellow lance is threatened throughout all of its range, no portion of its range can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577; July 1, 2014).

Therefore, on the basis of the best available scientific and commercial information, we are listing the yellow lance as threatened in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

Recovery Actions

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act requires the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan identifies site-specific management actions that set a trigger for review of the five factors that control whether a species remains endangered or may be downlisted or delisted and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*http://www.fws.gov/endangered*) or from our Raleigh field office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribal, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

Following publication of this final listing rule, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Maryland, Virginia, and North Carolina

will be eligible for Federal funds to implement management actions that promote the protection or recovery of the yellow lance. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Please let us know if you are interested in participating in recovery efforts for the yellow lance. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Critical Habitat

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, and National Park Service; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

A careful assessment of the economic impacts that may occur due to a critical habitat designation is still ongoing, and we are in the process of working with the States and other partners in acquiring the complex information needed to perform that assessment. A proposed rule to designate critical habitat will be published in the near future.

Regulatory Provisions

Under section 4(d) of the Act, the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened species. The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to threatened wildlife. The prohibitions of section 9(a)(1) of the Act, as applied to threatened wildlife and codified at 50 CFR 17.31, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) threatened wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally.

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: for scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a final listing on proposed and ongoing activities within the range of a listed species. Activities that the Service believes could potentially harm the yellow lance and result in ''take'' include, but are not limited to:

(1) Unauthorized handling or collecting of the species;

(2) Destruction or alteration of the species' habitat by discharge of fill material, dredging, snagging, impounding, channelization, or modification of stream channels or banks;

(3) Destruction of riparian habitat directly adjacent to stream channels that causes significant increases in sedimentation and destruction of natural stream banks or channels;

(4) Discharge of pollutants into a stream or into areas hydrologically connected to a stream occupied by the species;

(5) Diversion or alteration of surface or ground water flow; and

(6) Pesticide/herbicide applications in violation of label restrictions.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. There are no tribal lands affected by this listing determination.

References Cited

A complete list of references cited in the SSA Report that informed this rulemaking is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R4–ES–2017–0017 and upon request from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Raleigh Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. Amend § 17.11 in paragraph (h) by adding an entry for ''Lance, yellow'' to the List of Endangered and Threatened Wildlife in alphabetical order under CLAMS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
CLAMS				
*	*	*	*	*
Lance, yellow	*Elliptio lanceolata*	Wherever found	T	83 FR [Insert **Federal Register** page where the document begins]; 4/3/2018.
*	*	*	*	*

* * * * *

Dated February 23, 2018.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, exercising the authority of the Director.

[FR Doc. 2018–06735 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R3–ES–2013–0017; 4500030113]

RIN 1018–AZ58

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on October 1, 2015, to designate critical habitat for the Dakota skipper *(Hesperia dacotae)* and the Poweshiek skipperling *(Oarisma poweshiek),* under the Endangered Species Act of 1973, as amended (Act). Inadvertently, we published a map of a critical habitat unit for the Dakota skipper in Minnesota where we should have published a map for the Poweshiek skipperling. This document makes the necessary correction to the critical habitat designation for the Poweshiek skipperling. We are also replacing a map depicting critical habitat for Poweshiek skipperling in Minnesota to make an editorial correction in the title.

DATES: This correction is effective April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Susan Wilkinson, (703) 358–2506. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Dakota skipper *(Hesperia dacotae)* is listed under the Act as a threatened species, and the Poweshiek skipperling *(Oarisma poweshiek)* is listed as endangered. In a final rule that published October 1, 2015 (80 FR 59248), we designated critical habitat for the two butterfly species pursuant to the Act (16 U.S.C. 1531 *et seq.*). The rule added critical habitat for these species to title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.95(i). The rule included 32 maps showing critical habitat areas for the Dakota skipper and 48 maps showing critical habitat areas for the Poweshiek skipperling. We inadvertently inserted a map showing critical habitat for the Dakota skipper for Minnesota Unit 7 in the location where we should have included a map showing critical habitat for the Poweshiek skipperling for Minnesota Unit 7. The two maps are different because the areas being designated for each species as ''Minnesota Unit 7'' are different. Therefore, with this document, we remove the incorrect map at paragraph (28) of the entry for Poweshiek skipperling and insert the correct map in its place. We are also replacing the map depicting critical habitat for Poweshiek skipperling for Minnesota Unit 10 at paragraph (30) to make an editorial correction in the title. The old map referred to ''Swift and Chippewa County,'' and the new map correctly refers to ''Swift and Chippewa Counties.''

Previous Federal Action

We listed the Dakota skipper as a threatened species and the Poweshiek skipperling as an endangered species on October 24, 2014 (79 FR 63672) with a rule issued under section 4(d) of the Act for the Dakota skipper. This rule followed publication on October 24, 2013, of a proposal to list the Dakota skipper as threatened with a section 4(d) rule and the Poweshiek skipperling as endangered (78 FR 63573). Also on October 24, 2013, we published in the **Federal Register** a proposed critical habitat designation for the Dakota skipper and Poweshiek skipperling (78 FR 63625). We published a final rule designating critical habitat for the two species on October 1, 2015 (80 FR 59248).

Administrative Procedure

As explained above, this rulemaking is necessary to correct an error associated with the publication of a map for the wrong species and an editorial error related to the title of a map. Therefore, under these circumstances, we have determined, pursuant to 5

U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. Public opportunity for comment is simply not required when an agency amends a regulation to remove regulatory provisions that are nor consistent with law. Such action is ministerial in nature and allows for no discretion on the part of the agency. Thus, public comment could not inform this process in any meaningful way. We have further determined that, under 5 U.S.C. 553(d)(3), the agency has good cause to make this rule effective upon publication, which is to comply with the Act as soon as practicable.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED SPECIES

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245; unless otherwise noted.

■ 2. In § 17.95, in the entry for ''Poweshiek Skipperling *(Oarisma Poweshiek)*'', revise paragraphs (i)(28) and (30) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(i) *Insects.*

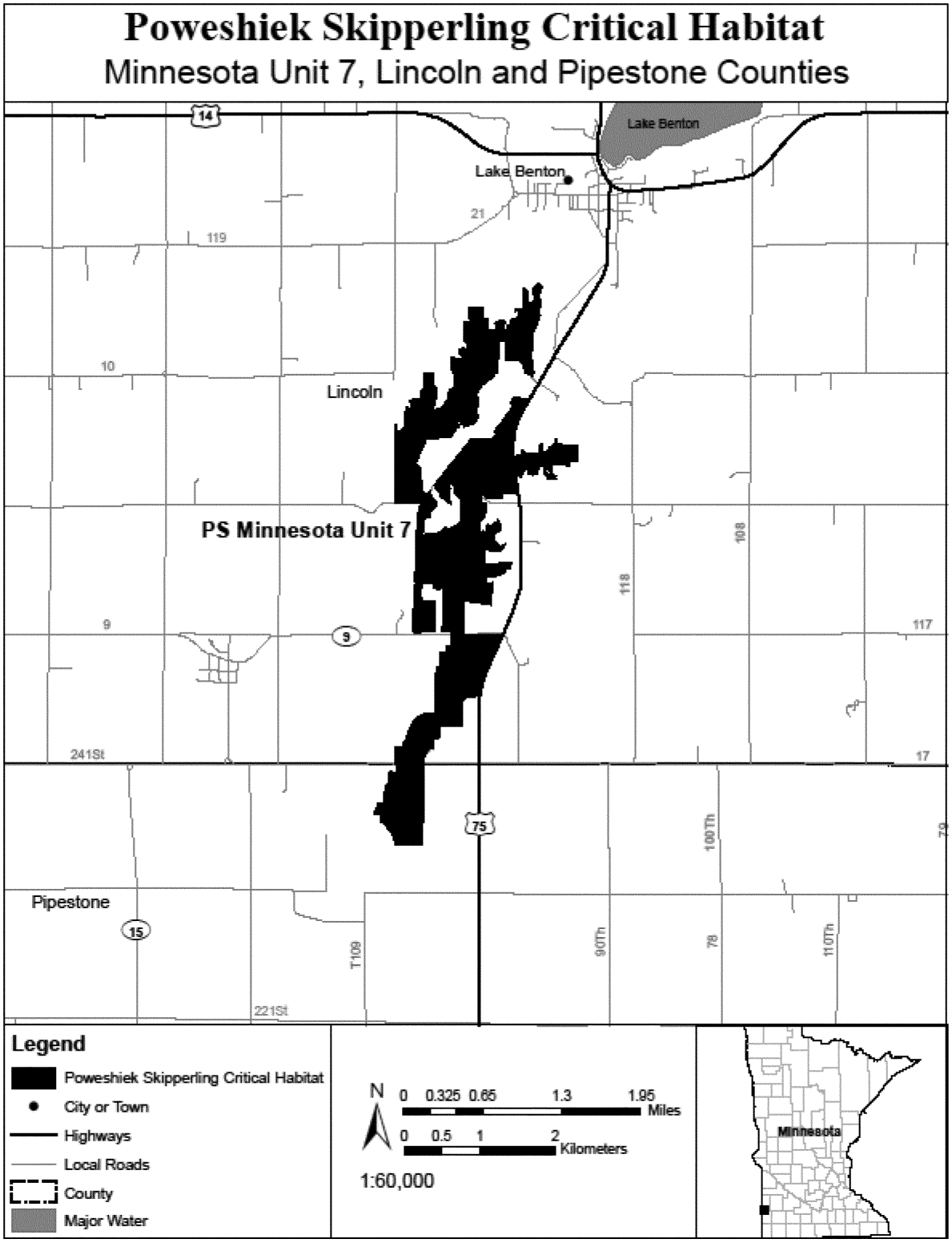
* * * * *

Poweshiek Skipperling *(Oarisma Poweshiek)*

* * * * *

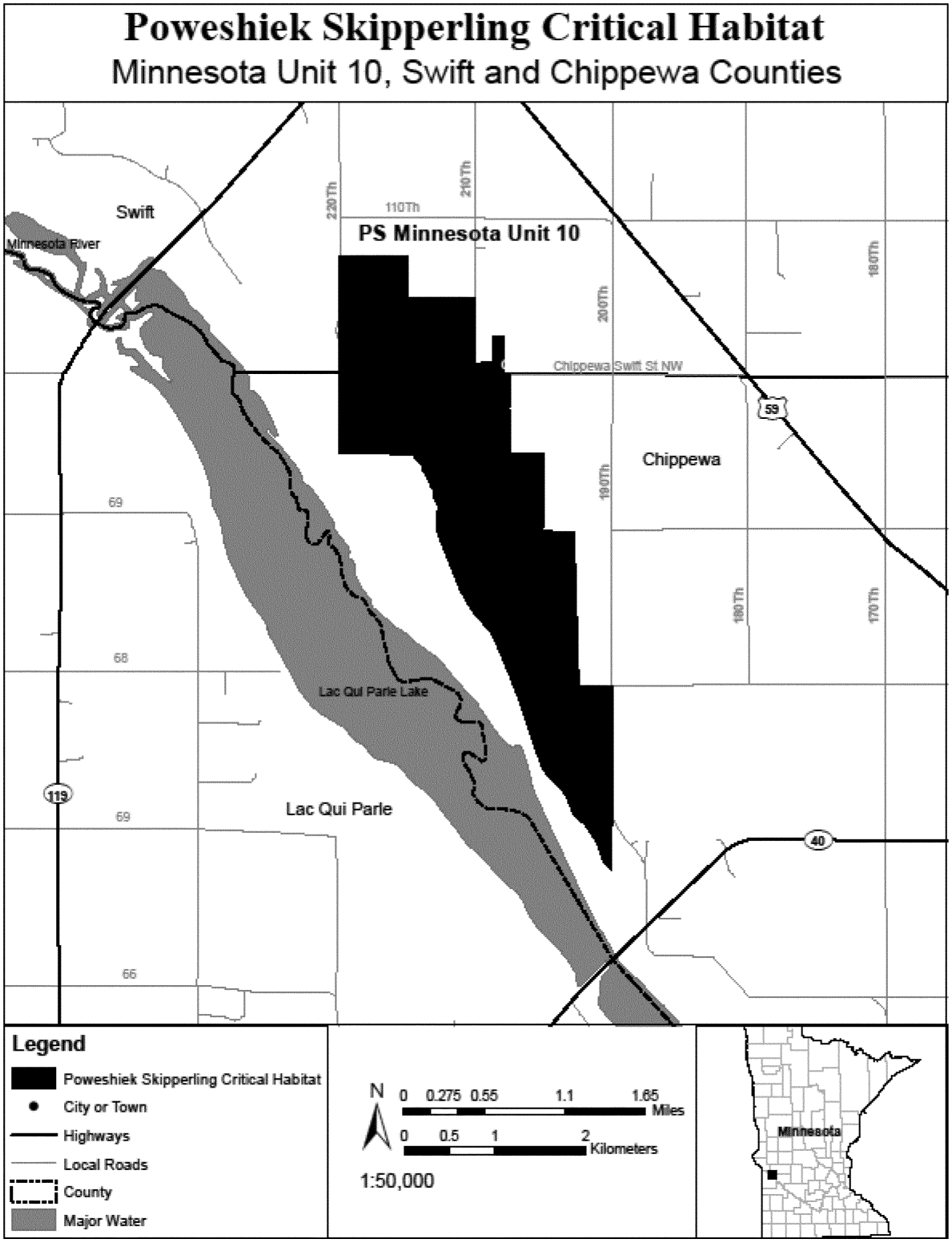
(28) PS Minnesota Unit 7, Lincoln and Pipestone Counties, Minnesota. Map of PS Minnesota Unit 7 follows:

BILLING CODE 4333–15–P



* * * * *

(30) PS Minnesota Unit 10, Swift and Chippewa Counties, Minnesota. Map of PS Minnesota Unit 10 follows:


Poweshiek Skipperling Critical Habitat
Minnesota Unit 10, Swift and Chippewa Counties
Swift
Minnesota River
PS Minnesota Unit 10
220Th
210Th
110Th
200Th
190Th
180Th
170Th
Chippewa Swift St NW
59
Chippewa
69
68
Lac Qui Parle Lake
119
Lac Qui Parle
40
66
Legend
Poweshiek Skipperling Critical Habitat
City or Town
Highways
Local Roads
County
Major Water
N
0 0.275 0.55 1.1 1.65
Miles
0 0.5 1 2
Kilometers
1:50,000
Minnesota

* * * * *

Dated: February 14, 2018.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, exercising the authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–06736 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412–2517–02]

RIN 0648–XG110

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

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial greater amberjack in the Gulf of Mexico (Gulf) reef fish fishery for the 2018 fishing year through this temporary rule. NMFS has determined greater amberjack landings have exceeded the 2018 commercial annual catch target (ACT). Therefore, the commercial sector fishing season for greater amberjack in the Gulf exclusive economic zone (EEZ) will not re-open on June 1, 2018, the end of the commercial seasonal closure, and the sector will remain closed until the start of the next commercial fishing season on January 1, 2019. This closure is necessary to protect the Gulf greater amberjack resource.

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

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *Kelli.ODonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the reef fish fishery of the Gulf, which includes greater amberjack, under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The Gulf of Mexico Fishery Management Council (Council) prepared the FMP and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All greater amberjack weights discussed in this temporary rule are in round weight.

The 2018 commercial annual catch limit (ACL) for Gulf greater amberjack is 319,140 lb (144,759 kg), as specified in 50 CFR 622.41(a)(1)(iii). The 2018 commercial quota (equivalent to the commercial ACT) is 277,651 lb (125,940.38 kg), as specified in 50 CFR 622.39(a)(1)(v). Additionally, the greater amberjack commercial sector is closed each year during the months of March, April, and May as specified in 50 CFR 622.36(a).

Under 50 CFR 622.41(a)(1)(i), NMFS is required to close the commercial sector for greater amberjack when the commercial ACT is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that as of March 15, 2018, 106.4 percent of the 2018 commercial ACT has been reached. Accordingly, NMFS is closing commercial harvest of greater amberjack from the Gulf EEZ for the remainder of the 2018 fishing year effective 12:01 a.m., local time, June 1, 2018, until 12:01 a.m., local time, January 1, 2019. This means that the commercial sector for Gulf greater amberjack will not re-open on June 1, 2018.

During the commercial closure, the sale or purchase of greater amberjack taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, March 1, 2018, and were held in cold storage by a dealer or processor. The commercial sector for greater amberjack will re-open on January 1, 2019, the beginning of the 2019 greater amberjack commercial fishing season.

During the commercial closure, the bag and possession limits specified in 50 CFR 622.38(b)(1) apply to all harvest or possession of greater amberjack in or from the Gulf EEZ. Additionally, the recreational sector for greater amberjack is closed until May 1, 2018. During the recreational closure, the bag and possession limits for greater amberjack in or from the Gulf EEZ are zero.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf greater amberjack and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(a)(1) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA), finds that there is good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B). Such procedures are unnecessary because the rule establishing the requirement to close the commercial sector when the commercial ACT is reached or projected to be reached was subject to notice and comment, and NMFS must now notify the public of the closure.

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

Dated: March 29, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–06732 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 64
Tuesday, April 3, 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 905

[Doc. No. AMS–SC–17–0074; SC18–905–1 PR]

Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Citrus Administrative Committee (Committee) to increase the assessment rate established for the 2017–18 and subsequent fiscal periods. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by May 3, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Abigail Campos, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Abigail.Campos@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. Part 905, (referred to as ''the Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of growers and handlers operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This proposed rule 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).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, Florida citrus handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable citrus for the 2017–18 crop year, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with 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 and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

This proposed rule would increase the assessment rate from $0.009, the rate that was established for the 2013–14 and subsequent fiscal periods, to $0.02 per 4/5-bushel carton of citrus handled for the 2017–2018 and subsequent fiscal periods. The proposed higher rate is a result of a smaller crop forecast due to hurricane damage and the need to cover Committee expenses.

The Committee met on June 29, 2017 and unanimously recommended both maintaining the 2013–14 assessment rate and new 2017–18 budgeted expenditures of $132,000. Following the significant damage experienced by the industry from Hurricane Irma, the Committee held a second meeting on November 9, 2017, to discuss a revised crop estimate for 2017–18. Due to significant crop damage, the Committee

estimates that assessable cartons for 2017–18 would be six million cartons, down from 8.6 million originally projected at a June 29, 2017, meeting. Given the reduced estimate, the Committee voted to increase the assessment rate from $0.009 to $0.02 per 4/5-bushel cartons of citrus to provide additional assessment income in order to meet the budgeted expenses of $132,000 and draw less funds from the reserves. The assessment rate increase, along with the funds from reserves and interest income, should provide sufficient funds to cover anticipated expenses.

Of the total $132,000 budgeted for the 2017–18 fiscal period, major expenditures recommended by the Committee include $75,000 for salaries, $10,000 for data collection and fresh shipments reporting, and $9,000 for auditing & accounting. Compared to the previous fiscal year's budget of $140,600, budgeted expenses for these items were $75,000, $25,000, and $9,200, respectively. The significant decrease in budgeted expenses for data collection and fresh shipment reporting stems from the development of a new computer program that better reports and extrapolates data, thus reducing reporting time and increasing efficiencies.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments, and the amount of funds available in the authorized reserve. Income derived from handler assessments of $120,000 (six million 4/5≤ bushel cartons assessed at $0.02 per carton), along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses of $132,000. Funds in the reserve (currently $124,040) would be kept within the maximum permitted by § 905.42 and would not exceed the expenses of two fiscal periods.

The assessment rate proposed in this rule would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's budget for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 500 producers of Florida citrus in the production area and approximately 20 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the industry, and the Committee, for the 2016–17 season the weighted average f.o.b. price for Florida citrus was approximately $15.20 per carton with total shipments of 12.6 million cartons. Using the number of handlers, and assuming a normal distribution, the majority of handlers would have average annual receipts of more than $7,500,000 ($15.20 times 12.6 million equals $191,520,000 divided by 20 handlers equals $9,576,000 per handler).

In addition, based on the NASS data, the weighted average grower price for the 2016–2017 season was around $8.30 per carton of citrus. Based on grower price, shipment data, and the total number of Florida citrus growers, and assuming a normal distribution, the average annual grower revenue is below $750,000 ($8.30 times 12.6 million cartons equals $104,580,000 divided by 500 growers equals $209,160 per grower). Thus, the majority of handlers Florida citrus may be classified as large entities, while the majority of growers may be classified as small entities.

This proposal would increase the assessment rate collected from handlers for the 2017–18 and subsequent fiscal periods from $0.009 to $0.02 per 4/5-bushel carton of Florida citrus. The Committee unanimously recommended 2017–18 expenditures of $132,000 and an assessment rate of $0.02 per 4/5-bushel carton of citrus handled. The proposed assessment rate of $0.02 is $0.011 higher than the 2016–17 rate. The quantity of assessable citrus for the 2017–18 fiscal period is estimated at six million 4/5 bushel cartons. Thus, the $0.02 rate should provide $120,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2017–18 year include $75,000 for salaries, $10,000 for data collection, and $9,000 for auditing and accounting. Budgeted expenses for these items in 2016–17 were $75,000, $25,000, and $9,200, respectively.

As a result of damage from Hurricane Irma, the Committee estimates that the 2017–18 crop to be approximately six million 4/5-bushel cartons, down from the 8.6 million 4/5-bushel cartons estimated on June 29, 2017. Due to the decline in production, the current assessment rate would be insufficient to cover the Committee's anticipated expenditures and would further deplete the Committee's reserve fund. The assessment rate increase would generate additional revenue and would help offset the amount of reserves needed to fund the budget. Therefore, the Committee recommended increasing the assessment rate.

Prior to arriving at this budget and assessment rate, the Committee considered maintaining the current assessment rate of $0.009 per 4/5-bushel cartons of citrus. However, leaving the assessment unchanged would not generate sufficient revenue to meet the Committee's expenses for the 2017–18 budget of $132,000 and would deplete the reserve. Based on estimated shipments, the recommended assessment rate of $0.02 should provide $120,000 in assessment income. The Committee determined assessment revenue, along with interest income and funds from the authorized reserves would be adequate to cover budgeted expenses for the 2017–18 fiscal period.

A review of historical information and preliminary information pertaining to the upcoming fiscal year indicates that

the average grower price for the 2017–18 season should be approximately $21.38 per 4/5-bushel cartons of citrus. Therefore, the estimated assessment revenue for the 2017–18 fiscal period as a percentage of total grower revenue would be about 0.09 percent.

This proposed action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the Order. In addition, the Committee's meetings were widely publicized throughout the Florida citrus industry. All interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the June 29, 2017, and November 9, 2017, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0109 Generic Fruit Crops. No changes in those requirements would be necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses*. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangerines, Pummelos.

For the reasons set forth in the preamble, 7 CFR part 905 is proposed to be amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 905.235 is revised to read as follows:

§ 905.235 Assessment rate.

On and after August 1, 2017, an assessment rate of $0.02 per 4/5-bushel carton or equivalent is established for Florida citrus covered under the Order.

Dated: March 28, 2018.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06726 Filed 4–2–18; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 900, 906, and 956–999

RIN 2590–AA91

Federal Housing Finance Board; Repeal of Federal Housing Finance Board Regulations

AGENCY: Federal Housing Finance Board; Federal Housing Finance Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is proposing to repeal two parts of the Federal Housing Finance Board (Finance Board) regulations, one of which defines terms used in Finance Board regulations and one of which describes the process by which the Finance Board conducted its monthly interest rate survey (MIRS). The definitions to be repealed are either obsolete or duplicate definitions that FHFA has previously adopted. The regulation relating to the MIRS has become outdated because it does not accurately describe the manner in which FHFA currently conducts the survey. Although FHFA intends to continue to conduct the MIRS in the same manner as it is doing presently, there is no need to carry over this provision into its own regulations. FHFA also is proposing to repeal a number of subchapters of the Finance Board regulations that it had previously reserved, but which no longer serve any purpose because they include no regulatory text.

DATES: Written comments must be received on or before May 18, 2018.

ADDRESSES: You may submit your comments, identified by Regulatory Information Number (RIN) 2590–AA91, by any of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Please include Comments/RIN 2590–AA91 in the subject line of the submission.
- *Courier/Hand Delivery:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA91, Federal Housing Finance Agency, 400 Seventh Street SW, Eighth Floor, Washington, DC 20219. Deliver the package to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA91, Federal Housing Finance Agency, 400 Seventh Street SW, Eighth Floor, Washington, DC 20219. Please note that all mail sent to FHFA via the U.S. Mail service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

FOR FURTHER INFORMATION CONTACT: Vickie R. Olafson, Assistant General Counsel, *Vickie.Olafson@FHFA.gov,* (202) 649–3025 (this is not a toll-free number), Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of this proposed rule. FHFA will make all comments timely received available

for examination by the public through the electronic rulemaking docket for this proposed rule, which is located on the FHFA website at *http://www.fhfa.gov.* Such comments will be posted without change and will include any personal information you provide, such as name, address, email address, and telephone number. After considering all comments, FHFA will issue a final rule.

II. Background

Effective July 30, 2008, the Housing and Economic Recovery Act of 2008 (HERA),[1] created FHFA as a new independent agency of the Federal Government, and transferred to FHFA the supervisory and oversight responsibilities of the Finance Board over the Federal Home Loan Banks (Banks), the oversight responsibilities of the Office of Federal Housing Enterprise Oversight (OFHEO) over the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (the Enterprises), and certain functions of the Department of Housing and Urban Development.[2] Under section 1313(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act), FHFA is responsible for ensuring that the Banks and the Enterprises operate in a safe and sound manner, including that they maintain adequate capital and internal controls, that their activities foster liquid, efficient, competitive and resilient national housing finance markets, and that they carry out their public policy missions through authorized activities.[3] The Banks and the Enterprises remain subject to, and continue to operate under, regulations promulgated by the Finance Board and by OFHEO and HUD, respectively, until such regulations are superseded by regulations issued by FHFA.[4] The Finance Board regulations that are the subject of this rulemaking have remained in effect pursuant to that authority.

III. The Proposal

A. Definitions—Finance Board Part 900

FHFA proposes to repeal part 900 of the Finance Board regulations, which includes definitions of forty-two terms that had been used throughout the Finance Board regulations. In 2013, FHFA carried over into its own regulations, at part 1201, most of the Finance Board definitions, but did not repeal the Finance Board definitions at that time because a number of substantive Finance Board regulations that used those terms remained in effect.[5] Since 2013, FHFA has relocated or repealed all of the substantive Finance Board regulations, other than those relating to Bank capital requirements, which are the subject of a separate rulemaking.[6] Accordingly, FHFA is now proposing to repeal all of the definitions within part 900 of the Finance Board regulations. Certain of those defined terms, however, such as ''capital plan,'' ''excess stock,'' and ''advance,'' are used within the Finance Board capital regulations at parts 930 and 932, which likely will remain in effect during an extended transition period to the new FHFA Bank capital regulations. Each of those terms is well understood by the Banks and also has been carried over into the FHFA definitions at part 1201 without substantive change. Accordingly, to the extent that any interpretive questions may arise with respect to parts 930 and 932 after FHFA repeals the definitions in part 900, the Banks may look to the identical definitions in part 1201 of the FHFA regulations to address those questions.

B. Finance Board Part 906

FHFA proposes to repeal Part 906 of the Finance Board Regulations, consisting of reserved subparts A and C, and subpart B, § 906.5, which describes the manner in which the Finance Board conducted the ''Monthly Survey of Rates and Terms on Conventional One-Family Non-farm Mortgage Loans'' commonly referred to as the ''Monthly Interest Rate Survey'' or ''MIRS.'' The MIRS is a monthly survey of mortgage lenders that solicits information on the terms and conditions on all conventional, single-family, fully amortizing, purchase-money mortgage loans closed during the last five working days of the preceding month. It was originally conducted by the Federal Home Loan Bank Board (FHLBB), and was continued by the Finance Board, in accordance with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the legislation that abolished the FHLBB and established the Finance Board as its successor. FHFA also has continued to conduct the survey and publish the data tables monthly, as successor to the Finance Board.

Historically, two housing finance benchmarks have been based on data obtained through the MIRS: (1) The ''national average one-family house price,'' which, between 1980 and 2008, Fannie Mae and Freddie Mac were statutorily required to use in making annual adjustments to the conforming loan limit;[7] and (2) the Adjustable Rate Mortgage (ARM) Index, which at one time was widely used by lenders in determining the appropriate periodic interest rate adjustment on their ARM loans.

Adjustments in the conforming loan limits for Fannie Mae and Freddie Mac are no longer based on data collected through the MIRS. Some lenders, however, may still use FHFA's ARM Index, which is derived from MIRS data, as one factor in pricing mortgage loans that they originate. In addition, businesses, trade associations, and government agencies at both the federal and state level rely upon the MIRS data for various business and regulatory purposes.

FHFA intends to continue conducting the MIRS and publishing the data results on its website monthly. Because the current MIRS regulation includes an outdated description of the manner in which the survey is conducted, however, and is not necessary in order to implement the statutory mandate that FHFA conduct the survey, FHFA has determined that the regulation is unnecessary.[8] Therefore, FHFA is proposing to repeal part 906 in its entirety, consisting of the MIRS regulation in subpart B, § 906.5, and reserved subparts A and C.

C. Finance Board Parts 956–999 [Reserved] and Subchapters F–M [Reserved]

FHFA proposes to repeal parts 956–999 of title 12 of the CFR, which are Finance Board provisions that are designated as ''[r]eserved.'' These reserved parts are currently the only items under subchapters F–M of chapter IX of title 12. Because these parts contain no substantive provisions, there is nothing to revise and relocate to the FHFA regulations. Nonetheless, unless FHFA affirmatively removes the reference to those parts as being reserved and removes subchapters F–M those references and empty subchapters

[1] HERA, Public Law 110–289, 122 Stat. 2654.

[2] *See id.* at section 1101, 122 Stat. 2661–62 (codified at 12 U.S.C. 4511, 4511 note, and 4513).

[3] 12 U.S.C. 4513(a).

[4] *Id.* at 4511 note.

[5] *See* Relocation of Regulations, 78 FR 2319 (Jan. 11, 2013).

[6] *See* Proposed rule, Federal Home Loan Bank Capital Requirements, 82 FR 30776 (July 3, 2017).

[7] The Housing and Community Development Act of 1980 tied the Fannie Mae and Freddie Mac conforming loan limits to MIRS. *See* Public Law 96–399, Title III, section 313(a), (b), 94 Stat. 1644–45 (Oct. 8, 1980).

[8] *See* Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, Title IV, section 402(e), 103 Stat. 359–360 (Aug. 9, 1989), codified at 12 U.S.C. 1437 note (regarding the continuation of the ARM Index).

F–M would remain in the CFR after FHFA has removed or relocated all of the other substantive Finance Board regulations. Therefore, in the interest of ensuring that all Finance Board regulations that will not be carried forward into the FHFA regulations are removed, FHFA is repealing parts 956–999 and subchapters F–M in their entirety.

IV. Considerations of Differences Between the Banks and the Enterprises

Section 1313(f) of the Safety and Soundness Act requires the FHFA Director, when promulgating regulations ''of general applicability and future effect'' relating to the Banks, to consider the differences between the Banks and the Enterprises as they may relate to the Banks' cooperative ownership structure, mission of providing liquidity to members, affordable housing and community development mission, capital structure, and joint and several liability.[9] With respect to the repeal of Finance Board regulations subject to this rulemaking, this proposal does not impose any new obligations on the Banks, but instead simply removes existing Finance Board regulations that either have been previously carried over to the FHFA regulations or, as a result of the passage of HERA and changed circumstances, are obsolete, unnecessary and no longer of any regulatory purpose. Further, the repeal of parts 900, 906 and 956–999 of title 12 of the CFR would not have a ''future effect'' on the rights and responsibilities of the Banks. For all of these reasons, a statutory differences analysis is not required for this final rule.[10]

V. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) requires that FHFA consider the impact of paperwork and other information collection burdens imposed on the public.[11] Under the PRA and the implementing regulations of the Office of Management and Budget (OMB), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid control number assigned by OMB.[12] The MIRS addressed by 12 CFR 906.5 is a collection of information that OMB has approved under control number 2590–0004, which is due to expire on September 30, 2020.

Although the proposed rule would remove the descriptive provision regarding the MIRS that now appears at 12 CFR 906.5, that removal would not change any aspect of the information collection; that is, FHFA would continue to conduct the survey in accordance with the terms of the existing PRA clearance. Therefore, FHFA has not submitted to OMB a request to approve a revision to control number 2590–0004.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to analyze a proposed rule's impact on small entities if the final rule is expected to have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of this rulemaking and determined that it is not likely to have a significant economic impact on a substantial number of small entities because, even assuming it had an economic impact, it would apply only to the regulated entities, which are not small entities for purposes of the Regulatory Flexibility Act.

List of Subjects

12 CFR Part 900

Federal home loan banks, Office of Finance, Regulated entity.

12 CFR Part 906

Conventional one-family non-farm mortgage loans, Government contracts, Minority businesses, Monthly interest rate survey, Mortgages, Reporting and recordkeeping requirements.

12 CFR Parts 956–999

Reserved.

Authority and Issuance

Accordingly, for reasons stated in the preamble and under the authority of 12 U.S.C. 4511, 4512, 4513, and 4526, FHFA proposes to amend subchapters A, B, and F–M of chapter IX of the Code of Federal Regulations as follows:

CHAPTER IX—FEDERAL HOUSING FINANCE BOARD

SUBCHAPTER A—[REMOVED AND RESERVED]

■ 1. Remove and reserve subchapter A consisting of part 900.

SUBCHAPTER B—[REMOVED AND RESERVED]

■ 2. Remove and reserve subchapter B consisting of part 906.

SUBCHAPTERS F–M—[REMOVED]

■ 3. Remove reserved subchapters F–M.

Dated: March 26, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–06564 Filed 4–2–18; 8:45 am]

BILLING CODE 8070–01–P

[9] 12 U.S.C. 4513(f).

[10] This is consistent with prior FHFA rulemakings that involved only the repeal of Finance Board regulations. *See* Repeal of Regulations, 76 FR 74648 (Dec. 1, 2011).

[11] *See* 44 U.S.C. 3507(a) and (d).

[12] *See* 44 U.S.C. 3512(a); 5 CFR 1320.8(b)(3)(vi).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0127; Product Identifier 2016–NM–161–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

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 all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; Model 757 airplanes; and Model 767 airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding Model 737–8 airplanes and future Model 737 airplanes to the applicability. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over those proposed 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 March 9, 2017 (82 FR 13073), is reopened.

We must receive comments on this SNPRM by May 18, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; internet: *https://www.myboeingfleet.com*. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0127.

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–2017–0127; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this SNPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *Takahisa.Kobayashi@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–2017–0127; Product Identifier 2016–NM–161–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 all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; Model 757 airplanes; and Model 767 airplanes. The NPRM published in the **Federal Register** on March 9, 2017 (82 FR 13073). The NPRM was prompted by reports of latently failed motor-operated valve (MOV) actuators of the fuel shutoff valves. The NPRM proposed to require replacing certain MOV actuators of the fuel shutoff valves for the left and right engines (on all airplanes) and of the auxiliary power unit (APU) fuel shutoff valve (on Model 757 and Model 767 airplanes); and revising the maintenance or inspection program, as applicable, to incorporate certain airworthiness limitations (AWLs).

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that The Boeing Company Model 737–8 series airplanes and future Model 737 airplanes are also subject to the unsafe condition, and therefore it is necessary to add these airplanes to the applicability.

Model 737–8 airplanes are delivered with the MOV actuator having part number (P/N) MA30A1017 (Boeing P/N S343T003–76) as the type design configuration. This is the latest MOV actuator part number currently available, and that part number addresses the unsafe condition identified in this SNPRM. Subsequent future Model 737 airplanes are expected to be certified and delivered with the same MOV actuator part number. For those future Model 737 airplanes, installation of the MOV actuator having any earlier part number would not be part of the type design configuration; such installation will therefore not be allowed. However, installation of an MOV actuator having an earlier part number is functionally and physically possible for Model 737–8 airplanes and potentially for the future Model 737 airplanes, and such installation could occur in the field by using provisions in FAA Advisory Circular 120–77 or other means.

To avoid such installation that could result in an unsafe airplane configuration, this SNPRM proposes to require, for Model 737–8 airplanes and subsequent future Model 737 airplanes, incorporation of an AWL that would prohibit installation of the MOV actuator having earlier part numbers. Other than the parts installation prohibition, no maintenance action is associated with the new AWL specified in this proposed AD. Once the AWL is incorporated into an operator's maintenance or inspection program, as applicable, the operator is required to comply with the AWL as specified in 14 CFR 43.16 and 91.403(c). This new proposed AWL (to prohibit the installation of certain parts) is also proposed for Boeing Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; Model 757 series airplanes; and Model 767 series airplanes.

Revised Service Information

Boeing has revised the service information specified in this SNPRM. We have revised this proposed AD to specify using the latest revisions as the appropriate source of service information and to credit the previous revisions, as follows:

Paragraphs (g)(2) and (h)(2) of this proposed AD specify Boeing Special Attention Service Bulletin 757–28–0138, Revision 1, dated June 19, 2017. Paragraph (n)(1) of this proposed AD specifies credit for Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016.

Paragraphs (i)(2)(i), (i)(2)(ii), and (i)(2)(iii) of this proposed AD specify Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision February 2017. Paragraph (n)(4) of this proposed AD specifies credit for Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision January 2016, or Revision July 2016.

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 Issue Three Separate ADs

United Airlines (UAL) requested that we issue three separate ADs, one each for Model 737 airplanes, Model 757 airplanes, and Model 767 airplanes, instead of one AD. UAL requested this revision to reduce complexity and avoid possible confusion.

We do not agree with UAL's request. We have decided to cover Model 737, Model 757, and Model 767 airplanes in this SNPRM. We consider that the level of complexity of this SNPRM is reasonable and that the proposed actions are clearly defined. Additionally, to restructure the AD as requested, would unnecessarily delay the issuance of the final rule and mitigation of the unsafe condition. We

have not changed this SNPRM regarding this issue.

Request To Justify Requirement To Install Latest MOV Actuator Part Number

Japan Airlines (JAL) noted that according to AD 2015–19–03, Amendment 39–18266 (80 FR 55527, September 16, 2015) (''AD 2015–19–03''), and AD 2015–21–09, Amendment 39–18302 (80 FR 65121, October 26, 2015) (''AD 2015–21–09''), MOV actuators P/N MA20A2027 and MA30A1001 that are repetitively inspected need not be replaced by P/N MA30A1017. JAL requested that we provide the reason for mandating the installation of the latest MOV actuator part number instead of allowing repetitive inspections. JAL stated that it has never experienced a failure of an MOV actuator, and it is therefore not necessary to mandate the replacement of MOV actuators with the latest type if the repetitive inspections of MOV actuators (required by the ADs referenced by JAL) are being accomplished daily or every 10 days.

We agree that clarification of the reason for the proposed installation is necessary. Three ADs were issued to correct latent failures of the MOV actuator for the left engine and right engine fuel shutoff valves and for certain airplanes, the auxiliary power unit (APU) fuel shutoff valve. Those ADs are AD 2015–21–10, Amendment 39–18303 (80 FR 65130, October 26, 2015) (''AD 2015–21–10''), AD 2015–21–09, and AD 2015–19–04, Amendment 39–18267 (80 FR 55505, September 16, 2015) (''AD 2015–19–04''). AD 2015–19–03 (referenced by the commenter) was superseded by AD 2015–21–10. AD 2015–21–10, AD 2015–21–09, and AD 2015–19–04 explained that the repetitive inspections required by the AWLs were considered to be an interim action to address the unsafe condition, and that we might consider additional rulemaking once the modification that would address the unsafe condition was developed. This proposed AD would require replacement of the specific MOV actuator part numbers because the installation of the latest MOV actuator part number would result in a configuration that is fail safe, by eliminating latent MOV actuator failure modes that would leave the airplane one failure away from a potential incident or accident. Without this modification, affected airplanes have a potential of being dispatched with a failed MOV actuator. In the event of an engine or APU fire, such a dispatch configuration would allow certain fires to become uncontrollable. The AWL repetitive inspections only limit the time of exposure of the airplane configuration dispatched with a failed fuel shutoff means. Also, repetitive inspections have a potential of introducing human errors that could result in a failure to detect an MOV actuator failure or other issues. We have not changed this SNPRM regarding this issue.

Requests To Terminate Other ADs

Air Canada (ACN), All Nippon Airways (ANA), Delta Airlines (DAL), the Europe Aviation Safety Agency (EASA), FedEx Express (FedEx), Pegasus Airlines, UAL, and Southwest Airlines (SWA) requested that we revise the proposed AD (in the NPRM) to specify that the accomplishment of the proposed actions would terminate the requirements of AD 2015–19–04 (for Model 757 airplanes), AD 2015–21–09 (for Model 767 airplanes), and AD 2015–21–10 (for Model 737 airplanes).

The commenters stated that the three referenced ADs require incorporation of the AWLs that require repetitive inspections of the MOV actuators having part number (P/N) MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56). The commenters asserted that since the proposed AD (in the NPRM) would mandate replacement of those part numbers with a new part number, the three ADs should be terminated by the new AD action.

We agree to revise this proposed AD to specify a condition that would terminate the requirements of AD 2015–19–04, AD 2015–21–09, and AD 2015–21–10. We have determined that the requirements of those ADs can be terminated only after the actions required by this proposed AD are accomplished on all affected airplanes in an operator's fleet. We consider that the above condition is necessary to ensure the safety of mixed airplane configurations in an operator's fleet during the compliance time of this proposed AD.

We also consider that keeping the AWLs mandated by AD 2015–19–04, AD 2015–21–09, or AD 2015–21–10 in the maintenance or inspection program, as applicable, until the actions specified by this proposed AD are accomplished on all affected airplanes in an operator's fleet would cause no extra burden on operators. The AWLs mandated by AD 2015–19–04, AD 2015–21–09, or AD 2015–21–10 require repetitive inspections only for airplanes with MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) installed at specific locations. Once those part numbers are removed from an airplane and replaced by an acceptable part number, the repetitive inspections specified in the AWLs do not apply to that airplane.

The condition discussed above will ensure adherence to applicable requirements during the compliance time of this proposed AD. We also have determined that an additional means is necessary to protect the airplanes from installation of the discrepant MOV actuators at certain locations. This proposed AD would require removal of an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) at specific locations. However, it is possible those MOV actuator part numbers may be re-installed since those part numbers continue to be available and acceptable for installation at locations other than those locations addressed by this proposed AD where failures do not pose a safety concern. To address this concern, we have determined that the incorporation of a new AWL that would prohibit the installation of MOV actuators having P/Ns MA30A1001 (Boeing P/N S343T003–66) and MA20A2027 (Boeing P/N S343T003–56) at specific locations is necessary.

We have specified the requirement to revise the maintenance or inspection program, as applicable, to incorporate a new AWL in paragraph (j) of this proposed AD. This action must be accomplished after the accomplishment of the actions required by paragraphs (g), (h), and (i) of this proposed AD, as applicable, on all affected airplanes in an operator's fleet and before the end of the compliance time of this proposed AD. Other than the parts installation prohibition, no maintenance action is associated with the new AWL. We have also added paragraph (m) in this proposed AD to specify that incorporation of the applicable AWL into the maintenance or inspection program, as applicable, would terminate certain requirements of AD 2015–19–04, AD 2015–21–09, and AD 2015–21–10. We have moved the content of paragraph (m) of this proposed AD (in the NPRM) to paragraph (p) of this proposed AD.

Request To Identify Acceptable Replacement MOV Actuator Part Numbers

ANA, Boeing, DAL, DHL Express (DHL), FedEx, and UAL requested that we revise paragraphs (h)(2) and (h)(3) of the proposed AD (in the NPRM) to add MOV actuators having P/Ns AV–31–1, MA11A1265, and MA11A1265–1 (Boeing P/N S343T003–111, S343T003–

14, and S343T003–41) as acceptable replacements. The commenters stated that the service information specified in paragraphs (h)(2) and (h)(3) of the proposed AD (in the NPRM) identifies these MOV actuators as acceptable replacements.

We agree with the commenters' request to identify additional MOV actuator part numbers that are acceptable to be used as replacement parts, with the following clarification. For Model 757 airplanes, MOV actuator P/N MA11A1265 (Boeing P/N S343T003–14) is acceptable as installed on the delivered airplanes, but that part number is not allowed to be used as a replacement for other part numbers as instructed in the service information specified in this proposed AD. The use of MOV actuator P/N MA11A1265 (Boeing P/N S343T003–14) to replace other part numbers is allowed for Model 767 airplanes, but not for Model 757 airplanes. We have revised paragraphs (h)(2) and (h)(3) of this proposed AD accordingly.

Request To Specify Differences Between Proposed Requirements and Service Information

DAL noted that the NPRM referred to ''Differences Between this Proposed AD and the Service Information,'' but such a section was not in the NPRM. DAL requested that we add a section that discusses the differences between the proposed AD (in the NPRM) and the service information specified in the NPRM. DAL explained one key difference: the alternative acceptable MOV actuator part numbers that are specified in the service information for Model 757 and Model 767 airplanes are not specified in the proposed AD.

We partially agree with DAL's request. The NPRM inadvertently referred to an unnecessary section that was not included in the NPRM. Furthermore, we did not intend to differ with the service information in regards to the additional MOV actuator part numbers specified in the service information for Model 757 and Model 767 airplanes. As stated previously, we have revised paragraphs (h)(2) and (h)(3) of this proposed AD to allow the additional part numbers.

Request To Reduce Compliance Time

Air Line Pilots Association, International (ALPA) stated that operators have had ample time to prepare scheduling and maintenance activities to address the safety concern in a more efficient time frame than the proposed compliance time of 8 years.

We infer that ALPA wants us to reduce the compliance time, however, they did not identify a proposed compliance time. We have evaluated the level of safety and also the mitigation provided by the airworthiness limitations mandated by AD 2015–19–04, AD 2015–21–09, and AD 2015–21–10. We have determined that the 8-year compliance time is adequate to address the identified unsafe condition. We have not changed this proposed AD regarding this issue.

Request To Permit MOV Actuator Part Numbers Developed in the Future

SWA requested that we revise paragraph (h)(1) of the proposed AD (in the NPRM) to permit MOV actuators having part numbers approved in the future. SWA stated that this would reduce requests for approval of an alternative method of compliance (AMOC).

We disagree with SWA's request. Paragraphs (h)(l), (h)(2), and (h)(3) of the proposed AD (in the NPRM) did not allow the installation of new MOV actuator part numbers that could be made available in the future. During the installation of the MOV actuator, it is critical to ensure that the MOV actuator is properly bonded to the structure to prevent the development of an ignition source inside the fuel tank due to fault current or lightning strike. To ensure proper installation of a future MOV actuator part number, we would have to require in the AD that a future MOV actuator part number would be installed in accordance with applicable installation instructions. Since applicable installation instructions for a future MOV actuator part number do not exist, and we cannot incorporate instructions which do not exist in an AD, we cannot allow the installation of future MOV actuator part numbers in the proposed AD. However, operators may request an AMOC in accordance with paragraph (o) of this proposed AD to allow installation of MOV actuators approved in the future. We have made no further change to paragraphs (h)(1), (h)(2), and (h)(3) of this proposed AD in this regard.

Request To Use Serviceable Parts

DAL requested that we allow installation of serviceable parts as well as new parts. DAL stated that the service information specifies only new parts.

We agree with DAL's request. The installation of serviceable parts meets the intent of the AD and addresses the unsafe condition. We have revised paragraphs (h)(1), (h)(2), and (h)(3) of this proposed AD to specify that installation of serviceable parts is acceptable.

Request To Revise Parts Installation Prohibition

ANA and UAL requested that we revise paragraph (j) of the proposed AD (in the NPRM) by adding alternative MOV actuator P/Ns AV–31–1, MA11A1265, and MA11A1265–1 (Boeing P/N S343T003–111, S343T003–14, and S343T003–41, respectively), if those alternative part numbers are allowed under paragraphs (h)(2) and (h)(3) of the proposed AD (in the NPRM). ANA also suggested changing the wording ''fuel shutoff valves'' to ''left and right engine fuel shutoff valves'' in paragraph (j) of the proposed AD (in the NPRM) to eliminate ambiguity, since Model 767 airplanes have several fuel shutoff valves. The commenters stated that if the alternative part numbers are allowed for installation under paragraphs (h)(2) and (h)(3) of the proposed AD (in the NPRM), paragraph (j) of the proposed AD (in the NPRM) should prohibit the replacement of those alternative part numbers with MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56).

We agree with the commenters' requests. Those alternative MOV actuators are acceptable for Model 757 and Model 767 airplanes and should not be replaced by MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) after the effective date of the AD. The parts installation prohibition specified in paragraph (j) of proposed AD (in the NPRM) corresponds with the parts installation prohibitions specified in paragraphs (l)(1) through (1)(4) of this proposed AD, which identify affected part numbers for the airplanes identified in those paragraphs. The parts installation prohibition for Model 757 and Model 767 airplanes is specified in paragraphs (l)(2) and (l)(3) of this proposed AD, and additional MOV actuator part numbers are identified in those paragraphs as requested by the commenters. We also added ''for the left engine and right engine fuel shutoff valves'' in paragraphs (l)(1) through (l)(4) of this proposed AD.

Request To Refer to Previously Released Service Information

Boeing requested that we revise the proposed AD (in the NPRM) to refer to previously released service information that provides instructions to replace a specific older MOV actuator part number. Boeing stated that note 2 to paragraph (h)(2) of the proposed AD (in the NPRM) informs an operator that it

can use Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016, to replace MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39). Boeing explained that Boeing Alert Service Bulletin 757–28–0088, dated January 25, 2007, which has been mandated by AD 2008–06–03, Amendment 39–15415 (73 FR 13081, March 12, 2008) (''AD 2008–06–03''), has instructions to replace MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39) with MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56). Boeing stated that the previously released service bulletins are the type design to make the part change and should be referenced.

We do not agree with Boeing's request to add a reference to Boeing Alert Service Bulletin 757–28A0088, dated January 25, 2007, or Boeing Alert Service Bulletin 737–28A1207, dated February 15, 2007, both of which are mandated by AD 2008–06–03; or Boeing Alert Service Bulletin 767–28A0090, dated July 3, 2008, which is mandated by AD 2009–22–13, Amendment 39–16066 (74 FR 55755, October 29, 2009). We infer that Boeing was expressing its concern that if an MOV actuator having P/N MA20A1001–1 (Boeing P/N S343T003–39) is found, that part number must be replaced by an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) in accordance with those previously released service bulletins as an approved change to the type design. Then, an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) must be replaced by an MOV actuator having an acceptable part number in accordance with the service information mandated by this proposed AD as an approved change to the type design.

We consider it unnecessary to add a reference to Boeing Alert Service Bulletin 757–28A0088, dated January 25, 2007; Boeing Alert Service Bulletin 737–28A1207, dated February 15, 2007; or Boeing Alert Service Bulletin 767–8A0090, dated July 3, 2008. The type design change provided by the previously released service information discussed above is addressed under AD 2008–06–03 and AD 2009–22–13, and incorporation of that type design change should have been completed for airplanes affected by those two ADs. In addition, this proposed AD covers the airplanes affected by AD 2008–06–03 and AD 2009–22–13 as well as those that are not. The notes to paragraphs (h)(1) and (h)(2) of the proposed AD (in the NPRM) were intended to clarify that operators can use service bulletins mandated by paragraphs (h)(1) and (h)(2) of this proposed AD to remove MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39) and replace that part number with acceptable MOV actuator part numbers since those service bulletins do not specifically address removal of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39). The service information mandated by paragraph (h)(3) of this proposed AD for Model 767 airplanes addresses removal of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39). We have revised this proposed AD by including the text from the notes to paragraphs (h)(1), (h)(2), and (h)(3) of the proposed AD (in the NPRM) in the regulatory text of their respective paragraphs in this proposed AD.

Request for Clarification Regarding Certain MOV Actuator Part Number Removal

DAL requested that we clarify whether the proposed AD (in the NPRM) would require removal of an MOV actuator having P/N MA20A1001–1 (Boeing P/N S343T003–39). DAL stated that the notes to paragraphs (h)(1), (h)(2), and (h)(3) of the proposed AD (in the NPRM) mention removal of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39), but removal would not be mandated in the proposed AD (in the NPRM).

We agree that clarification is necessary. Removal of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39) has been mandated by AD 2008–06–03 for certain Model 737 and Model 757 airplanes and by AD 2009–22–13 for certain Model 767 airplanes. Those ADs did not cover airplanes delivered with a later MOV actuator part number. However, for those airplanes not affected by the earlier ADs, the FAA discovered the potential for operators to install MOV actuators having P/N MA20A1001–1 (Boeing P/N 343T003–39) since there was no obvious prohibition of such installation, other than the manufacturer's proprietary drawings that would prohibit the installation. To address this issue, we issued AD 2016–04–20, Amendment 39–18414 (81 FR 10460, March 1, 2016) (''AD 2016–04–20''), to prohibit the installation of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39) on all affected models including future delivery airplanes. For airplanes affected by AD 2008–06–03 or AD 2009–22–13, we consider that it is unlikely to find MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39) installed, since such an installation would violate the AD requirements. For airplanes not affected by those earlier ADs, there is a chance to find that part number installed. In such a case, the service information specified in paragraph (h)(1), (h)(2), or (h)(3) of this proposed AD may be used to remove an MOV actuator having P/N MA20A1001–1 (Boeing P/N S343T003–39) and replace it with an acceptable MOV actuator part number. We have revised paragraph (h) of this proposed AD to clarify the use of that service information relative to the removal of MOV actuators with P/N MA20A1001–1 (Boeing P/N S343T003–39). No other changes were made to this proposed AD regarding this issue.

Request for Part Number Clarification

SunExpress Airlines (SXS) stated that paragraph (h) of AD 2016–04–20 requires the replacement of an MOV actuator having P/N MA20A1001–1 (Boeing P/N S343T003–39) with a different serviceable, FAA-approved MOV actuator. SXS asserted that this requirement would conflict with paragraph (h) of the proposed AD (in the NPRM) since MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) are required to be removed by paragraph (h) of the proposed AD (in the NPRM) while those part numbers could be allowed for installation under paragraph (h) of AD 2016–04–20.

We infer that SXS is requesting part number clarification. There is no conflict between paragraph (h) of AD 2016–04–20 and paragraph (h) of this proposed AD. Paragraph (h) of AD 2016–04–20 requires removal of MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39). Paragraph (h) of this proposed AD would require removal of MOV actuators having P/N MA20A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56). The operators would comply with both paragraph (h) of AD 2016–04–20 and paragraph (h) of this proposed AD by removing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39), MA30A1001 (Boeing P/N S343T003–66), and MA20A2027 (Boeing P/N S343T003–56), and replacing those part numbers with an acceptable MOV actuator part number, such as P/N MA30A1017 (Boeing P/N S343T003–76).

We agree that AD 2016–04–20 does not specifically prohibit the installation of MOV actuators having P/N MA30A1001 or P/N MA20A2027. This

proposed AD includes more specific provisions that would prohibit the installation of certain MOV actuators, including those having P/N MA30A1001 and P/N MA20A2027, in place of certain other MOV actuators. While there is no conflict between the requirements in this proposed AD and AD 2016–04–20, we acknowledge that this proposed AD includes those more specific provisions. We have not changed this proposed AD regarding this issue.

Request To Mandate a Fuel Leak Check

UAL suggested that we revise the proposed AD (in the NPRM) to mandate a fuel leak check of the engine fuel shutoff valves per the applicable aircraft maintenance manual (AMM) during the modification specified in paragraphs (h)(1), (h)(2), and (h)(3) of the proposed AD (in the NPRM).

We do not agree with UAL's request. We consider that operators would perform pertinent functional or operational checks recommended in the AMM during the modification specified in paragraphs (h)(1), (h)(2), and (h)(3) of this proposed AD, as operators would typically perform during maintenance activities. We consider that proper installation would be ensured even if a fuel leak check of the engine fuel shutoff valves would not be specifically mandated by this proposed AD. We have not changed this proposed AD regarding this issue.

Request To Clarify Compliance Time in Paragraph (i)(1) of the Proposed AD

SWA requested that we clarify the initial compliance time specified under paragraph (i)(1) of the proposed AD (in the NPRM): 6 years from ''the previous'' inspection.

We agree to provide clarification, as well as a change to paragraph (i)(1) of this proposed AD. The initial compliance time (in the NPRM) was based on the assumption that the inspection specified in AWL No. 28–AWL–24 for Model 737–600, –700, –700C, –800, –900, and –900ER airplanes would have been accomplished at least once on all affected airplanes before the effective date of the AD.

However, we determined this assumption to be incorrect. Incorporation of AWL No. 28–AWL–24 is mandated by paragraph (h)(1) of AD 2008–06–03. This action is required to be done concurrently with the actions specified in paragraph (g) of AD 2008–06–03. The actions required by paragraphs (g) and (h)(1) of AD 2008–06–03 should have been accomplished on all affected airplanes before April 16, 2013. But the inspection specified in AWL No. 28–AWL–24 is not due until six years after the accomplishment of Boeing Alert Service Bulletin 737–28A1207, dated February 15, 2007, as mandated by paragraph (g) of AD 2008–06–03, or Boeing Service Bulletin 737–28A1207, Revision 1, dated April 19, 2010, which was approved as an AMOC to paragraph (g) of AD 2008–06–03. Therefore, accomplishment of the inspection specified in AWL No. 28–AWL–24 may not occur on all affected airplanes prior to April 16, 2019, which is six years after all affected airplanes would had to have accomplished the actions of AD 2008–06–03, as discussed above. Thus, a ''previous inspection'' may not have occurred on certain affected airplanes.

We have therefore revised paragraph (i)(1) of this proposed AD to specify that the initial compliance time for accomplishing the actions required by AWL No. 28–AWL–24 is within 6 years since the most recent inspection was performed in accordance with AWL No. 28–AWL–24, or within 6 years since the accomplishment of the actions specified in Boeing Alert Service Bulletin 737–28A1207, dated February 15, 2007, whichever occurs later. We have revised paragraph (i)(2) of this proposed AD in a similar manner to address the same issue associated with AWL No. 28–AWL–25 for Model 757 airplanes.

Request To Delete 30-Day Compliance Time in Paragraph (i)(1) of the Proposed AD

EASA suggested that we delete the grace period (''or within 30 days after the effective date of this AD, whichever is later'') from paragraph (i)(1) of the proposed AD (in the NPRM). EASA stated that this compliance time is unnecessary since a time ''prior to or concurrently with the actions required by paragraph (h)(1)'' will always be later than ''within 30 days'' after the effective date. EASA also noted that the 30-day compliance time does not appear in paragraphs (i)(2) and (i)(3) of the proposed AD (in the NPRM).

We do not agree with EASA's request. When we approved Boeing Service Bulletin 737–28–1314, dated November 17, 2014, which is referenced in paragraphs (g)(1) and (h)(1) of this proposed AD, we did not require incorporation of applicable AWLs into the maintenance or inspection program as part of the service information approval. Therefore, operators who have already accomplished Boeing Service Bulletin 737–28–1314, dated November 17, 2014, may not have incorporated applicable AWLs that are provided in Section 9 of the Maintenance Planning Data (MPD) Document or Special Compliance Items and Airworthiness Limitations (SCI/AWL) document at the revision levels specified in paragraph (i)(1) or (n)(3) of this proposed AD (paragraph (i)(1) or (k)(2), respectively, of the proposed AD (in the NPRM)). For such operators, paragraph (i)(1) of this proposed AD provides a grace period of 30 days for incorporation of applicable AWLs into their maintenance or inspection program, as applicable. When we approved Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016, and Revision 1, dated June 19, 2017, and Boeing Service Bulletin 767–28–0115, dated September 10, 2015, and Revision 1, dated June 2, 2016, we required incorporation of applicable AWLs as part of AMOC approval for AD 2008–06–03 (Model 757) and AD 2009–22–13 (Model 767). This requirement is specified in the Approval section of those service bulletins. Therefore, any operator who has accomplished any of those service bulletins prior to the effective date of the AD should have already incorporated applicable AWLs into their maintenance or inspection program, and it is unnecessary to have a grace period in paragraphs (i)(2) and (i)(3) of this proposed AD. We have not changed this proposed AD regarding this issue.

Request To Use Later-Approved Service Information

ANA requested that we revise paragraph (i) of the proposed AD (in the NPRM) to allow operators to use a later revision of the Airworthiness Limitations section of the Instructions for Continued Airworthiness: Section 9 of the Boeing Maintenance Planning Data (MPD) Document or Boeing SCI/AWL document.

We do not agree with ANA's request. We cannot use the phrase ''or later FAA-approved revisions,'' in an AD when referring to the service document because doing so violates Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference (see 1 CFR 51.1(f)). We are required to either publish the service document contents as part of the actual (regulatory) AD language; or submit the service document to the OFR for approval as referenced material, in which case we may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise this proposed AD to refer to specific later

revisions, or operators must request approval to use later revisions as an AMOC to this AD under the provisions of paragraph (o) of this proposed AD. We have not changed this proposed AD regarding this issue.

Request To Limit Applicability

DAL, Solaseed Air, and SWA requested that we clarify paragraph (i)(1) of the proposed AD (in the NPRM), or that we revise that paragraph to limit the affected airplanes. The commenters stated that AWL No. 28–AWL–24, specified under paragraph (i)(1)(iii) of the proposed AD (in the NPRM), is limited to line numbers 1 through 1980 and 1982, but paragraph (i)(1) of the proposed AD (in the NPRM) would require incorporation of this specific AWL for all airplanes identified in paragraph (c)(1) of the proposed AD (in the NPRM). SWA also stated that the effectivity of AWL No. 28–AWL–22 is defined by MOV actuator part numbers.

We agree that clarification is necessary. Paragraph (i) of this proposed AD would not require compliance with the AWLs specified in that paragraph. Instead, paragraph (i) of this proposed AD would require the operators to revise their maintenance or inspection program, as applicable, by incorporating those AWLs. Once the AWLs are incorporated into the maintenance or inspection program, compliance with the AWLs is required by 14 CFR 43.16 and 91.403(c). The effectivity of each AWL is specified in the Applicability section of the AWL. AWL No. 28–AWL–24, required by paragraph (i)(1)(iii) of this proposed AD, applies to line numbers 1 through 1980 and 1982. For any airplane outside this applicability, there is no maintenance action associated with this specific AWL. Therefore, we consider that incorporation of AWL No. 28–AWL–24 as specified by paragraph (i)(1)(iii) of this proposed AD does not impose an extra burden on operators. Furthermore, incorporation of AWL No. 28–AWL–24 would invoke appropriate maintenance actions if an operator acquires an airplane in the future that falls under the effectivity of that AWL. Because of those reasons, we disagree to limit the airplanes affected by paragraph (i)(1) of this proposed AD.

Regarding AWL No. 28–AWL–22 mentioned by SWA, the AWL applies to all Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, but the conditions specified in this AWL must be met by the MOV actuator part numbers specified in the applicability note. For the same rationale as noted above, we have not changed this proposed AD regarding this issue.

Request for Part Intermix Credit

SXS requested that we add credit for intermixed part usage until the AD compliance due date. SXS stated that within the 8-year compliance time, the new MOV actuators may be installed at affected locations while the MOV actuators that are to be removed remain installed at other affected locations.

We infer that SXS is requesting us to clarify the intermixed part usage during the AD compliance time. We agree to provide clarification regarding this matter. Operators may install acceptable MOV actuators having part numbers specified in paragraph (h) of this proposed AD at any affected locations while keeping MOV actuators having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56) installed at other affected locations during the AD compliance time. However, for airplanes with this intermixed part configuration, credit is not allowed for compliance with paragraph (h) of this proposed AD. Credit for compliance with paragraph (h) of this proposed AD can be taken only after the installation of acceptable MOV actuator part numbers at all affected locations specified in paragraph (h) of this proposed AD. Furthermore, once an acceptable MOV actuator part number is installed at any affected location, paragraph (l) of this proposed AD would prohibit the replacement of that MOV actuator part number with an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or MA20A2027 (Boeing P/N S343T003–56). We have not changed this proposed AD regarding this issue.

Request To Specify Earlier Service Information and New Service Information

Boeing requested that we revise paragraph (k)(2) of the proposed AD (in the NPRM) to refer to all previously released MPD Documents and SCIs that include the AWLs listed in paragraph (i)(1) of the proposed AD (in the NPRM). The commenter stated that the current list misses the most recent SCI/AWL revision, Revision September 2016. The commenter also stated that a new SCI/AWL revision is in work and should be referenced in the AD.

We partially agree with Boeing's requests. Revision September 2016 was the latest revision at the time the NPRM was published. Therefore, it was identified under paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii), instead of paragraph (k)(2), of the proposed AD (in the NPRM). Paragraph (k)(2) of the proposed AD (in the NPRM) identified all acceptable earlier revisions at the time the NPRM was published.

Since the publication of the NPRM, Boeing released a new SCI/AWL revision: Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision January 2017. We have revised paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this proposed AD to identify this latest revision, and provided credit for Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision September 2016, in paragraph (n)(3) of this proposed AD (which was paragraph (k)(2) of the proposed AD (in the NPRM)).

Request To Revise Paragraph References

UAL requested that we revise paragraph (k)(4) of the proposed AD (in the NPRM) to refer to paragraph (i)(3)(i) of the proposed AD (in the NPRM), instead of paragraph (i)(3) of the proposed AD (in the NPRM). UAL also suggested that we revise paragraph (k)(5) of the proposed AD (in the NPRM) to add credit for the revisions of the SCI/AWL document that are identified in paragraph (k)(4) of the proposed AD (in the NPRM).

We do not agree with UAL's requests. Paragraph (n)(5) of this proposed AD (which was paragraph (k)(4) in the proposed AD (in the NPRM)) refers to paragraph (i)(3) of this proposed AD, which includes paragraphs (i)(3)(i) and (i)(3)(ii) of this proposed AD. The revisions of the SCI/AWL document that the commenter requested to be added under paragraph (n)(6) of this proposed AD (which was paragraph (k)(5) in the proposed AD (in the NPRM)) are already identified in paragraph (n)(5) of this proposed AD as credit for the AWL identified in paragraph (i)(3)(ii) of this proposed AD. Paragraph (n)(6) of this proposed AD identifies an additional revision of the SCI/AWL document that is acceptable for the AWL required by paragraph (i)(3)(ii) of this proposed AD. We have not changed this proposed AD regarding this issue.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST00830SE, ST01518SE, or ST01920SE does not affect the accomplishment of the manufacturer's service instructions.

We agree that STC ST00830SE, ST01518SE, or ST01920SE does not affect the accomplishment of the manufacturer's service instructions.

Therefore, the installation of STC ST00830SE, ST01518SE, or ST01920SE does not affect the ability to accomplish the actions that would be required by this proposed AD. We have not changed this proposed AD regarding this issue.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information.

• Boeing Service Bulletin 737–28–1314, dated November 17, 2014, describes procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines on Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes.

• Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision January 2017, describes AWLs for fuel tank ignition prevention on Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes.

• Boeing Special Attention Service Bulletin 757–28–0138, Revision 1, dated June 19, 2017, describes procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve, on Model 757 airplanes.

• Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision February 2017, describes AWLs for fuel tank ignition prevention on Model 757 airplanes.

• Boeing Service Bulletin 767–28–0115, Revision 1, dated June 2, 2016, describes procedures for installing new MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve, on Model 767 airplanes.

• Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision June 2016, describes AWLs for fuel tank ignition prevention on Model 767 airplanes.

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

FAA's Determination

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

This proposed AD would require accomplishing the actions specified in the service information described previously.

This proposed AD would also provide terminating action for all certain actions required by AD 2015–19–04, AD 2015–21–09, and AD 2015–21–10, as explained above, under ''Requests to Terminate Other ADs.''

This proposed AD would also require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions would be required by 14 CFR 43.16 and 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (o) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 2,574 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
Inspection and replacement Model 737 (1,440 airplanes).	Up to 6 work-hours × $85 per hour = Up to $510.	Up to $12,000	Up to $12,510	Up to $18,014,400.
Inspection and replacement Model 757 (675 airplanes).	Up to 9 work-hours × $85 per hour = Up to $765.	Up to $18,000	Up to $18,765	Up to $12,666,375.
Inspection and replacement Model 767 (442 airplanes).	Up to 9 work-hours × $85 per hour = Up to $765.	Up to $18,000	Up to $18,765	Up to $8,294,130.
Maintenance or inspection program revision (2,574 airplanes).	1 work-hour × $85 per hour = $85	$0	$85	$218,790.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0127; Product Identifier 2016–NM–161–AD.

(a) Comments Due Date

We must receive comments by May 18, 2018.

(b) Affected ADs

This AD affects AD 2015–21–09, Amendment 39–18302 (80 FR 65121, October 26, 2015) (''AD 2015–21–09''); AD 2015–19–04, Amendment 39–18267, (80 FR 55505, September 16, 2015) (''AD 2015–19–04''); and AD 2015–21–10, Amendment 39–18303 (80 FR 65130, October 26, 2015) (''AD 2015–21–10'').

(c) Applicability

This AD applies to all The Boeing Company airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Model 737 series airplanes, excluding Model 737–100, –200, –200C, –300, –400, and –500 series airplanes.

(2) Model 757–200, –200PF, –200CB, and –300 series airplanes.

(3) Model 767–200, –300, –300F, and –400ER series airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 28; Fuel.

(e) Unsafe Condition

This AD was prompted by reports of latently failed motor-operated valve (MOV) actuators of the fuel shutoff valves. We are issuing this AD to prevent a latent failure of the actuator for the engine or auxiliary power unit (APU) fuel shutoff valves, which could result in the inability to shut off fuel to the engine or the APU, and, in case of certain engine or APU fires, could result in structural failure.

(f) Compliance

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

(g) Inspection To Determine Part Number (P/N)

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: Within 8 years after the effective date of this AD, do an inspection to determine the part numbers of the MOV actuators of the fuel shutoff valves for the left and right engines, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–28–1314, dated November 17, 2014. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MOV actuator at each location can be conclusively determined from that review.

(2) For airplanes identified in paragraphs (c)(2) and (c)(3) of this AD: Within 8 years after the effective date of this AD, do an inspection to determine the part numbers of the MOV actuators of the fuel shutoff valves for the left and right engines, and of the APU fuel shutoff valve, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–28–0138, Revision 1, dated June 19, 2017 (''SB 757–28–0138 R1''); or Boeing Service Bulletin 767–28–0115, Revision 1, dated June 2, 2016 (''SB 767–28–0115 R1''); as applicable. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the MOV actuator at each location can be conclusively determined from that review.

(h) Replacement

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes on which any MOV actuator having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or Boeing P/N S343T003–66, respectively), is found during the inspection required by paragraph (g)(1) of this AD: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–28–1314, dated November 17, 2014. Where Boeing Service Bulletin 737–28–1314, dated November 17, 2014, specifies the installation of a new MOV actuator, this AD allows the installation of a new or serviceable MOV actuator. While not required by this AD, the Accomplishment Instructions specified in Boeing Service Bulletin 737–28–1314, dated November 17, 2014, for replacing MOV actuators having Boeing P/N S343T003–66 or Boeing P/N S343T003–56 may be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(2) For airplanes identified in paragraph (c)(2) of this AD on which any MOV actuator having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or Boeing P/N S343T003–66, respectively) is found during the inspection required by paragraph (g)(2) of this AD: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), P/N AV–31–1 (Boeing P/N S343T003–111), or P/N MA11A1265–1 (Boeing P/N S343T003–41), in accordance with the Accomplishment Instructions of SB 757–28–0138 R1. Where SB 757–28–0138 R1, specifies the installation of a new MOV actuator, this AD allows the installation of a new or serviceable MOV actuator. While not required by this AD, the Accomplishment Instructions specified in SB 757–28–0138 R1 for replacing MOV actuators having Boeing P/N S343T003–66 or Boeing P/N S343T003–56 may be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(3) For airplanes identified in paragraph (c)(3) of this AD on which any MOV actuator having P/N MA20A2027 (Boeing P/N S343T003–56) or P/N MA30A1001 (Boeing P/N S343T003–66) is found during the inspection required by paragraph (g)(2) of this AD: Within 8 years after the effective date of this AD, replace each affected MOV actuator with an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76), P/N AV–31–1 (Boeing P/N S343T003–111), P/N MA11A1265 (Boeing P/N S343T003–14), or P/N MA11A1265–1 (Boeing P/N S343T003–41), in accordance with the Accomplishment Instructions of SB 767–28–0115 R1. Where SB 767–28–0115 R1, specifies the installation of a new MOV actuator, this AD allows the installation of a new or serviceable MOV actuator. While not required by this AD, the Accomplishment Instructions specified in SB 767–28–0115 R1, for replacing MOV actuators having Boeing P/N S343T003–66 or Boeing P/N S343T003–56 may be used for replacing MOV actuators having P/N MA20A1001–1 (Boeing P/N S343T003–39).

(i) Maintenance or Inspection Program Revision

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD: Prior to or concurrently with the actions required by paragraph (h)(1) of this AD or within 30 days after the effective date of this AD, whichever is later, revise the maintenance or inspection program, as applicable, to add the airworthiness limitations (AWLs) specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD. The initial compliance time for accomplishing the actions required by AWL No. 28–AWL–24 is within 6 years since the most recent inspection was performed in

accordance with AWL No. 28–AWL–24, or within 6 years since the actions specified in Boeing Alert Service Bulletin 737–28A1207 were accomplished, whichever is later.

(i) AWL No. 28–AWL–21, MOV Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision January 2017.

(ii) AWL No. 28–AWL–22, MOV Actuator—Electrical Design Feature, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision January 2017.

(iii) AWL No. 28–AWL–24, Valve MOV Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision January 2017.

(2) For airplanes identified in paragraph (c)(2) of this AD: Prior to or concurrently with the actions required by paragraph (h)(2) of this AD, revise the maintenance or inspection program, as applicable, to add the AWLs specified in paragraphs (i)(2)(i), (i)(2)(ii), and (i)(2)(iii) of this AD. The initial compliance time for accomplishing the actions required by AWL No. 28–AWL–25 is within 6 years since the most recent inspection was performed in accordance with AWL No. 28–AWL–25, or within 6 years since the actions specified in Boeing Alert Service Bulletin 757–28A0088 were accomplished, whichever is later.

(i) AWL No. 28–AWL–23, Motor Operated Valve (MOV) Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision February 2017.

(ii) AWL No. 28–AWL–24, Motor Operated Valve (MOV) Actuator—Electrical Design Feature, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision February 2017.

(iii) AWL No. 28–AWL–25, Motor Operated Valve (MOV) Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision February 2017.

(3) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD: Prior to or concurrently with the actions required by paragraph (h)(3) of this AD, revise the maintenance or inspection program, as applicable, to add the AWLs specified in paragraphs (i)(3)(i) and (i)(3)(ii) of this AD.

(i) AWL No. 28–AWL–23, Motor Operated Valve (MOV) Actuator—Lightning and Fault Current Protection Electrical Bond, as specified in Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision June 2016.

(ii) AWL No. 28–AWL–24, Motor Operated Valve (MOV) Actuator—Electrical Design Feature, as specified in Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision June 2016.

(j) Maintenance or Inspection Program Revision for Parts Installation Prohibition

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: After accomplishing the actions required by paragraphs (g)(1), (h)(1), and (i)(1) of this AD, as applicable, on all airplanes in an operator's fleet, and within 8 years after the effective date of the AD, revise the maintenance or inspection program, as applicable, by incorporating the AWL specified in figure 1 to paragraph (j)(1) of this AD.

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Figure 1 to Paragraph (j)(1) of this AD –
AWL for Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes

AWL No.	Applicability	Description
28-AWL-MOVA	All	Motor Operated Valve (MOV) Actuator - Prohibition of Installation of Specific Part Numbers Installation of MOV actuator part number (P/N) MA30A1001 (Boeing P/N S343T003-66) and P/N MA20A2027 (Boeing P/N S343T003-56) is prohibited at the following positions: 1. Left engine fuel shutoff spar valve position 2. Right engine fuel shutoff spar valve position

(2) For airplanes identified in paragraph (c)(2) of this AD: After accomplishing the actions required by paragraphs (g)(2), (h)(2), and (i)(2) of this AD, as applicable, on all airplanes in an operator's fleet, and within 8 years after the effective date of the AD, revise the maintenance or inspection program, as applicable, by incorporating the AWL specified in figure 2 to paragraph (j)(2) of this AD.

Figure 2 to Paragraph (j)(2) of this AD –
AWL for airplanes identified in paragraph (c)(2) of this AD

AWL No.	Applicability	Description
28-AWL-MOVA	All	Motor Operated Valve (MOV) Actuator - Prohibition of Installation of Specific Part Numbers Installation of MOV actuator part number (P/N) MA30A1001 (Boeing P/N S343T003-66) and P/N MA20A2027 (Boeing P/N S343T003-56) is prohibited at the following positions: 1. Left engine fuel shutoff spar valve position 2. Right engine fuel shutoff spar valve position 3. APU fuel shutoff valve position

(3) For airplanes identified in paragraph (c)(3) of this AD: After accomplishing the actions required by paragraphs (g)(2), (h)(3), and (i)(3) of this AD, as applicable, on all airplanes in an operator's fleet, and within 8 years after the effective date of the AD, revise the maintenance or inspection program, as applicable, by incorporating the AWL specified in figure 3 to paragraph (j)(3) of this AD.

Figure 3 to Paragraph (j)(3) of this AD –
AWL for airplanes identified in paragraph (c)(3) of this AD

AWL No.	Applicability	Description
28-AWL-MOVA	All	Motor Operated Valve (MOV) Actuator - Prohibition of Installation of Specific Part Numbers Installation of MOV actuator part number (P/N) MA30A1001 (Boeing P/N S343T003-66) and P/N MA20A2027 (Boeing P/N S343T003-56) is prohibited at the following positions: 1. Left engine fuel shutoff spar valve position 2. Right engine fuel shutoff spar valve position 3. APU fuel shutoff valve position

(4) For airplanes identified in paragraph (c)(1) of this AD, excluding Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: Within 30 days since the date of issuance of the original standard airworthiness certificate or the date of issuance of the original export certificate of airworthiness, or within 30 days after the effective date of this AD, whichever is later, revise the maintenance or inspection program, as applicable, by incorporating the AWL specified in figure 4 to paragraph (j)(4) of this AD.

Figure 4 to Paragraph (j)(4) of this AD –
AWL for airplanes identified in paragraph (c)(1) of this AD, excluding Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes

AWL No.	Applicability	Description
28-AWL-MOVA	All	Motor Operated Valve (MOV) Actuator – Prohibition of Installation of Specific Part Numbers Concern: Installation of the following MOV actuator part numbers (P/N) is not part of the airplane type design: P/N MA30A1001 (Boeing P/N S343T003-66), P/N MA20A2027 (Boeing P/N S343T003-56), P/N MA20A1001-1 (Boeing P/N S343T003-39). However, there is a potential for those part numbers to be installed on the airplane using provisions provided in FAA Advisory Circular 120-77 or other means due to their continued availability and use on other Model 737 airplanes. Such an alteration will create unsafe conditions. 1. Installation of MOV actuator P/N MA20A1001-1 (Boeing P/N S343T003-39) is prohibited at any location. 2. Installation of MOV actuator part number (P/N) MA30A1001 (Boeing P/N S343T003-66) and P/N MA20A2027 (Boeing P/N S343T003-56) is prohibited at the following positions: a. Left engine fuel shutoff spar valve position b. Right engine fuel shutoff spar valve position

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(k) No Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs)

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

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

(l) Parts Installation Prohibition

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: As of the effective date of this AD, no person may replace an MOV actuator having P/N MA30A1017 (Boeing P/N S343T003–76) with an MOV actuator having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or Boeing P/N S343T003–66, respectively) for the left engine and right engine fuel shutoff valves.

(2) For airplanes identified in paragraph (c)(2) of this AD: As of the effective date of this AD, no person may replace an MOV actuator having P/N AV–31–1 (Boeing P/N S343T003–111), P/N MA11A1265 (Boeing P/N S343T003–14), P/N MA11A1265–1 (Boeing P/N S343T003–41), or P/N MA30A1017 (Boeing P/N S343T003–76) with an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or P/N MA20A2027 (Boeing P/N S343T003–56) for the left engine and right engine fuel shutoff valves and the APU fuel shutoff valve.

(3) For airplanes identified in paragraph (c)(3) of this AD: As of the effective date of this AD, no person may replace an MOV actuator having P/N AV–31–1 (Boeing P/N S343T003–111), P/N MA11A1265 (Boeing P/N S343T003–14), P/N MA11A1265–1 (Boeing P/N S343T003–41), or P/N MA30A1017 (Boeing P/N S343T003–76) with an MOV actuator having P/N MA30A1001 (Boeing P/N S343T003–66) or P/N MA20A2027 (Boeing P/N S343T003–56) for the left engine and right engine fuel shutoff valves and the APU fuel shutoff valve.

(4) For airplanes identified in paragraph (c)(1) of this AD, excluding Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: As of the effective date of this AD, no person may install an MOV actuator having P/N MA20A1001–1 (Boeing P/N S343T003–39) or replace an MOV actuator with an MOV actuator having P/N MA20A2027 or P/N MA30A1001 (Boeing P/N S343T003–56 or Boeing P/N S343T003–66, respectively) for the left engine and right engine fuel shutoff valves.

(m) Terminating Action

(1) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: Accomplishing the actions required by paragraph (j)(l) of this AD terminates the requirements of paragraph (l)(1) of this AD and all of the requirements of AD 2015–21–10.

(2) For airplanes identified in paragraph (c)(2) of this AD: Accomplishing the action required by paragraph (j)(2) of this AD terminates the requirements of paragraph (l)(2) of this AD and all of the requirements of AD 2015–19–04.

(3) For airplanes identified in paragraph (c)(3) of this AD: Accomplishing the action required by paragraph (j)(3) of this AD terminates the requirements of paragraph (l)(3) of this AD and all of the requirements of AD 2015–21–09.

(4) For airplanes identified in paragraph (c)(1) of this AD, excluding Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: Accomplishing the action required by paragraph (j)(4) of this AD terminates the requirements of paragraph (l)(4) of this AD.

(n) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g)(2) or (h)(2) of this AD, as applicable, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 757–28–0138, dated May 18, 2016.

(2) This paragraph provides credit for the actions specified in paragraph (g)(2) or (h)(3) of this AD, as applicable, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 767–28–0115, dated September 10, 2015.

(3) For Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(1) of this AD if those actions were performed before the effective date of this AD using Boeing 737–600/700/700C/800/900/900ER Special Compliance Items/Airworthiness Limitations, D626A001–9–04, Revision July 2016, or Revision September 2016; or Boeing 737–600/700/700C/800/900/900ER Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D626A001–CMR, Revision October 2014, Revision November 2014, Revision January 2015, or Revision April 2016.

(4) For airplanes identified in paragraph (c)(2) of this AD, this paragraph provides credit for the actions specified in paragraph (i)(2) of this AD if those actions were performed before the effective date of this AD using Boeing 757 Maintenance Planning Data (MPD) Document, Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), D622N001–9, Revision January 2016, or Revision July 2016.

(5) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(3) of this AD if those actions were performed before the effective date of this AD using Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision July 2015, Revision March 2016, Revision May 2016, or Revision May 2016 R1.

(6) For airplanes identified in paragraph (c)(3) of this AD with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, this paragraph provides credit for the actions specified in paragraph (i)(3)(ii) of this AD if those actions were performed before the effective date of this AD using Boeing 767 Special Compliance Items/Airworthiness Limitations, D622T001–9–04, Revision October 2014.

(o) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (o)(4)(i) and (o)(4)(ii) of this AD apply.

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

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

(p) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Branch, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *Takahisa.Kobayashi@faa.gov.*

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

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

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–05028 Filed 4–2–18; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0064]

RIN 1625–AA08

Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its special local regulations for recurring marine parades, regattas, and other events in Coast Guard Sector Ohio Valley. This rule, if adopted, would add 17 new recurring special local regulations, remove 9 special local regulations, and amend the event/sponsor, dates, and/or regulated areas for 48 recurring special local regulations already listed in the current table. This action in necessary to protect spectators, participants, and vessels from the hazards associated with annual marine

events. This proposed rulemaking would restrict vessel traffic in the designated areas during the events unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 18, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0064 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Petty Officer Joshua Herriott, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5343, email *Joshua.R.Herriott@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector Ohio Valley (COTP) proposes to amend 33 CFR 100.801 to update the table of annual recurring special local regulations in Coast Guard Sector Ohio Valley. The current list of annual and recurring special local regulations occurring in Sector Ohio Valley is published in Table 1 of 33 CFR part 100.801. The table was created through the final rule published on June 2, 2017 (82 FR 25511). It needs to be amended to include new regattas and marine events expected to recur annually or biannually, remove special local regulations no longer recurring, and provide new information on existing special local regulations.

The proposed annually recurring special local regulations are necessary to provide for the safety of life on navigable waters during the events. Based on the nature of these marine events, large numbers of participants and spectators, and event locations, the COTP has determined that the events listed in this proposed rule could pose a risk to participants or waterways users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the regulated area. In order to protect the safety of all waterway users, including event participants and spectators, this proposed rule would establish special local regulations for the time and location of each marine event. Vessels would not be permitted to enter the regulated areas unless authorized by the COTP or a designated representative. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (d)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553(d)). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for ''good cause found and published with the rule.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impractical to provide a 30-day comment period. These proposed regulated areas are necessary to ensure the safety of vessels and persons during the marine events. It is impracticable to publish an NPRM with a 30-day comment period because we must establish some of these updates as early as the end of April 2018. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also update the regulated areas soon enough that the length of the notice and comment period does not compromise public safety.

III. Discussion of Proposed Rule

The COTP proposes to amend its special local regulations for annual events in Coast Guard Sector Ohio Valley listed in Table 1 of 33 CFR 165.801. This section requires amendment from time to time to properly reflect the recurring special local regulations in Sector Ohio Valley. This rule would add 17 new recurring special local regulations, remove 9 special local regulations no longer recurring, and amend the event/sponsor, dates, and/or regulated areas for 48 recurring special local regulations already listed in the current table. Other than these 17 additions, 9 removals, and 48 changes to the event/sponsor, dates, and/or locations of certain events, the regulations of 33 CFR 100.801 and other provisions in Table 1 of § 100.801 remain unchanged.

The Coast Guard proposes to revise special local regulations in 33 CFR 100.801 Table 1 by adding 17 new special local regulations. The 17 special local regulations being added to Table 1 are below:

Date	Event/sponsor	Ohio Valley location	Regulated area
2 days—One weekend in July	Marietta Riverfront Roar Regatta	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).
1 day—One weekend in November or December.	Charleston Lighted Boat Parade	Charleston, WV	Kanawha River, Mile 54.3–60.3 (West Virginia).
1 day—One weekend in August	YMCA River Swim	Charleston, WV	Kanawha River, Mile 58.3–60.3 (West Virginia).
1 day—One weekend in April	Lindamood Cup	Marietta, OH	Muskingum River, Mile 0.5–1.5 (Ohio).
2 days—One weekend in June	New Martinsville Vintage Regatta	New Martinsville, WV	Ohio River Mile 127.5–128.5 (West Virginia).
3 days—One weekend in August	Grand Prix of Louisville	Louisville, KY	Ohio River, Mile 601.0–605.0 (Kentucky).
2 days—Fourth weekend in March	Oak Ridge Rowing Association/Atomic City Turn and Burn.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
3 days—Second or third weekend in March	Oak Ridge Rowing Association/Cardinal Invitational.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
3 days—Third weekend in April	Oak Ridge Rowing Association/SIRA Regatta	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
3 days—Fifth weekend in April	Oak Ridge Rowing Association/Dogwood Junior Regatta.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
3 days—Second weekend in May	Oak Ridge Rowing Association/Big 12 Championships.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
3 days—Third weekend in May	Oak Ridge Rowing Association/Dogwood Masters.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
1 day—First weekend in June	Visit Knoxville/Knoxville Powerboat Classic	Knoxville, TN	Tennessee River, Mile 646.4–649.0 (Tennessee).

Date	Event/sponsor	Ohio Valley location	Regulated area
1 day—first Sunday in August	Above the Fold Events/Riverbluff Triathlon	Ashland City, TN	Cumberland River, Mile 157.0–159.5 (Tennessee).
3 days—First weekend in June	Outdoor Chattanooga/Chattanooga Swim Festival.	Chattanooga, TN	Tennessee River, Mile 454.0–468.0 (Tennessee).
1 day—Fourth or fifth weekend in September	Knoxville Open Water Swimmers/Bridges to Bluffs.	Knoxville, TN	Tennessee River, Mile 647–642.5 (Tennessee).
1 day—Third Sunday in September	Team Rocket Tri Club/Swim Hobbs Island	Huntsville, AL	Tennessee River, Mile 332.3–338.0 (Alabama).

The Coast Guard also proposes to revise regulations at 33 CFR 100.801 Table 1 by removing the following 9 existing special local regulations that are no longer recurring, with reference by line number to the current Table 1 of 33 CFR 100.801. The 9 existing special local regulations being removed are below:

Line	Date	Event/sponsor	Ohio Valley location	Regulated area
1	The first Saturday in April	University of Charleston Rowing/West Virginia Governor's Cup Regatta.	Charleston, WV	Kanawah River, Mile 59.9–61.4 (West Virginia).
3	1 day—Third or fourth weekend in May	REV3/REV3 Triathlon	Knoxville, TN	Tennessee River, Mile 646.0–649.0 (Tennessee).
5	1 day—Second weekend in June	Chattanooga Parks and Rec/Chattanooga River Rats Open Water Swim.	Chattanooga, TN	Tennessee River, Mile 464.0–469.0 (Tennessee).
30	1 day—Saturday before Labor Day	Wheeling dragon boat race	Wheeling, WV	Ohio River mile 90.4–91.5 (West Virginia).
38	1 day—Third weekend in November	TREC–RACE/Pangorge	Chattanooga, TN	Tennessee River, Mile 44.0–455.0 (Tennessee).
43	1 day—second or third Saturday in July	Allegheny Mountain LMSC/Search for Monongy.	Pittsburgh, PA	Allegheny River mile 0.0–0.6 (Pennsylvania).
51	2 days—First weekend in August	Buckeye Outboard Association/Portsmouth Challenge.	Portsmouth, OH	Ohio River, Mile 355.3–356.7 (Ohio).
63	1 day—Fourth weekend in October	Chattajack	Chattanooga, TN	Tennessee River, Mile 463.7–464.5 (Tennessee).
66	1 day—Last weekend in July	Music City SUP Race	Nashville, TN	Cumberland River, Mile 190.0–191.5 (Tennessee).

In addition, the Coast Guard proposes to revise regulations in 33 CFR 100.801 Table 1 by amending 48 existing special local regulations listed in the table. The amendments involve changes to the marine event event/sponsor title, dates, and/or regulated areas, with reference by line number to Table 1 of 33 CFR 100.801. The 48 special local regulations being amended are below:

Line	Date	Event/sponsor	Ohio Valley location	Regulated area	Revision (date/area)
2	1 day—During the last week of April or first week of May.	Kentucky Derby Festival/Belle of Louisville Operating Board/Great Steamboat Race.	Louisville, KY	Ohio River, Mile 595.0–605.3 (Kentucky)..	area.
4	1 day—Third weekend in May	World Triathlon Corporation/IRONMAN 70.3.	Chattanooga, TN.	Tennessee River, Mile 462.7–467.5 (Tennessee).	area.
7	2 days—First weekend of June.	Thunder on the Bay/KDBA	Pisgah Bay, KY.	Tennessee River, Mile 30.0 (Kentucky).	
8	1 day—One of the first two weekends in August.	Green Umbrella/Ohio River Paddlefest.	Cincinnati, OH	Ohio River, Mile 458.5–476.4 (Ohio and Kentucky).	area.
9	1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim.	Cincinnati, OH	Ohio River, Mile 468.8–471.2 (Ohio and Kentucky).	area.
10	1 day—One of the last two weekends in September.	Ohio River Open Water Swim	Prospect, KY	Ohio River, Mile 587.0–591.0 (Kentucky).	area.
11	2 days—One of the first three weekends in September.	Louisville Dragon Boat Festival.	Louisville, KY	Ohio River, Mile 602.0–604.5 (Kentucky).	date and area.
12	1 day—Third or fourth Sunday of July.	Tucson Racing/Cincinnati Triathlon.	Cincinnati, OH	Ohio River, Mile 468.3–471.2 (Ohio).	area.
13	2 days—One of the first two weekends in July.	Thunder on the Bay/KDBA	Pisgah Bay, KY.	Tennessee River, Mile 30.0 (Kentucky).	event/sponsor and date.
14	1 day—Second weekend in July.	Bradley Dean/Renaissance Man Triathlon.	Florence, AL	Tennessee River, Mile 254.0–258.0 (Alabama).	area.
15	3 days—The last weekend in June or one of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Mile 554.0–561.0 (Indiana).	date and area.
16	1 day—One weekend in June	Louisville Race the Bridge Triathlon.	Louisville, KY	Ohio River, Mile 600.5–604.0 (Kentucky).	date and area.
17	1 day—Fourth weekend in June.	Team Magic/Chattanooga Waterfront Triathlon.	Chattanooga, TN.	Tennessee River, Mile 462.7–466.0 (Tennessee).	area.

Line	Date	Event/sponsor	Ohio Valley location	Regulated area	Revision (date/area)
18	1 day—Fourth weekend in July.	Team Magic/Music City Triathlon.	Nashville, TN ..	Cumberland River, Mile 189.7–192.3 (Tennessee).	area.
21	2 days—First weekend of August.	Thunder on the Bay/KDBA	Pisgah Bay, KY.	Tennessee River, Mile 30.0 (Kentucky).	event/sponsor.
22	2 days—One of the last three weekends in September or the first weekend in October.	Captain Quarters Regatta	Louisville, KY	Ohio River, Mile 594.0–598.0 (Kentucky).	date and area.
23	2 days—One of the first three weekends in October.	Norton Healthcare/Ironman Triathlon.	Louisville, KY	Ohio River, Mile 600.5–605.5 (Kentucky).	date and area.
25	1 day—Last weekend in August.	Tennessee Clean Water Network/Downtown Dragon Boat Races.	Knoxville, TN ..	Tennessee River, Mile 646.3–648.7 (Tennessee).	area.
26	3 days—One weekend in August.	Pro Water Cross Championships.	Charleston, WV.	Kanawha River, Mile 56.7–57.6 (West Virginia).	event/sponsor and date.
27	2 days—One weekend in July	Huntington Classic Regatta	Huntington, WV.	Ohio River, Mile 307.3–309.3 (West Virginia).	date.
31	1 day—One of the first three weekends in September.	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN ..	Cumberland River, Mile 189.7–192.1 (Tennessee).	date and area.
32	2 days—One of the first three weekends in September.	State Dock/Cumberland Poker Run.	Jamestown, KY.	Lake Cumberland (Kentucky)	date.
33	3 days—One of the first three weekends in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).	date and area.
34	1 day—Last weekend in September.	World Triathlon Corporation/IRONMAN Chattanooga.	Chattanooga, TN.	Tennessee River, Mile 462.7–467.5 (Tennessee).	area.
37	1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race.	Chattanooga, TN.	Tennessee River, Mile 463.0–468.0 (Tennessee).	area.
39	3 days—First weekend in November.	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN.	Tennessee River, Mile 463.0–468.0 (Tennessee).	area.
41	1 day—During the last weekend in May or on Memorial Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–604.5 (Kentucky).	date and area.
42	3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Shriners Festival/Freedom Festival.	Evansville, IN	Ohio River, Mile 790.0–796.0 (Indiana).	area.
44	1 day—During the first week of July.	Evansville Freedom Celebration/4th of July Freedom Celebration.	Evansville, IN	Ohio River, Mile 790.0–797.0 (Indiana).	area.
45	1 day—First weekend in September or on Labor Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–610.0 (Kentucky).	date and area.
46	2 days—One of the last three weekends in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races/Voyageur Canoe World Championships.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).	area.
47	3 days—One of the last two weekends in August.	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 69.0–72.5 (Kentucky).	date and area.
48	1 day—Fourth weekend in August.	Team Rocket Tri-Club/Rocketman Triathlon.	Huntsville, AL	Tennessee River, Mile 332.2–335.5 (Alabama).	area.
49	3 days—One of the last three weekends in September or first weekend in October.	Hadi Shrine/Owensboro Air Show.	Owensboro, KY.	Ohio River, Mile 754.0–760.0 (Kentucky).	area.
50	1 day—Last weekend in July or first weekend in August.	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV.	Ohio River, Mile 307.3–308.3 (West Virginia).	date.
52	2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 463.0–477.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).	date and area.
53	1 Day—One Sunday in September.	Ohio River Sternwheel Festival Committee Sternwheel race reenactment.	Marietta, OH ...	Ohio River, Mile 170.5–172.5 (Ohio).	date.
54	1 Day—One Saturday in September or One weekend in September.	Parkesburg Paddle Fest	Parkersburg, WV.	Ohio River, Mile 184.3–188 (West Virginia).	date.
55	3 Days—Last weekend of September and/or first weekend in October.	New Martinsville Records and Regatta Challenge Committee.	New Martinsville, WV.	Ohio River, Mile 128–129 (West Virginia).	date.
60	2 days—One weekend in August.	POWERBOAT NATIONALS—Ravenswood Regatta.	Ravenswood, WV.	Ohio River, Mile 220.5–221.5 (West Virginia).	date.
61	3 days—One of the last three weekends in June.	Lawrenceburg Regatta/Whiskey City Regatta.	Lawrenceburg, IN.	Ohio River, Mile 491.0–497.0 (Indiana).	area.

Line	Date	Event/sponsor	Ohio Valley location	Regulated area	Revision (date/area)
62	2 days—One of the last three weekends in September.	Madison Vintage Thunder	Madison, IN	Ohio River, Mile 556.5–559.5 (Indiana).	date.
64	1 day—Third weekend in March.	Vanderbilt Rowing/Vanderbilt Invite.	Nashville, TN ..	Cumberland River, Mile 188.0–192.7 (Tennessee).	area.
65	3 days—First weekend in October.	Vanderbilt Rowing/Music City Head Race.	Nashville, TN ..	Cumberland River, Mile 189.5–196.0 (Tennessee).	date and area.
67	3 days—Third weekend in June.	TM Thunder LLC/Thunder on the Cumberland.	Nashville, TN ..	Cumberland River, Mile 189.6–192.3 (Tennessee).	area.
68	3 days—Second weekend in May.	Vanderbilt Rowing/ACRA Henley.	Nashville, TN ..	Cumberland River, Mile 188.0–194.0 (Tennessee).	area.
70	2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Mile 597.0–604.0 (Kentucky).	area.
71	3 days—The last weekend in August or one of the first two weekends in September.	Evansville HydroFest	Evansville, IN	Ohio River, Mile 790.5–794.0	date and area.

The amendments to Table 1 are necessary to ensure the safety of vessels and people during annual events taking place on or near navigable waters in Sector Ohio Valley. Although this proposed rule would be in effect year-round, the specific special local regulations listed in Table 1 of 33 CFR 100.801 would only be enforced during the specified period of time of annual events listed. In accordance with the regulations listed in 33 CFR 100.801(a)–(j), entry into these safety zones is prohibited unless authorized by the COTP or a designated representative. The regulatory text of the updated Table 1 of § 100.801 we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to reduce regulation and control regulatory costs through a budgeting process.

This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the special local regulations. These areas are limited in size and duration, and usually do not affect high vessel traffic areas. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the areas, and the rule would allow vessels to seek permission to enter the areas.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100— SAFETY OF LIFE ON NAVIGABLE WATERWAYS

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

Authority: 33 U.S.C. 1233.

■ 2. In § 100.801, revise Table 1 to read as follows:

§ 100.801 Annual Marine Events in the Eighth Coast Guard District

Date	Event/sponsor	Ohio Valley location	Regulated area
1. 1 day—During the last week of April or first week of May.	Kentucky Derby Festival/Belle of Louisville Operating Board/Great Steamboat Race.	Louisville, KY	Ohio River, Mile 595.0–605.3 (Kentucky).
2. 1 day—Third weekend in May	World Triathlon Corporation/IRONMAN 70.3	Chattanooga, TN	Tennessee River, Mile 462.7–467.5 (Tennessee).
3. 1 day—Third or fourth weekend in June	Greater Morgantown Convention and Visitors Bureau/Mountaineer Triathlon.	Morgantown, WV	Monongahela River, Mile 101.0–102.0 (West Virginia).
4. 2 days—First weekend of June	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
5. 1 day—One of the first two weekends in August.	Green Umbrella/Ohio River Paddlefest	Cincinnati, OH	Ohio River, Mile 458.5–476.4 (Ohio and Kentucky).
6. 1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim	Cincinnati, OH	Ohio River, Mile 468.8–471.2 (Ohio and Kentucky).
7. 1 day—One of the last two weekends in September.	Ohio River Open Water Swim	Prospect, KY	Ohio River, Mile 587.0–591.0 (Kentucky).
8. 2 days— One of the first three weekends in September.	Louisville Dragon Boat Festival	Louisville, KY	Ohio River, Mile 602.0–604.5 (Kentucky).
9. 1 day—Third or fourth Sunday of July	Tucson Racing/Cincinnati Triathlon	Cincinnati, OH	Ohio River, Mile 468.3–471.2 (Ohio).
10. 2 days—One of the first two weekends in July.	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
11. 1 day—Second weekend in July	Bradley Dean/Renaissance Man Triathlon	Florence, AL	Tennessee River, Mile 254.0–258.0 (Alabama).
12. 3 days— The last weekend in June or one of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta	Madison, IN	Ohio River, Mile 554.0–561.0 (Indiana).
13. 1 day— One weekend in June	Louisville Race the Bridge Triathlon	Louisville, KY	Ohio River, Mile 600.5–604.0 (Kentucky).
14. 1 day—Fourth weekend in June	Team Magic/Chattanooga Waterfront Triathlon.	Chattanooga, TN	Tennessee River, Mile 462.7–466.0 (Tennessee).
15. 1 day—Fourth weekend in July	Team Magic/Music City Triathlon	Nashville, TN	Cumberland River, Mile 189.7–192.3 (Tennessee).
16. 2 days—Last two weeks in July or first three weeks of August.	Friends of the Riverfront Inc./Pittsburgh Triathlon and Adventure Races.	Pittsburgh, PA	Allegheny River, Mile 0.0–1.5 (Pennsylvania).
17. 3 days—First week of August	EQT Pittsburgh Three Rivers Regatta	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.6, and Monongahela River, Mile 0.0–0.5(Pennsylvania).
18. 2 days—First weekend of August	Thunder on the Bay/KDBA	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).

Date	Event/sponsor	Ohio Valley location	Regulated area
19. 2 days—One of the last three weekends in September or the first weekend in October.	Captain Quarters Regatta	Louisville, KY	Ohio River, Mile 594.0–598.0 (Kentucky).
20. 2 days— One of the first three weekends in October.	Norton Healthcare/Ironman Triathlon	Louisville, KY	Ohio River, Mile 600.5–605.5 (Kentucky).
21. 2 days—Third full weekend (Saturday and Sunday) in August.	Ohio County Tourism/Rising Sun Boat Races	Rising Sun, IN	Ohio River, Mile 504.0–508.0 (Indiana and Kentucky).
22. 1 day—Last weekend in August	Tennessee Clean Water Network/Downtown Dragon Boat Races.	Knoxville, TN	Tennessee River, Mile 646.3–648.7 (Tennessee).
23. 3 days—One weekend in August	Pro Water Cross Championships	Charleston, WV	Kanawha River, Mile 56.7–57.6 (West Virginia).
24. 2 days—One weekend in July	Huntington Classic Regatta	Huntington, WV	Ohio River, Mile 307.3–309.3 (West Virginia).
25. 2 days—Labor Day weekend	Wheeling Vintage Race Boat Association Ohio/Wheeling Vintage Regatta.	Wheeling, WV	Ohio River, Mile 90.4–91.5 (West Virginia).
26. 2 days—weekend before Labor Day	SUP3Rivers The Southside Outside	Pittsburgh, PA	Monongahela River, Mile 0.0–3.09 Allegheny River Mile 0.0–0.25 (Pennsylvania).
27. 1 day—One of the first three weekends in September.	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).
28. 2 days—One of the first three weekends in September.	State Dock/Cumberland Poker Run	Jamestown, KY	Lake Cumberland (Kentucky).
29. 3 days—One of the first three weekends in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).
30. 1 day—Last weekend in September	World Triathlon Corporation/IRONMAN Chattanooga.	Chattanooga, TN	Tennessee River, Mile 462.7–467.5 (Tennessee).
31. 1 day—Second weekend in September	City of Clarksville/Clarksville Riverfest Cardboard Boat Regatta.	Clarksville, TN	Cumberland River, Mile 125.0–126.0 (Tennessee).
32. 2 days—First weekend of October	Three Rivers Rowing Association/Head of the Ohio Regatta.	Pittsburgh, PA	Allegheny River, Mile 0.0–4.0 (Pennsylvania).
33. 1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race.	Chattanooga, TN	Tennessee River, Mile 463.0–468.0 (Tennessee).
34. 3 days—First weekend in November	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN	Tennessee River, Mile 463.0–468.0 (Tennessee).
35. One Saturday in June or July	Paducah Summer Festival/Cross River Swim	Paducah, KY	Ohio River, Mile 934–936 (Kentucky).
36. 1 day—During the last weekend in May or on Memorial Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–604.5 (Kentucky).
37. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Shriners Festival/Freedom Festival.	Evansville, IN	Ohio River, Mile 790.0–796.0 (Indiana).
38. 1 day—During the first week of July	Evansville Freedom Celebration/4th of July Freedom Celebration.	Evansville, IN	Ohio River, Mile 790.0–797.0 (Indiana).
39. 1 day—First weekend in September or on Labor Day.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 601.0–610.0 (Kentucky).
40. 2 days—One of the last three weekends in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races/Voyageur Canoe World Championships.	Louisville, KY	Ohio River, Mile 600.0–605.0 (Kentucky).
41. 3 days—One of the last two weekends in August.	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 69.0–72.5 (Kentucky).
42. 1 day—Fourth weekend in August	Team Rocket Tri-Club/Rocketman Triathlon	Huntsville, AL	Tennessee River, Mile 332.2–335.5 (Alabama).
43. 3 days—One of the last three weekends in September or first weekend in October.	Hadi Shrine/Owensboro Air Show	Owensboro, KY	Ohio River, Mile 754.0–760.0 (Kentucky).
44. 1 day—Last weekend in July or first weekend in August.	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV	Ohio River, Mile 307.3–308.3 (West Virginia).
45. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 463.0–477.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
46. 1 Day—One Sunday in September	Ohio River Sternwheel Festival Committee Sternwheel race reenactment.	Marietta, OH	Ohio River, Mile 170.5–172.5 (Ohio).
47. 1 Day—One Saturday in September or One weekend in September.	Parkesburg Paddle Fest	Parkersburg, WV	Ohio River, Mile 184.3–188 (West Virginia).
48. 3 Days—Last weekend of September and/or first weekend in October.	New Martinsville Records and Regatta Challenge Committee.	New Martinsville, WV	Ohio River, Mile 128–129 (West Virginia).
49. First weekend in July	Eddyville Creek Marina/Thunder Over Eddy Bay.	Eddyville, KY	Cumberland River, Mile 46.0–47.0 (Kentucky).
50. First or second weekend of July	Prizer Point Marina/4th of July Celebration	Cadiz, KY	Cumberland River, Mile 54.0–55.09 (Kentucky).
51. 2 days—last weekend in May or first weekend in June.	Visit Knoxville/Racing on the Tennessee	Knoxville, TN	Tennessee River, Mile 647.0–648.0 (Tennessee).
52. 1 day—First or second weekend in August.	Riverbluff Triathlon	Ashland City, TN	Cumberland River, Mile 157.0–159.0 (Tennessee).
53. 2 days—One weekend in August	POWERBOAT NATIONALS—Ravenswood Regatta.	Ravenswood, WV	Ohio River, Mile 220.5–221.5 (West Virginia).
54. 3 days—One of the last three weekends in June.	Lawrenceburg Regatta/Whiskey City Regatta	Lawrenceburg, IN	Ohio River, Mile 491.0–497.0 (Indiana).
55. 2 days—One of the last three weekends in September.	Madison Vintage Thunder	Madison, IN	Ohio River, Mile 556.5–559.5 (Indiana).
56. 1 day—Third weekend in March	Vanderbilt Rowing/Vanderbilt Invite	Nashville, TN	Cumberland River, Mile 188.0–192.7 (Tennessee).
57. 3 days—First or Second weekend in October.	Vanderbilt Rowing/Music City Head Race	Nashville, TN	Cumberland River, Mile 189.5–196.0 (Tennessee).
58. 3 days—Third weekend in June	TM Thunder LLC/Thunder on the Cumberland.	Nashville, TN	Cumberland River, Mile 189.6–192.3 (Tennessee).

Date	Event/sponsor	Ohio Valley location	Regulated area
59. 3 days—Second weekend in May	Vanderbilt Rowing/ACRA Henley	Nashville, TN	Cumberland River, Mile 188.0–194.0 (Tennessee).
60. 2 days—Third weekend in August	Kittanning Riverbration Boat Races	Kittanning, PA	Allegheny River, Mile 44.0–45.5 (Pennsylvania).
61. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Mile 597.0–604.0 (Kentucky).
62. 3 days—The last weekend in August or one of the first two weekends in September.	Evansville HydroFest	Evansville, IN	Ohio River, Mile 790.5–794.0.
63. 2 days—One weekend in July	Marietta Riverfront Roar Regatta	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).
64. 1 day—One weekend in November or December.	Charleston Lighted Boat Parade	Charleston, WV	Kanawha River, Mile 54.3–60.3 (West Virginia).
65. 1 day—One weekend in August	YMCA River Swim	Charleston, WV	Kanawha River, Mile 58.3–60.3 (West Virginia).
66. 1 day—One weekend in April	Lindamood Cup	Marietta, OH	Muskingum River, Mile 0.5–1.5 (Ohio).
67. 2 days—One weekend in June	New Martinsville Vintage Regatta	New Martinsville,WV	Ohio River Mile 127.5–128.5 (West Virginia).
68. 3 days—One weekend in August	Grand Prix of Louisville	Louisville, KY	Ohio River, Mile 601.0–605.0 (Kentucky).
69. 2 days—Fourth weekend in March	Oak Ridge Rowing Association/Atomic City Turn and Burn.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
70. 3 days—Second or third weekend in March.	Oak Ridge Rowing Association/Cardinal Invitational.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
71. 3 days—Third weekend in April	Oak Ridge Rowing Association/SIRA Regatta	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
72. 3 days—Fifth weekend in April	Oak Ridge Rowing Association/Dogwood Junior Regatta.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
73. 3 days—Second weekend in May	Oak Ridge Rowing Association/Big 12 Championships.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
74. 3 days—Third weekend in May	Oak Ridge Rowing Association/Dogwood Masters.	Oak Ridge, TN	Clinch River, Mile 48.5–52.0 (Tennessee).
75. 1 day—First weekend in June	Visit Knoxville/Knoxville Powerboat Classic	Knoxville, TN	Tennessee River, Mile 646.4–649.0 (Tennessee).
76. 1 day—first Sunday in August	Above the Fold Events/Riverbluff Triathlon	Ashland City, TN	Cumberland River, Mile 157.0–159.5 (Tennessee).
77. 3 days—First weekend in June	Outdoor Chattanooga/Chattanooga Swim Festival.	Chattanooga, TN	Tennessee River, Mile 454.0–468.0 (Tennessee).
78. 1 day—Fourth or fifth weekend in September.	Knoxville Open Water Swimmers/Bridges to Bluffs.	Knoxville, TN	Tennessee River, Mile 641.0–648.0 (Tennessee).
79. 1 day—Third Sunday in September	Team Rocket Tri Club/Swim Hobbs Island	Huntsville, AL	Tennessee River, Mile 332.3–338.0 (Alabama).

Dated: March 27, 2018.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2018–06740 Filed 4–2–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0065]

RIN 1625–AA00

Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zone regulations for annual events in Coast Guard Sector Ohio Valley that are listed in the **SUPPLEMENTARY INFORMATION** section in this document. This proposed rule would add 23 new recurring safety zones and amend the event/sponsor, dates, and/or regulated areas for 31 recurring safety zones already listed in the current table. This action in necessary to protect spectators, participants, and vessels from the hazards associated with annual marine events. This proposed rulemaking would restrict vessel traffic from the safety zones during the events unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 18, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0065 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Petty Officer Joshua Herriott, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5343, email *Joshua.R.Herriott@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector Ohio Valley (COTP) proposes to amend 33 CFR 165.801 to update the table of annual fireworks displays and other marine-related events in Coast Guard Sector Ohio Valley. The current list of annual and recurring safety zones occurring in Sector Ohio Valley is published in Table 1 of 33 CFR 165.801. That most recent table was created through the final rule published on June 6, 2017 (82 FR 25965). The current table in 33 CFR 165.801 needs to be amended to include new safety zones expected to recur annually or biannually and provide new information on existing safety zones.

The proposed annually recurring safety zones are necessary to provide for the safety of life on navigable waters during the events. Based on the nature of these marine events, large numbers of

participants and spectators, and event locations, the COTP has determined that the events listed in this proposed rule could pose a risk to participants or waterways users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the regulated area. In order to protect the safety of all waterway users, including event participants and spectators, this proposed rule would establish safety zones for the time and location of each marine event.

This purpose of this proposed rulemaking is to ensure the safety of vessels on the navigable waters in the safety zones during the scheduled events. Vessels would not be permitted to enter the safety zone unless authorized by the COTP or a designated representative. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (d)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553(d)). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for ''good cause found and published with the rule.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impractical to provide a 30-day comment period. These proposed safety zones are necessary to ensure the safety of vessels and persons during the marine events. It is impracticable to publish an NPRM with a 30-day comment period because we must establish some of these updates as early as the end of April 2018. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also update the safety zones soon enough that the length of the notice and comment period does not compromise public safety.

III. Discussion of the Proposed Rule

The COTP proposes to amend its safety zone regulations for annual events in Coast Guard Sector Ohio Valley listed in Table 1 of 33 CFR 165.801. This section requires amendment from time to time to properly reflect the recurring safety zone regulations in Sector Ohio Valley. This rule would add 23 new recurring safety zones and amend the event/sponsor, dates, and/or regulated areas for 31 recurring safety zones already listed in the current table. Other than these 23 new safety zones and 31 changes to the event/sponsor, dates, and/or locations of certain events, the regulations of 33 CFR 165.801 and the other provisions in Table 1 of § 165.801 would remain unchanged.

The Coast Guard proposes to revise regulations at 33 CFR 165.801 Table 1 by adding 23 new safety zones. The 23 safety zones being added to Table 1 are below:

Date	Event/sponsor	Ohio Valley location	Regulated area
1 day—Third week of November	Gallipolis in Lights	Gallipolis, OH	Ohio River, Mile 269.2–270 (Ohio).
1 day—One weekend in September	Tribute to the River	Point Pleasant, WV	Ohio River, Mile 264.6–265.6 (West Virginia).
1 day—Labor Day or first week of September.	Labor Day Fireworks Show	Marmet, WV	Kanawha River, Mile 67.5–68 (West Virginia).
1 day—One weekend in August	Ravenswood River Festival	Ravenswood, WV	Ohio River, Mile 220–221 (West Virginia).
1 day—First weekend or week in July	Queen's Landing Fireworks	Greenup, KY	Ohio River, Mile 339.3–340.3 (West Virginia).
1 day—First weekend in June	Cumberland River Compact/Nashville Splash Bash.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).
1 day—Second weekend in September.	Nashville Symphony/Concert Fireworks.	Nashville, TN	Cumberland River, Mile 190.1–192.3 (Tennessee).
1 day—Second or third weekend in October.	Outdoor Chattanooga/Swim the Suck	Chattanooga, TN	Tennessee River, Mile 452.0–454.5 (Tennessee).
1 day—Friday or Saturday after Thanksgiving.	Friends of the Festival/Cheer at the Pier.	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).
1 day—July 3rd	Chattanooga Presents/Pops on the River.	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).
7 days—Scheduled home games	University of Tennessee/UT Football Fireworks.	Knoxville, TN	Tennessee River, Mile 645.6–648.3 (Tennessee).
1 day—July 3rd	Randy Boyd/Independence Celebration Fireworks Display.	Knoxville, TN	Tennessee River, Mile 625.0–628.0 (Tennessee).
1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest.	Clarksville, TN	Cumberland River, Mile 124.5–127.0 (Tennessee).
1 day—Fourth weekend in October	Chattajack	Chattanooga, TN	Tennessee River, Mile 462.7–465.5 (Tennessee).
1 day—First week in May	Belterra Park Gaming Fireworks	Cincinnati, OH	Ohio River, Mile 460.0–462.0 (Ohio).
1 day—First week of July	Cincinnati Symphony Orchestra	Cincinnati, OH	Ohio River, Mile 460.0–462.0 (Ohio).
1 day—First week in August	Gliers Goetta Fest LLC	Newport, KY	Ohio River, Mile 469.0–471.0.
1 day—last 2 weekends in August/first week of September.	Wheeling Dragon Boat Race	Wheeling, WV	Ohio River mile 90.4–91.5 (West Virginia).
1 day—week of July 4th	Chester Fireworks	Chester, WV	Ohio River mile 42.0–44.0 (West Virginia).
1 day—week of July 4th	Wheeling Symphony fireworks	Wheeling, WV	Ohio River mile 90–92 (West Virginia).
1 day—First week of August	Kittaning Folk Festival	Kittanning, PA	Allegheny River mile 44.0–46.0 (Pennsylvania).
2 days—One weekend in August	Powerboat Nationals-Parkersburg Regatta/Parkersburg Homecoming Festival.	Parkersburg, WV	Ohio River mile 183.5–185.5 (West Virginia).

Date	Event/sponsor	Ohio Valley location	Regulated area
1 day—One weekend in August	Parkersburg Homecoming Festival-Fireworks.	Parkersburg, WV	Ohio River mile 183.5–185.5 (West Virginia).

The Coast Guard also proposes to revise regulations at 33 CFR 165.801 Table 1 by amending 31 existing safety zones listed in the current table. The amendments involve changes to marine event dates and/or regulated areas, with reference by line number to the current Table 1 of 33 CFR 165.801. The 31 safety zones being amended are below:

Line	Date	Sponsor/name	Sector Ohio Valley location	Safety zone	Revision (date/area)
3	2 days—Third Friday and Saturday in April.	Thunder Over Louisville/Thunder Over Louisville.	Louisville, KY	Ohio River, Mile 601.0–607.0 (Kentucky).	area.
8	1 day—One weekend in June	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV	Kanawha River, Mile 59.5–60.5 (West Virginia).	date.
9	1 day—Saturday before 4th of July.	Riverfest/Riverfest Inc	Nitro, WV	Kanawha River, Mile 43.1–44.2 (West Virginia).	area.
13	1 day—Last weekend in June or first weekend in July.	Riverview Park Independence Festival.	Louisville, KY	Ohio River, Mile 617.5–620.5 (Kentucky).	area.
17	1 day—During the first week of July.	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY	Ohio River, Mile 602.0–605.0 (Kentucky).	area.
18	1 day—During the first week of July.	Waterfront Independence Festival/Louisville Orchestra Waterfront 4th.	Louisville, KY	Ohio River, Mile 602.0–605.0 (Kentucky).	date and area.
19	1 day—During the first week of July.	Celebration of the American Spirit Fireworks/All American 4th of July.	Owensboro, KY	Ohio River, Mile 754.0–760.0 (Kentucky).	area.
20	1 day—During the first week of July.	Riverfront Independence Festival Fireworks.	New Albany, IN	Ohio River, Mile 606.5–609.6 (Indiana).	area.
21	1 day—July 4th	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL	Tennessee River, Mile 254.5–257.4 (Alabama).	area.
22	1 day—Saturday before July 4th	Town of Cumberland City/Lighting up the Cumberlands.	Cumberland City, TN	Cumberland River, Mile 103.0–105.5 (Tennessee).	area.
23	1 day—July 4th	City of Knoxville/Knoxville Festival on the 4th.	Knoxville, TN	Tennessee River, Mile 646.3–648.7 (Tennessee).	event/sponsor and area.
24	1 day—July 4th	Nashville NCVC/Independence Celebration.	Nashville, TN	Cumberland River, Mile 189.7–192.3 (Tennessee).	area.
25	1 day—Saturday before July 4th, or Saturday after July 4th.	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN	Tennessee-Tombigbee Waterway, Mile 448.5–451.0 (Tennessee).	area.
26	1 day—One of the first two weekends in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY	Ohio River, Mile 468.2–469.2 (Kentucky and Ohio).	date.
27	2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 469.2–470.5 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).	date.
30	1 day—First week or weekend in July.	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV	Kanawha River, Mile 58.1–59.1 (West Virginia).	date.
31	1 day—First week or weekend in July.	Portsmouth River Days	Portsmouth, OH	Ohio River, Mile 355.5–356.5 (Ohio).	event/sponsor and date.
39	3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).	date and area.
40	1 day—Second or third Saturday in June, the last day of the Riverbend Festival.	Friends of the Festival, Inc./Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).	area.
41	2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest	Newport, KY	Ohio River, Miles 468.6–471.0 (Kentucky and Ohio).	area.
42	1 day—Last weekend in June or first weekend in July.	City of Aurora/Aurora Firecracker Festival.	Aurora, IN	Ohio River Mile, 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).	date.
47	1 day—Week of July 4th	EQT Pittsburgh 4th of July fireworks.	Pittsburgh, PA	Ohio River mile 0.0–0.5, Monongahela River mile 0.0–0.5, Allegheny River mile 0.0–0.5.	event/sponsor.
50	1 day—Last weekend in June or first week in July.	Evansville Freedom Celebration/4th of July Fireworks.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).	date and area.
51	1 day—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Miles 554.0–561.0 (Indiana).	area.
53	2 days—One weekend in July	Marietta Riverfront Roar Fireworks.	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).	date.
54	1 day—First week or weekend in July.	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Mile 269.5–270.5 (Ohio).	date.
55	1 day—First week or weekend in July.	Kindred Communications/Dawg Dazzle.	Huntington, WV	Ohio River, Mile 307.8–308.8 (West Virginia).	date.
59	1 day—One weekend in September.	Ohio River Sternwheel Festival Committee fireworks.	Marietta, OH	Ohio River, Mile 171.5–172.5 (Ohio).	date.

Line	Date	Sponsor/name	Sector Ohio Valley location	Safety zone	Revision (date/area)
60	1 day—Second weekend of October.	Leukemia and Lymphoma Society/Light the Night Walk Fireworks.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).	area.
61	1 day—One weekend in October	West Virginia Motor Car Festival	Charleston, WV	Kanawha River, Mile 58–59 (West Virginia).	date.
69	1 day—Last week in June or first week of July.	Newburgh Fireworks Display	Newburgh, IN	Ohio River, Mile 777.3–778.3 (Indiana).	date.

The amendments to this rule are necessary to ensure the safety of vessels and people during annual events taking place on or near navigable waters in Sector Ohio Valley. Although this proposed rule would be in effect year-round, the specific safety zones listed in Table 1 of 33 CFR 165.801 would only be enforced during a specified period of time coinciding with the happening of the annual events listed. In accordance with the regulations listed in 33 CFR 165.801(a)–(d), entry into these safety zones is prohibited unless authorized by the COTP or a designated representative. The regulatory text of the updated Table 1 of § 165.801 we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zones. These safety zones are limited in size and duration, and are usually positioned away from high vessel traffic zones. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones, and the rule would allow vessels to seek permission to enter the zones.

B. Impact on Small Entities

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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 proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the U.S. Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.801, revise Table 1 to read as follows:

§ 165.801 Annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones.

* * * * *

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
1. Multiple days—April through November	Pittsburgh Pirates/Pittsburgh Pirates Fireworks.	Pittsburgh, PA	Allegheny River, Mile 0.2–0.9 (Pennsylvania).
2. Multiple days—April through November	Cincinnati Reds/Cincinnati Reds Season Fireworks.	Cincinnati, OH	Ohio River, Mile 470.1–470.4; extending 500 ft. from the State of Ohio shoreline (Ohio).
3. 2 days—Third Friday and Saturday in April	Thunder Over Louisville/Thunder Over Louisville.	Louisville, KY	Ohio River, Mile 601.0–607.0 (Kentucky).
4. Last Sunday in May	Friends of Ironton	Ironton, OH	Ohio River, Mile 326.7–327.7 (Ohio).
5. 1 day—A Saturday in July	Paducah Parks and Recreation Department/Cross River Swim.	Paducah, KY	Ohio River, Mile 934.0–936.0 (Kentucky).
6. 1 day—First or second weekend in June	Bellaire All-American Days	Bellaire, OH	Ohio River, Mile 93.5–94.5 (Ohio).
7. 2 days—Second weekend of June	Rice's Landing Riverfest	Rices Landing, PA	Monongahela River, Mile 68.0–68.8 (Pennsylvania).
8. 1 day—One weekend in June	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV	Kanawha River, Mile 59.5–60.5 (West Virginia).
9. 1 day—Saturday before 4th of July	Riverfest/Riverfest Inc	Nitro, WV	Kanawha River, Mile 43.1–44.2 (West Virginia).
10. 1 day—First week or weekend in July	Greenup City	Greenup, KY	Ohio River, Mile 335.2–336.2 (Kentucky).
11. 1 day—First week or weekend in July	Middleport Community Association	Middleport, OH	Ohio River, Mile 251.5–252.5 (Ohio).
12. 1 day—First week or weekend in July	People for the Point Party in the Park	South Point, OH	Ohio River, Mile 317–318 (Ohio).
13. 1 day—Last weekend in June or first weekend in July.	Riverview Park Independence Festival	Louisville, KY	Ohio River, Mile 617.5–620.5 (Kentucky).
14. 1 day—Third or fourth week in July	Upper Ohio Valley Italian Heritage Festival/Upper Ohio Valley Italian Heritage Festival Fireworks.	Wheeling, WV	Ohio River, Mile 90.0–90.5 (West Virginia).
15. 1 day—4th or 5th of July	City of Cape Girardeau July 4th Fireworks Show on the River.	Cape Girardeau, MO	Upper Mississippi River, Mile 50.0–52.0.
16. 1 day—Third or fourth of July	Harrah's Casino/Metropolis Fireworks	Metropolis, IL	Ohio River, Mile 942.0–945.0 (Illinois).
17. 1 day—During the first week of July	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY	Ohio River, Mile 602.0–605.0 (Kentucky).
18. 1 day—During the first week of July	Waterfront Independence Festival/Louisville Orchestra Waterfront 4th.	Louisville, KY	Ohio River, Mile 602.0–605.0 (Kentucky).
19. 1 day—During the first week of July	Celebration of the American Spirit Fireworks/All American 4th of July.	Owensboro, KY	Ohio River, Mile 754.0–760.0 (Kentucky).
20. 1 day—During the first week of July	Riverfront Independence Festival Fireworks	New Albany, IN	Ohio River, Mile 606.5–609.6 (Indiana).
21. 1 day—July 4th	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL	Tennessee River, Mile 254.5–257.4 (Alabama).
22. 1 day—Saturday before July 4th	Town of Cumberland City/Lighting up the Cumberlands.	Cumberland City, TN	Cumberland River, Mile 103.0–105.5 (Tennessee).
23. 1 day—July 4th	City of Knoxville/Knoxville Festival on the 4th	Knoxville, TN	Tennessee River, Mile 646.3–648.7 (Tennessee).
24. 1 day—July 4th	Nashville NCVC/Independence Celebration	Nashville, TN	Cumberland River, Mile 189.7–192.3 (Tennessee).
25. 1 day—Saturday before July 4th, or Saturday after July 4th.	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN	Tennessee-Tombigbee Waterway, Mile 448.5–451.0 (Tennessee).
26. 1 day—One of the first two weekends in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY	Ohio River, Mile 468.2–469.2 (Kentucky and Ohio).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
27. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 469.2–470.5 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
28. 1 day—July 4th	Summer Motions Inc./Summer Motion	Ashland, KY	Ohio River, Mile 322.1–323.1 (Kentucky).
29. 1 day—Last weekend in June or First weekend in July.	City of Point Pleasant/Point Pleasant Sternwheel Fireworks.	Point Pleasant, WV	Ohio River, Mile 265.2–266.2, Kanawha River Mile 0.0–0.5 (West Virginia).
30. 1 day—First week or weekend in July	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV	Kanawha River, Mile 58.1–59.1 (West Virginia).
31. 1 day—First week or weekend in July	Portsmouth River Days	Portsmouth, OH	Ohio River, Mile 355.5–356.5 (Ohio).
32. 1 day—Second Saturday in August	Guyasuta Days Festival/Borough of Sharpsburg.	Pittsburgh, PA	Allegheny River, Mile 005.5–006.0 (Pennsylvania).
33. 1 day—Second or third week of August	Pittsburgh Foundation/Bob O'Connor Cookie Cruise.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5 (Pennsylvania).
34. 1 day—Second full week of August	PA FOB Fireworks Display	Pittsburgh, PA	Allegheny River, Mile 0.8–1.0 (Pennsylvania).
35. 1 day—Third week of August	Beaver River Regatta Fireworks	Beaver, PA	Ohio River, Mile 25.2–25.8 (Pennsylvania).
36. 1 day—December 31	Pittsburgh Cultural Trust/Highmark First Night Pittsburgh.	Pittsburgh, PA	Allegheny River Mile, 0.5–1.0 (Pennsylvania).
37. 1 day—Friday before Thanksgiving	Pittsburgh Downtown Partnership/Light Up Night.	Pittsburgh, PA	Allegheny River, Mile 0.0–1.0 (Pennsylvania).
38. Multiple days—April through November	Pittsburgh Riverhounds/Riverhounds Fireworks.	Pittsburgh, PA	Monongahela River, Mile 0.22–0.77 (Pennsylvania).
39. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
40. 1 day—Second or third Saturday in June, the last day of the Riverbend Festival.	Friends of the Festival, Inc./Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).
41. 2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest	Newport, KY	Ohio River, Miles 468.6–471.0 (Kentucky and Ohio).
42. 1 day—Last weekend in June or first weekend in July.	City of Aurora/Aurora Firecracker Festival	Aurora, IN	Ohio River Mile, 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
43. 1 day—second weekend in June	City of St. Albans/St. Albans Town Fair	St. Albans, WV	Kanawha River, Mile 46.3–47.3 (West Virginia).
44. 1 day—Last week of June or first week of July.	PUSH Beaver County/Beaver County Boom	Beaver, PA	Ohio River, Mile 25.2–25.6 (Pennsylvania).
45. 1 day—4th of July (Rain date—July 5th)	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA	Monongahela River, Mile 032.0–033.0 (Pennsylvania).
46. 1 day—Saturday Third or Fourth full week of July (Rain date—following Sunday).	Oakmont Yacht Club/Oakmont Yacht Club Fireworks.	Oakmont, PA	Allegheny River, Mile 12.0–12.5 (Pennsylvania).
47. 1 day—Week of July 4th	EQT 4th of July Celebration	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
48. 1 day—3rd or 4th of July	City of Paducah, KY	Paducah, KY	Ohio River, Mile 934.0–936.0; Tennessee River, mile 0.0–1.0 (Kentucky).
49. 1 day—3rd or 4th of July	City of Hickman, KY	Hickman, KY	Lower Mississippi River, Mile 921.0–923.0 (Kentucky).
50. 1 day—Last weekend in June or first week in July.	Evansville Freedom Celebration/4th of July Fireworks.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
51. 1 day—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta	Madison, IN	Ohio River, Miles 554.0–561.0 (Indiana).
52. 1 day—July 4th	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
53. 2 days—One weekend in July	Marietta Riverfront Roar Fireworks	Marietta, OH	Ohio River, Mile 171.6–172.6 (Ohio).
54. 1 day—First week or weekend in July	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Mile 269.5–270.5 (Ohio).
55. 1 day—First week or weekend in July	Kindred Communications/Dawg Dazzle	Huntington, WV	Ohio River, Mile 307.8–308.8 (West Virginia).
56. Multiple days—September through January.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA	Ohio River mile 0.0–0.1, Monongahela River mile 0.0–0.1, Allegheny River mile 0.0–0.25 (Pennsylvania).
57. Sunday, Monday, or Thursday from August through February.	Pittsburgh Steelers Fireworks	Pittsburgh, PA	Allegheny River mile 0.0–0.25, Ohio River mile 0.0–0.1, Monongahela River mile 0.0–0.1.
58. 3 days—Third week in September	Wheeling Heritage Port Sternwheel Festival Foundation/Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV	Ohio River, Mile 90.2–90.7 (West Virginia).
59. 1 day—One weekend in September	Ohio River Sternwheel Festival Committee fireworks.	Marietta, OH	Ohio River, Mile 171.5–172.5 (Ohio).
60. 1 day—Second weekend of October	Leukemia and Lymphoma Society/Light the Night Walk Fireworks.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).
61. 1 day—One weekend in October	West Virginia Motor Car Festival	Charleston, WV	Kanawha River, Mile 58–59 (West Virginia).
62. 1 day—Friday before Thanksgiving	Kittanning Light Up Night Firework Display	Kittanning, PA	Allegheny River, Mile 44.5–45.5 (Pennsylvania).
63. 1 day—First week in October	Leukemia & Lymphoma Society/Light the Night.	Pittsburgh, PA	Ohio River, Mile 0.0–0.4 (Pennsylvania).
64. 1 day—Friday before Thanksgiving	Duquesne Light/Santa Spectacular	Pittsburgh, PA	Monongahela River, Mile 0.00–0.22, Allegheny River, Mile 0.00–0.25, and Ohio River, Mile 0.0–0.3 (Pennsylvania).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
65. 1 day—During the first two weeks of July	City of Maysville Fireworks	Maysville, KY	Ohio River, Mile 408–409 (Kentucky).
66. 1 day—Saturday before Memorial Day	Venture Outdoors/Venture Outdoors Festival	Pittsburgh, PA	Allegheny River, Mile 0.0–0.25; Monongahela River, Mile 0.0–0.25 (Pennsylvania).
67. 1 day—Third Saturday in July	Pittsburgh Irish Rowing Club/St. Brendan's Cup Currach Regatta.	Pittsburgh, PA	Ohio River, Mile 7.0–9.0 (Pennsylvania).
68. 1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Freedom Celebration.	Wellsburg, WV	Ohio River, Mile 73.5–74.5 (West Virginia).
69. 1 day—Last week in June or first week of July.	Newburgh Fireworks Display	Newburgh, IN	Ohio River, Mile 777.3–778.3 (Indiana).
70. 3 days—Third or Fourth weekend in April	Henderson Tri-Fest/Henderson Breakfast Lions Club.	Henderson, KY	Ohio River, Mile 802.5–805.5 (Kentucky).
71. 1 day—Third week of November	Gallipolis in Lights	Gallipolis, OH	Ohio River, Mile 269.2–270 (Ohio).
72. 1 day—One weekend in September	Tribute to the River	Point Pleasant, WV	Ohio River, Mile 264.6–265.6 (West Virginia).
73. 1 day—Labor Day or first week of September.	Labor Day Fireworks Show	Marmet, WV	Kanawha River, Mile 67.5–68 (West Virginia).
74. 1 day—One weekend in August	Ravenswood River Festival	Ravenswood, WV	Ohio River, Mile 220–221 (West Virginia).
75. 1 day—First weekend or week in July	Queen's Landing Fireworks	Greenup, KY	Ohio River, Mile 339.3–340.3 (West Virginia).
76. 1 day—First weekend in June	Cumberland River Compact/Nashville Splash Bash.	Nashville, TN	Cumberland River, Mile 189.7–192.1 (Tennessee).
77. 1 day—Second weekend in September	Nashville Symphony/Concert Fireworks	Nashville, TN	Cumberland River, Mile 190.1–192.3 (Tennessee).
78. 1 day—Second or third weekend in October.	Outdoor Chattanooga/Swim the Suck	Chattanooga, TN	Tennessee River, Mile 452.0–454.5 (Tennessee).
79. 1 day—Friday or Saturday after Thanksgiving.	Friends of the Festival/Cheer at the Pier	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).
80. 1 day—July 3rd	Chattanooga Presents/Pops on the River	Chattanooga, TN	Tennessee River, Mile 462.7–465.2 (Tennessee).
81. 7 days—Scheduled home games	University of Tennessee/UT Football Fireworks.	Knoxville, TN	Tennessee River, Mile 645.6–648.3 (Tennessee).
82. 1 day—July 3rd	Randy Boyd/Independence Celebration Fireworks Display.	Knoxville, TN	Tennessee River, Mile 625.0–628.0 (Tennessee).
83. 1 day—Second weekend in September	City of Clarksville/Clarksville Riverfest	Clarksville, TN	Cumberland River, Mile 124.5–127.0 (Tennessee).
84. 1 day—Fourth weekend in October	Chattajack	Chattanooga, TN	Tennessee River, Mile 462.7–465.5 (Tennessee).
85. 1 day—First week in May	Belterra Park Gaming Fireworks	Cincinnati, OH	Ohio River, Mile 460.0–462.0 (Ohio).
86. 1 day—First week of July	Cincinnati Symphony Orchestra	Cincinnati, OH	Ohio River, Mile 460.0–462.0 (Ohio).
87. 1 day—First week in August	Gliers Goetta Fest LLC	Newport, KY	Ohio River, Mile 469.0–471.0.
88. 1 day—last 2 weekends in August/first week of September.	Wheeling Dragon Boat Race	Wheeling, WV	Ohio River mile 90.4–91.5 (West Virginia).
89. 1 day—week of July 4th	Wheeling Symphony fireworks	Wheeling, WV	Ohio River mile 90–92 (West Virginia).
90. 1 day—week of July 4th	Chester Fireworks	Chester, WV	Ohio River mile 42.0–44.0 (West Virginia).
91. 1 day—First week of August	Kittaning Folk Festival	Kittanning, PA	Allegheny River mile 44.0–46.0 (Pennsylvania).
92. 2 days—One weekend in August	Powerboat Nationals—Parkersburg Regatta/Parkersburg Homecoming Festival.	Parkersburg, WV	Ohio River mile 183.5–185.5 (West Virginia).
93. 1 day—One weekend in August	Parkersburg Homecoming Festival—Fireworks.	Parkersburg, WV	Ohio River mile 183.5–185.5 (West Virginia).

* * * * *

Dated: March 27, 2018.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2018–06739 Filed 4–2–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2018–0113; FRL–9976–13-Region 5]

Air Plan Approval; Ohio; Hospital/Medical/Infectious Waste Incinerator Withdrawal for Designated Facilities and Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve Ohio's request for withdrawal of the previously approved Hospital/Medical/Infectious Waste Incinerator (HMIWI) State Plan. The Ohio Environmental Protection Agency (OEPA) submitted its HMIWI withdrawal on January 24, 2018, certifying that there is only one HMIWI unit currently operating in the state of Ohio and requesting that the Federal Plan apply to the single source in the State.

DATES: Comments must be received on or before May 3, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0113, at *http://www.regulations.gov* or via email to *cain.alexis@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:

Margaret Sieffert, Environmental Engineer, Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, sieffert.margaret@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. Background
II. Proposed EPA Action
III. Statutory and Executive Order Reviews

I. Background

Section 111(d) of the Clean Air Act (Act) requires that EPA develop regulations providing that states must submit to EPA plans establishing standards of performance for certain existing sources of pollutants. A standard of performance would apply to the existing source if it were an existing source, and if the pollutants are noncriteria pollutants (*i.e.,* pollutants for which there is no national ambient air quality standard) and are not on a list published under section 108 of the Act or emitted from a source category regulated under section 112 of the Act. Section 129 of the Act, and 40 CFR part 60, subpart B, apply the section 111(d) requirements to existing solid waste combustors, including HMIWIs, and provide that EPA should include, as part of the performance standards, emissions guidelines (EGs) that include the plan elements required by section 129.

The regulation at 40 CFR part 60, subpart B contains general provisions applicable to the adoption and submittal of state plans for subject facilities under sections 111(d) and 129 (111(d)/129 plan). 40 CFR part 62, subpart A provides the procedural framework for the submission of the plans.

EPA promulgated new source performance standards and EGs for HMIWIs on September 15, 1997 (62 FR 48382), and amended them most recently on October 6, 2009 (74 FR 51367) and April 4, 2011 (76 FR 18407). The standards and EGs are codified at 40 CFR part 60, subparts Ce and Ec, respectively.

States were required to revise plans for existing HMIWIs, pursuant to sections 111(d) and 129 of the Act and 40 CFR part 60, subpart B. OEPA submitted a HMIWI State Plan on October 18, 2005. EPA approved the State Plan under 40 CFR 62.8880, and the State Plan became effective on August 6, 2007 (72 FR 36605). On May 13, 2013, EPA finalized the Federal Plan under 40 CFR part 62, subpart HHH (78 FR 28052).

A HMIWI unit as defined in 40 CFR 60.31e, means any device that combusts any amount of hospital waste and/or medical/infectious waste. The designated facilities to which the original EG's applied were existing HMIWI units that: (1) For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or (2) For which construction was commenced after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

On January 21, 2018, OEPA submitted its HMIWI withdrawal, in which it certifies that there is only one HMIWI unit currently operating in Ohio. On January 18, 2013, OEPA confirmed that two of the four HMIWI units had shut down. Since that time an additional HMIWI unit has shut down. The only remaining HMIWI unit is at Stericycle, Inc, located in Warren, OH. Because there is only one source, OEPA is requesting that the previously approved State Plan be withdrawn and that the Federal Plan apply to the source.

Although Section 111(d) requires States to submit State Plans, EPA understands that the extensive amendments that would be required by OEPA to revise Ohio's previously approved State Plan to make it consistent with the revisions would be disproportionate to the single affected source in Ohio. EPA's Federal Plan implementing the EG's would apply to the remaining source in Ohio (as well as to any existing affected sources if found at a later date). Ohio would be implementing and enforcing the Federal Plan through its Title V permitting process. This action should not be construed as an approval of a State Plan or delegation of the Federal Plan and that Ohio's Section 111(d)/129 obligations are separate from Ohio's obligations under Title V of the Act. Ohio understands and accepts this limitation.

II. Proposed EPA Action

EPA is proposing to approve Ohio's request for withdrawal of a previously approved State Plan and amending 40 CFR part 62 to reflect OEPA's withdrawal. OEPA submitted its HMIWI withdrawal on January 21, 2018 certifying that there is only one HMIWI unit, as defined under 40 CFR 60.31e, currently operating in the state of Ohio and requested that the Federal Plan apply to the single source in the State. EPA understands that the extensive amendments that would be required by OEPA to revise Ohio's previously approved State Plan to make it consistent with the revisions would be disproportionate to the single affected source in Ohio, and is proposing to approve the withdrawal and have the Federal Plan apply to the known affected source.

III. Statutory and Executive Order Reviews

General Requirements

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and therefore is not subject to review by the Office of Management and Budget under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under E.O. 12866. This action merely approves state law as meeting Federal requirements and merely notifies the public of EPA' approval for a withdrawal of a previously approved HMIWI State Plan. This action imposes no requirements beyond those imposed by the state. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rulemaking

approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This proposed rule 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 rulemaking 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). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a withdrawal, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rulemaking also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a withdrawal.

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

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Hospital/medical/infectious waste incinerators, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 20, 2018.

Edward H. Chu,

Acting Regional Administrator, Region 5.

[FR Doc. 2018–06748 Filed 4–2–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 171222999–8208–01]

RIN 0648–BH46

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Abbreviated Framework Amendment 1

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Abbreviated Framework Amendment 1 (Abbreviated Framework 1) to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region, as prepared and submitted by the South Atlantic Fishery Management Council (Council). If implemented, this proposed rule would reduce the commercial and recreational annual catch limits (ACLs) for red grouper in the exclusive economic zone (EEZ) of the South Atlantic. The purpose of the proposed rule is to address the overfishing of red grouper.

DATES: Written comments must be received by May 3, 2018.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2017–0162'' by any of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0162,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit all written comments to Frank Helies, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.
- *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

Electronic copies of Abbreviated Framework 1, which includes an environmental assessment, Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from *www.regulations.gov* or the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2017/red_grouper_framework/index.html.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS SERO, telephone: 727–824–5305, email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic region is managed under the FMP and includes red grouper, along with other snapper-grouper species. The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights described in this proposed rule are in round weight.

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks to ensure that fishery resources are managed for the greatest overall benefit to the nation.

In 2010, NMFS determined that the South Atlantic red grouper stock was undergoing overfishing and was overfished following a stock assessment (Southeast Data, Assessment, and Review (SEDAR) 19). Through Amendment 24 to the FMP, the Council and NMFS implemented a 10-year rebuilding plan in 2011, with a projected end date of 2020, which was

expected to end overfishing and rebuild the stock (77 FR 34254; June 11, 2012).

In February 2017, a standard stock assessment for red grouper was completed (SEDAR 53). Based on the results of SEDAR 53, NMFS notified the Council on September 27, 2017, that the red grouper stock is overfished, is undergoing overfishing, and is not making adequate rebuilding progress according to its rebuilding plan. Based on projections from SEDAR 53, the Council's Scientific and Statistical Committee (SSC) provided an acceptable biological catch (ABC) recommendation to the Council. The Council accepted that ABC recommendation, and then revised the red grouper ACLs in Abbreviated Framework 1.

In addition to this current rulemaking for Abbreviated Framework 1, the Council and NMFS are developing a new red grouper rebuilding plan through Amendment 42 to the FMP (Amendment 42). The Council is also considering changes to red grouper management measures through Regulatory Amendments 26 and 27 to the Snapper-Grouper FMP. NMFS and the Council intend to implement Abbreviated Framework 1 to reduce the sector ACLs below the overfishing limit to address overfishing while Amendment 42, Regulatory Amendment 26, and Regulatory Amendment 27 are developed and implemented.

Management Measures Contained in This Proposed Rule

This proposed rule would revise the ACLs for South Atlantic red grouper for both the commercial and recreational sectors. The current total ACL (commercial and recreational ACL combined) is 780,000 lb (353,802 kg). The total ACL is divided into a commercial sector ACL of 343,200 lb (155,673 kg) and a recreational sector ACL of 436,800 lb (198,129 kg). The ACLs are based on the sector allocation ratio developed by the Council for red grouper (44 percent commercial and 56 percent recreational) established in Amendment 24 (77 FR 34254; June 11, 2012).

Consistent with the results of SEDAR 53 and the ABC recommendation from the SSC accepted by the Council, this proposed rule would reduce the total, commercial, and recreational ACLs. The commercial ACL would be set at 61,160 lb (27,742 kg), for 2018, 66,000 lb (29,937 kg), for 2019, and 71,280 lb (32,332 kg), for 2020 and subsequent fishing years. The recreational ACL would be set at 77,840 lb (35,308 kg), for 2018, 84,000 lb (38,102 kg), for 2019, and 90,720 lb (41,150 kg), for 2020 and subsequent fishing years. The total ACL would be set at 139,000 lb (63,049 kg) for 2018, 150,000 lb (68,039 kg) for 2019, and 162,000 lb (73,482 kg) for 2020 and subsequent fishing years. The total ACLs are equal to the SSC's ABC recommendation, and this proposed rule does not change the sector allocations.

As a result of the proposed ACLs being set lower than the overfishing limit (at the yield at 75 percent F_{MSY}), the Council expects overfishing of red grouper may end immediately upon implementation of the rule. For the last several years, commercial landings have averaged 50,204 lb (22,772 kg), which is less than the commercial ACL proposed in Abbreviated Framework 1. The recreational landings have been highly variable since 2012, and using the average recreational landings from 2014–2016, the proposed lower ACL for the recreational sector is predicted to result in a shortened recreational fishing season, with closure dates ranging from July 26 to August 19. If the red grouper stock experiences a year of high recruitment, the proposed lower ACLs would constrain future recreational and commercial harvest and prevent overfishing.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with Abbreviated Framework 1, the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

A description of the proposed rule, why it is being considered, and the objectives of, and legal basis for this proposed rule are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, this proposed rule does not implicate the Paperwork Reduction Act.

This proposed rule would reduce the total, commercial, and recreational ACLs for South Atlantic red grouper. Because the RFA does not apply to recreational anglers, only the effects on commercial vessels were analyzed; any impact to the profitability or competitiveness of for-hire fishing businesses would be the result of changes in for-hire angler demand and would, therefore, be indirect in nature. The RFA does not consider indirect impacts.

This proposed rule would directly affect only federally permitted commercial snapper-grouper fishermen fishing for red grouper in the South Atlantic. As described in Abbreviated Framework 1, the revised commercial ACLs would be 61,160 lb (27,742 kg) for 2018, 66,000 lb (29,937 kg) for 2019, and 71,280 lb (32,332 kg) for 2020 and beyond. Commercial landings of South Atlantic red grouper have been decreasing, particular in the last five years (2012–2016), with projected 2017 landings of approximately 35,000 lb (15,875 kg). If this trend continues or levels off, the likelihood of reaching the proposed commercial ACL in 2018 and beyond would be very low. In the unlikely event that commercial landings increase in 2018 and beyond as to reach the proposed commercial ACLs, the effects of the commercial ACL reduction would be relatively small because only approximately 2.7 percent of total commercial snapper-grouper vessel revenues have historically been derived from red grouper.

The information provided above supports a determination that this proposed rule would not have a significant economic impact on a substantial number of small entities. Because this proposed rule, if implemented, is not expected to have a significant economic impact on any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Overfishing, Recreational, Red grouper, South Atlantic.

Dated: March 28, 2018.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.193, revise paragraph (d) to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(d) *Red grouper*—(1) *Commercial sector.* (i) If commercial landings for red grouper, as estimated by the SRD, reach or are projected to reach the commercial ACL, specified in paragraph (d)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of red grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If the commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(iii) of this section, and the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(iii) The commercial ACL for red grouper is 61,160 lb (27,742 kg), round weight, for 2018; 66,000 lb (29,937 kg), round weight, for 2019; and 71,280 lb (32,332 kg), round weight, for 2020 and subsequent fishing years.

(2) *Recreational sector.* (i) If recreational landings for red grouper, as estimated by the SRD, are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(ii) The recreational ACL for red grouper is 77,840 lb (35,308 kg), round weight, for 2018; 84,000 lb (38,102 kg), round weight, for 2019; and 90,720 lb (41,150 kg), round weight, for 2020 and subsequent fishing years.

(iii) If recreational landings for red grouper, as estimated by the SRD, exceed the recreational ACL, specified in paragraph (d)(2)(i) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(3) The combined commercial and recreational ACL for red grouper is 139,000 lb (63,049 kg), round weight, for 2018; 150,000 lb (68,039 kg), round weight, for 2019; and 162,000 lb (73,482 kg), round weight, for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2018–06633 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180205126–8126–01]

RIN 0648–BH66

Control Date for the Northeast Multispecies Charter/Party Fishery; Northeast Multispecies Fishery Management Plan; Correction

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

ACTION: Notice; correction.

SUMMARY: This action corrects an error in the Advanced Notice of Proposed Rulemaking that set a control date for the Northeast Multispecies charter/party fishery. This action is necessary because the document provided an incorrect internet address for submission of electronic comments. This action is intended to provide the correct internet address to ensure the public can easily access the online rulemaking portal.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0042 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/docket?D=NOAA–NMFS–2018–0042,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Northeast Multispecies Charter/Party Control Date.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION:

Need for Correction

On March 19, 2018, we published an Advanced Notice of Proposed Rulemaking to set a new control date for the Northeast Multispecies charter/party fishery (83 FR 11952). The internet address to the Federal e-Rulemaking Portal provided in the **ADDRESSES**

section of this notice was not correct. This is corrected in the **ADDRESSES** section of this notice.

Dated: March 28, 2018.

Alan D. Risenhoover,

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

[FR Doc. 2018–06660 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 64

Tuesday, April 3, 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

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Information Officer (OCIO).

ACTION: Notice of a new System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the U.S. Department of Agriculture (USDA), Office of the Chief Information Officer (OCIO), proposes to establish a new system of records entitled, Freedom of Information Act (FOIA) and Privacy Act (PA) Requests and Administrative Appeals Files, to cover both electronic and paper files created during the processing of access requests and appeals under the FOIA and PA and amendment requests under the PA in all USDA components with the exception of the Office of the Inspector General (OIG) whom maintains its own system of records for these types of files. The OCIO is also deleting USDA/OCIO–01—Freedom of Information Act Express (FX) published at 76 FR 54190 (August 31, 2011) because the new system would be duplicative.

DATES: This notice will be effective without further notice on June 4, 2018 unless modified by a subsequent notice to incorporate comments received from the public. Written or electronic comments must be received by the contact person listed below on or before May 3, 2018 to be assured consideration.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress are invited to submit any comments to USDA, Attn: Department FOIA Officer, Office of the Chief Information Officer, USDA, 1400 Independence Avenue SW, Room 428–W, Washington, DC 20250, or by email to *USDAFOIA@ocio.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Alexis R. Graves, Department FOIA Officer, Office of the Chief Information Officer, USDA, 1400 Independence Avenue SW, Room 428–W, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This system of record notice (SORN) extends the coverage previously provided in USDA/OCIO–01—Freedom of Information Act Express (FX) to include other internal tracking systems in addition to electronic and paper files. As such, the new system conveys updated system locations, categories of records, routine uses one of which permits records to be provided to the National Archives and Records Administration, Office of Government Information Services for purposes set forth under 5 U.S.C. 552(h)(2)(A–B) and (3), storage, safeguards, retention and disposal, system manager and address, notification procedures, records access, and contesting procedures.

Dated: March 29, 2018.

Stephen L. Censky,

Deputy Secretary.

SYSTEM NAME AND NUMBER

Freedom of Information Act (FOIA) and Privacy Act (PA) Requests and Administrative Appeals Files. USDA/OCIO–03.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The records in this system are maintained at 1400 Independence Ave. SW, Washington, DC 20250. n USDA's enterprise wide tracking system, in other tracking systems maintained by USDA components, and in offices throughout the United States, Puerto Rico and the U.S. Virgin Islands, and USDA offices abroad.

SYSTEM MANAGER(S):

Ravoyne Payton, Associate Chief Information Officer; Policy, E-Government and Fair Information Practices; 1400 Independence Avenue, Room 428–W, Washington, DC 20250

A listing of the system managers and addresses by USDA component is available at *http://www.dm.usda.gov/foia/poc.htm.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FOIA, 5 U.S.C. 552, as amended; The Privacy Act of 1974, 5 U.S.C. 552a, as amended.

PURPOSE(S) OF THE SYSTEM:

Only authorized USDA FOIA and PA officials will utilize this system to effectively monitor and track access requests and administrative appeals under the FOIA and PA; to process access requests under the FOIA and PA; to amend requests under the PA; to manage fees and calculations under the FOIA; and to satisfy USDA's reporting obligations under the FOIA and PA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals or their representatives who have submitted FOIA or PA requests for records and/or FOIA administrative appeals with the USDA; individuals whose FOIA or PA requests for records have been referred to the USDA by other Federal agencies; individuals who are the subject of or are named in such FOIA or PA requests or appeals; attorneys or other persons representing individuals submitting such FOIA or PA requests and appeals; and/or the USDA personnel assigned to handle such FOIA or PA requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records created or compiled in response to FOIA requests, PA requests or both FOIA/PA requests for records or subsequent administrative appeals to include: The requester's name, address, telephone number, email address; amount of fees paid, and payment delinquencies, if any; the original requests and administrative appeals; responses to such requests and appeals; all related memoranda, correspondence, notes, and other related or supporting documentation, summary of log, and in some instances copies of requested records and records under administrative appeal.

Note: Since these FOIA/PA case records contain inquiries and requests seeking access to records in other USDA systems of records subject to the PA, information about individuals from any of these other systems may become part of this FOIA and PA File System.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual

submitting the request, USDA officials, and other Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

USDA may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with a purpose for which the record was collected.

A. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

B. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecute responsibility of the receiving entity.

C. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

E. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government, when necessary to accomplish an agency function related to this system of records.

F. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

G. To a Federal agency in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence, for use in making required determinations under the FOIA and PA.

H. To a submitter or subject of a record or information in order to obtain assistance to the Department in making a determination as to access or amendment.

I. To the appropriate agencies, entities, and persons when:

1. USDA suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised;

2. USDA has determined that as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by the UDSA or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records are kept in file folders in locked file cabinets. Electronic records are kept in various computer databases, a web-based portal maintained by OCIO's service provider, and in electronic files maintained by the USDA's component offices.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Electronic and paper records are generally retrieved by the name of the requester, component's tracking number, or the subject of the request.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule 14, but may be retained for a longer period as required by litigation, open investigation, and/or audit.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules, and policies including USDA's automated systems security and access policies. In general, records and technical equipment are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those employees who have an official need for access in order to perform their duty.

RECORD ACCESS PROCEDURES:

Records concerning initial requests under the FOIA and the Privacy Act and administrative appeals are maintained by the individual USDA component to which the initial request or administrative appeal was addressed or directed. Inquiries or requests for access regarding these records should be addressed to the particular USDA component maintaining the records. If the USDA component is unknown, contact the USDA Department FOIA Officer, Office of the Chief Information Officer, USDA, 1400 Independence Avenue SW, Room 428–W, Washington, DC 20250.

Your full name and current address should accompany requests for access. You will also be required at a minimum to sign your request. Your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. In addition, the request for access should (1) explain why you believe the USDA component would have information on you and (2) if known, when you believe the records would have been created. Without the above information, the USDA component may be unable to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

Note: An individual, who is the subject of a record in the system, may access those records that are not exempt from disclosure. A determination whether a record may be accessed will be made at the time a request is received.

If you are seeking records pertaining to another living individual, you must obtain a statement from that individual certifying their agreement for you to access their records.

CONTESTING RECORD PROCEDURES:

When seeking to contest or amend information about you maintained in the system, direct your requests to the USDA component you believe maintains the record. Be sure to state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

NOTIFICATION PROCEDURES:

Same as Record Access Procedures.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

During the course of a FOIA and/or PA action, material from systems of records may become part of the case records in this system of records. To the extent that copies of these records from these other systems of records are entered into these PA case records, USDA hereby claims the same status for the records as claimed in the original, primary system of records from which they originated, or in which they are maintained.

HISTORY:

This new system of record notice broadens coverage beyond the enterprise wide tracking system previously referenced in soon to be deleted USDA/OCIO–01—Freedom of Information Act Express (FX) to include other internal tracking systems in addition to electronic and paper files. The new notice also conveys updates to the system location, categories of records, routine uses one of which permits records to be provided to the National Archives and Records Administration, Office of Government Information Services for purposes set forth under 5 U.S.C. 552(h)(2)(A–B) and (3), storage, safeguards, retention and disposal, system manager and address, notification procedures, records access, and contesting procedures.

[FR Doc. 2018–06759 Filed 4–2–18; 8:45 am]

BILLING CODE 3410–KR–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): 2018/2019 Income Eligibility Guidelines

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

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (''Department'') announces adjusted income eligibility guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). These income eligibility guidelines are to be used in conjunction with the WIC Regulations.

DATES: Implementation date July 1, 2018.

FOR FURTHER INFORMATION CONTACT: Kurtria Watson, Chief, Policy Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 605–4387.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice is exempt from review by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act of 1995

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29100, June 24, 1983, and 49 FR 22675, May 31, 1984).

Description

Section 17(d)(2)(A) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(d)(2)(A)), requires the Secretary of Agriculture to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be income-eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)). Under section 9(b), the income limit for reduced-price school meals is 185 percent of the Federal poverty guidelines, as adjusted.

Section 9(b) also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 2018 was published by the Department of Health and Human Services (HHS) at 83 FR 2642, January 18, 2018. The guidelines published by HHS are referred to as the ''poverty guidelines.''

Section 246.7(d)(1) of the WIC regulations (Title 7, Code of Federal Regulations) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under Section 9 of the Richard B. Russell National School Lunch Act for reduced-price school meals, or identical to State or local guidelines for free or reduced-price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines for reduced-price school meals, or which are less than 100 percent of the Federal poverty guidelines. Consistent with the method used to compute income eligibility guidelines for reduced-price meals under the National School Lunch Program, the poverty guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time, the Department is publishing the maximum and minimum WIC income eligibility guidelines by household size for the period of July 1, 2018 through June 30, 2019. Consistent with section 17(f)(17) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786(f)(17)), a State agency may implement the revised WIC income eligibility guidelines concurrently with the implementation of income eligibility guidelines under the Medicaid Program established under Title XIX of the Social Security Act (42 U.S.C. 1396, *et seq.*). State agencies may coordinate implementation with the revised Medicaid guidelines, *i.e.,* earlier in the year, but in no case may implementation take place later than July 1, 2018. State agencies that do not coordinate implementation with the revised Medicaid guidelines must implement the WIC income eligibility guidelines on or before July 1, 2018.

BILLING CODE 3410–30–P

INCOME ELIGIBILITY GUIDELINES
(Applicable from July 1, 2018 to June 30, 2019)

Household Size	Federal Poverty Guidelines- 100%					Reduced Price Meals - 185%				
	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly
48 Contiguous States, D.C., Guam and Territories										
1	$12,140	$1,012	$506	$467	$234	$22,459	$1,872	$936	$864	$432
2	16,460	1,372	686	634	317	30,451	2,538	1,269	1,172	586
3	20,780	1,732	866	800	400	38,443	3,204	1,602	1,479	740
4	25,100	2,092	1,046	966	483	46,435	3,870	1,935	1,786	893
5	29,420	2,452	1,226	1,132	566	54,427	4,536	2,268	2,094	1,047
6	33,740	2,812	1,406	1,298	649	62,419	5,202	2,601	2,401	1,201
7	38,060	3,172	1,586	1,464	732	70,411	5,868	2,934	2,709	1,355
8	42,380	3,532	1,766	1,630	815	78,403	6,534	3,267	3,016	1,508
Each add'l family member add	+ $4,320	+ $360	+ $180	+ $167	+ $84	+ $7,992	+ $666	+ $333	+ $308	+ $154
Alaska										
1	$15,180	$1,265	$633	$584	$292	$28,083	$2,341	$1,171	$1,081	$541
2	20,580	1,715	858	792	396	38,073	3,173	1,587	1,465	733
3	25,980	2,165	1,083	1,000	500	48,063	4,006	2,003	1,849	925
4	31,380	2,615	1,308	1,207	604	58,053	4,838	2,419	2,233	1,117
5	36,780	3,065	1,533	1,415	708	68,043	5,671	2,836	2,618	1,309
6	42,180	3,515	1,758	1,623	812	78,033	6,503	3,252	3,002	1,501
7	47,580	3,965	1,983	1,830	915	88,023	7,336	3,668	3,386	1,693
8	52,980	4,415	2,208	2,038	1,019	98,013	8,168	4,084	3,770	1,885
Each add'l family member add	+ $5,400	+ $450	+ $225	+ $208	+ $104	+ $9,990	+ $833	+ $417	+ $385	+ $193
Hawaii										
1	$13,960	$1,164	$582	$537	$269	$25,826	$2,153	$1,077	$994	$497
2	18,930	1,578	789	729	365	35,021	2,919	1,460	1,347	674
3	23,900	1,992	996	920	460	44,215	3,685	1,843	1,701	851
4	28,870	2,406	1,203	1,111	556	53,410	4,451	2,226	2,055	1,028
5	33,840	2,820	1,410	1,302	651	62,604	5,217	2,609	2,408	1,204
6	38,810	3,235	1,618	1,493	747	71,799	5,984	2,992	2,762	1,381
7	43,780	3,649	1,825	1,684	842	80,993	6,750	3,375	3,116	1,558
8	48,750	4,063	2,032	1,875	938	90,188	7,516	3,758	3,469	1,735
Each add'l family member add	+ $4,970	+ $415	+ $208	+ $192	+ $96	+ $9,195	+ $767	+ $384	+ $354	+ $177

INCOME ELIGIBILITIY GUIDELINES
Supplemental Chart for Family Sizes Greater Than Eight
(Applicable from July 1, 2018 to June 30, 2019)

Household Size	Federal Poverty Guidelines- 100%					Reduced Price Meals - 185%				
	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly	Annual	Monthly	Twice-Monthly	Bi-Weekly	Weekly
	48 Contiguous States, D.C., Guam and Territories									
9	$46,700	$3,892	$1,946	$1,797	$899	$86,395	$7,200	$3,600	$3,323	$1,662
10	51,020	4,252	2,126	1,963	982	94,387	7,866	3,933	3,631	1,816
11	55,340	4,612	2,306	2,129	1,065	102,379	8,532	4,266	3,938	1,969
12	59,660	4,972	2,486	2,295	1,148	110,371	9,198	4,599	4,246	2,123
13	63,980	5,332	2,666	2,461	1,231	118,363	9,864	4,932	4,553	2,277
14	68,300	5,692	2,846	2,627	1,314	126,355	10,530	5,265	4,860	2,430
15	72,620	6,052	3,026	2,794	1,397	134,347	11,196	5,598	5,168	2,584
16	76,940	6,412	3,206	2,960	1,480	142,339	11,862	5,931	5,475	2,738
Each add'l family member add	+ $4,320	+ $360	+ $180	+ $167	+ $84	+ $7,992	+ $666	+ $333	+ $308	+ $154
	Alaska									
9	$58,380	$4,865	$2,433	$2,246	$1,123	$108,003	$9,001	$4,501	$4,154	$2,077
10	63,780	5,315	2,658	2,454	1,227	117,993	9,833	4,917	4,539	2,270
11	69,180	5,765	2,883	2,661	1,331	127,983	10,666	5,333	4,923	2,462
12	74,580	6,215	3,108	2,869	1,435	137,973	11,498	5,749	5,307	2,654
13	79,980	6,665	3,333	3,077	1,539	147,963	12,331	6,166	5,691	2,846
14	85,380	7,115	3,558	3,284	1,642	157,953	13,163	6,582	6,076	3,038
15	90,780	7,565	3,783	3,492	1,746	167,943	13,996	6,998	6,460	3,230
16	96,180	8,015	4,008	3,700	1,850	177,933	14,828	7,414	6,844	3,422
Each add'l family member add	+ $5,400	+ $450	+ $225	+ $208	+ $104	+ $9,990	+ $833	+ $417	+ $385	+ $193
	Hawaii									
9	$53,720	$4,477	$2,239	$2,067	$1,034	$99,382	$8,282	$4,141	$3,823	$1,912
10	58,690	4,891	2,446	2,258	1,129	108,577	9,049	4,525	4,177	2,089
11	63,660	5,305	2,653	2,449	1,225	117,771	9,815	4,908	4,530	2,265
12	68,630	5,720	2,860	2,640	1,320	126,966	10,581	5,291	4,884	2,442
13	73,600	6,134	3,067	2,831	1,416	136,160	11,347	5,674	5,237	2,619
14	78,570	6,548	3,274	3,022	1,511	145,355	12,113	6,057	5,591	2,796
15	83,540	6,962	3,481	3,214	1,607	154,549	12,880	6,440	5,945	2,973
16	88,510	7,376	3,688	3,405	1,703	163,744	13,646	6,823	6,298	3,149
Each add'l family member add	+ $4,970	+ $415	+ $208	+ $192	+ $96	+ $9,195	+ $767	+ $384	+ $354	+ $177

The table of this Notice contains the income limits by household size for the 48 contiguous States, the District of Columbia, and all United States Territories, including Guam. Separate tables for Alaska and Hawaii have been

included for the convenience of the State agencies because the poverty guidelines for Alaska and Hawaii are higher than for the 48 contiguous States.

Authority: 42 U.S.C. 1786.

Dated: March 8, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service, USDA.

[FR Doc. 2018–06178 Filed 4–2–18; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou (OR) Resource Advisory Committee (RAC) will meet in Harbor, Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Title II of the Act. RAC information can be found at the following website: *https://cloudapps-usda-gov.secure.force.com/FSSRS/RAC_Page?id=001t0000002Jcv6AAC.*

DATES: The meeting will be held on April 25, 2018, 9:30 a.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Harbor Water Public Utilities District, 98069 West Benham Lane, Harbor, Oregon.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at 3040 Biddle Road, Medford, Oregon. Please call ahead to (541) 618–2200 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Virginia Gibbons, Public Affairs Officer, by phone at (541) 618–2113 or via email at *vgibbons@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review projects previously authorized under Title II of the Act; and
2. Review and make proposed fee changes for fee sites on the Rogue River-Siskiyou National Forest.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 11, 2018, to be scheduled on the agenda.

Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before the meeting. Written comments and requests for time to make oral comments must be sent to Virginia Gibbons, Public Affairs Officer, Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, Oregon 97504; by phone at (541) 618–2113, by email at *Rogue_River-Siskiyou_RecFee@fs.fed.us,* or via facsimile at (541) 618–2400.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 14, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–06682 Filed 4–2–18; 8:45 am]

BILLING CODE 3415–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Grand Mesa, Uncompahgre and Gunnison National Forests; Colorado; Revision of the Land and Resource Management Plan for the Grand Mesa, Uncompahgre and Gunnison National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to revise the Grand Mesa, Uncompahgre and Gunnison Land and Resource Management Plan and to prepare an Environmental Impact Statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service, is revising the existing Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests' Land and Resource Management Plan (Forest Plan). The Forest Service will prepare an Environmental Impact Statement (EIS) for its revised Forest Plan.

This notice briefly describes the preliminary needs for change that will be used to develop a revised Forest Plan, the nature of the decision to be made, and information concerning public participation. This notice also describes estimated dates for filing the EIS, the name and address of the responsible agency officials, and the individuals who can provide additional information. Finally, this notice identifies the applicable planning rule that will be used for completing the plan revision.

DATES: Comments concerning the preliminary need for change provided in this notice must be received by May 3, 2018. The Draft EIS is expected in the spring of 2019, and the Final EIS is expected in the spring of 2020.

ADDRESSES: Comments may be submitted electronically online at *http://www.fs.usda.gov/goto/gmug/forestplan_comments.* Written comments concerning this notice should be addressed to GMUG National Forests, Attn: Forest Plan Revision Team, 2250 S. Main St., Delta, CO 81416. Comments may also be sent via email to *gmugforestplan@fs.fed.us* with the subject line: ''Scoping Comment,'' or via facsimile to 970–874–6698. 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 by visiting the public reading room online at *http://www.fs.usda.gov/goto/gmug/forestplan_readingroom.*

FOR FURTHER INFORMATION CONTACT: Forest Plan Revision Team Leader Samantha Staley o (970–874–6666) or Assistant Forest Planner Brittany Duffy (970–874–6649) via email at *gmugforestplan@fs.fed.us* or mail at GMUG National Forests, Attn: Forest Plan Revision Team, 2250 S. Main St., Delta, CO 81416. Additional information concerning the planning process can be found online at *http://www.fs.usda.gov/goto/gmug/forestplan.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339

between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The revised GMUG Forest Plan will replace the existing 1983 GMUG Forest Plan, as amended. The existing Forest Plan will remain in effect until the revised Forest Plan takes effect. In response to this notice we are asking for comments on the preliminary need for change, distinctive role and contribution of the Forests, and proposed management area framework. The full text of the preliminary need for change and additional materials and information on public engagement opportunities can be found at *http://www.fs.usda.gov/goto/gmug/forestplan* by clicking on the link of interest. Input gathered during this scoping period, as well as other information, will be used to prepare the Draft Forest Plan and the Draft EIS.

Purpose and Need for Action

The purpose and need for revising the current Forest Plan is (1) the 1983 Forest Plan, as amended, needs revision per the National Forest Management Act, which requires Forest Plans to be revised on a 10 to 15 year cycle, and (2) to address the preliminary needs for change to the existing plan, which are summarized below. Preliminary needs for change are identified to respond to new requirements per the Forest Service's 2012 Land Management Planning Rule (36 CFR 219); to address changes in economic, social, and ecological conditions; and to use the best available scientific information. An assessment of the conditions and trends of the Forests' ecological, social, and economic resources, informed by public input, has helped to identify these preliminary needs for changing the existing Forest Plan. A summary of the preliminary needs for change follows.

Three overarching needs for change, or principles, emerged throughout the assessment process: (1) Provide direction that reflects the best available science and management approaches, and yet remains durable and relevant through time in our rapidly changing environment; (2) Provide more strategic, adaptive direction than the often prescriptive, tactical direction in the current Forest Plan. Adaptive direction should provide for greater durability; and (3) Create a plan that is more purposeful, accessible and useful to the public and agency personnel. The current Forest Plan is unwieldy and overly complicated.

These principles will be used to implement the requirements of the 2012 planning rule, which requires that the revised Forest Plan:

- Contribute to social and economic sustainability by providing people and communities with a range of social and economic benefits for present and future generations. These benefits include water, timber production, grazing, recreation, energy resources, and additional multiple uses.
- Provide for ecological sustainability by maintaining or restoring ecological integrity; air, soil and water; and riparian areas, taking into account stressors such as wildland fire, insect and disease, and changes in climate.
- Provide for ecological conditions to maintain the diversity of plant and animal communities, including additional consideration for threatened and endangered species, species of conservation concern, and species of public interest.
- Designate areas suitable for timber production and provide for sustainable recreation.

Furthermore, the 2012 planning rule requires the GMUG, during the Forest Plan revision process, to:

- Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System.
- Identify eligible rivers for inclusion in the National Wild and Scenic Rivers System.

Proposed Action

The proposed action is to revise the Forest Plan in order to address these identified needs for change to the existing Forest Plan. The revised Forest Plan will include forest-wide and geographic/management area-specific desired conditions, goals, objectives, standards, guidelines, and the designation of lands suitable for timber production. Development of alternatives will be guided by the scoping process.

Responsible Official

The responsible official who will approve the Record of Decision for the GMUG National Forests' revised Forest Plan is Scott Armentrout, Forest Supervisor for the GMUG National Forests, 2250 S. Main St., Delta, CO 81416.

Nature of Decision To Be Made

The responsible official will decide whether the required plan components (desired conditions, goals, objectives, standards, guidelines, and suitability) are sufficient to promote the ecological integrity and sustainability of the GMUG National Forests' ecosystems, watersheds, and diverse plant and animal communities. In addition, the responsible official will decide whether the required plan components for the GMUG National Forests' multiple uses and ecosystem services are sufficient to contribute to social and economic sustainability for people and communities.

This proposed action is programmatic in nature and guides future implementation of site-specific projects. Additional National Environmental Policy Act (NEPA) compliance may be required for site-specific projects as part of a two-stage decision making process (40 CFR 1508.23, 42 U.S.C. 4322(2)(C)), 36 CFR 219.7(f)).

Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the Draft Forest Plan and Draft EIS. We are seeking your input to continue to develop the GMUG National Forests' revised Forest Plan.

Public webinars will be held to provide additional information and address questions related to this scoping notice. Dates and locations will be posted on the GMUG Forest Plan Revision website at *http://www.fs.usda.gov/goto/gmug/forestplan* and can be accessed by clicking on ''Get Involved.'' Any changes to the webinar schedule will be communicated on the same website.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns as well as proposed solutions.

Decision Will be Subject to Objection

Only those individuals and entities who have submitted substantive formal comments related to the GMUG National Forests' plan revision during the formal opportunities provided for public comment (beginning with this Notice of Intent) throughout the planning process will be eligible to file an objection (36 CFR 219.53(a)). The decision to approve the revised Forest Plan for the GMUG National Forests will be subject to the objection process identified in 36 CFR 219 Subpart B (219.50 to 219.62).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Documents Available for Review

The GMUG National Forest plan revision website at *http://www.fs.usda.gov/goto/gmug/forestplan* provides the full text of the preliminary need for change; distinctive role and contribution of the Forests; proposed management area framework; the 2018 assessments; public meeting materials from the assessment phase, including open house materials and recorded webinars; in public comments. The material available on these sites may be updated or revised at any time as part of the planning process.

The 2012 planning rule is explained in more detail on the Forest Service website at *http://www.fs.usda.gov/detail/planningrule/home/?cid=stelprdb5359471.*

Dated: March 28, 2018.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–06686 Filed 4–2–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, and the Federal Public Lands Recreation Enhancement Act. Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's website at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Wednesday, April 18, 2018, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Forest Service Center, 8221 Mount Rushmore Road, Rapid City, South Dakota.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Ethics Training;

(2) Information Topic: Forest Staffing and Seasonal Hiring;

(3) Black Hills Resilient Landscape Project update;

(4) 2018 Fire Season Preparedness; and

(5) 2018 Fire Season Outlook.

The meeting is open to the public and transcripts, documents and minutes will be made available for public inspection. The U.S. Forest Service will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Chairman may allow the public to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by April 9, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: March 14, 2018.

Christopher French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–06683 Filed 4–2–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of solicitation of applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), herein referred to as RUS or the Agency, announces its Distance Learning and Telemedicine (DLT) Grant Program application window for Fiscal Year (FY) 2018. The Agency is publishing the amount of funding received in the appropriations act on its website at *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.* Expenses incurred in developing applications will be at the applicant's risk.

In addition to announcing the application window, RUS announces the minimum and maximum amounts for DLT grants applicable for the fiscal year. The DLT Grant Program regulation can be found at 7 CFR part 1734, subpart B. This DLT Grant Program regulation replaced the previous DLT Grant Program regulation, 7 CFR part 1703, subpart E, on December 27, 2017.

DATES: Submit completed paper or electronic applications for grants according to the following deadlines:

- *Paper submissions:* Paper submissions must be postmarked and mailed, shipped, or sent overnight *no later* than June 4, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.
- *Electronic submissions:* Electronic submissions must be received no later than June 4, 2018 to be eligible for FY 2018 grant funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.
- If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

ADDRESSES: Copies of the FY 2018 Application Guide and materials for the DLT Grant Program may be obtained through:

(1) The DLT website at *https://www.rd.usda.gov/programs-services/*

distance-learning-telemedicine-grants, or

(2) The RUS Office of Loan Origination and Approval at 202–720–0800.

Completed applications may be submitted the following ways:

(1) *Paper:* Mail paper applications to the Rural Utilities Service, Telecommunications Program, 1400 Independence Ave. SW, Room 2844, STOP 1597, Washington, DC 20250–1597. Mark address with ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service.''

(2) *Electronic:* Submit electronic applications through *Grants.gov*. Information on electronic submission is available on the *Grants.gov* website (*https://www.grants.gov*) at any time, regardless of registration status. However, applicants must pre-register with *Grants.gov* to use the electronic submission option.

FOR FURTHER INFORMATION CONTACT: Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture, telephone: (202) 720–0800, fax:1–884–885–8179.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Distance Learning and Telemedicine Grants.

Announcement Type: Initial announcement.

Funding Opportunity Number: RUS–18–01–DLT.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.855.

Dates: Submit completed paper or electronic applications for grants according to the deadline indicated in Section D(5).

Items in Supplementary Information

A. Program Description
B. Federal Award Information
C. Eligibility Information
D. Application and Submission Information
E. Application Review Information
F. Award Administration Information
G. Agency Contacts
H. Other Information

A. Program Description

DLT grants are designed to provide access to education, training, and health care resources for rural Americans. The DLT Program is authorized by 7 U.S.C. 950aaa and provides financial assistance to encourage and improve telemedicine and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents. The regulation for the DLT Program can be found at 7 CFR part 1734.

The grants, which are awarded through a competitive process, may be used to fund telecommunications-enabled information, audio and video equipment, and related advanced technologies which extend educational and medical access into rural areas. Grants are intended to benefit end users in rural areas, who are often not in the same location as the source of the educational or health care service.

As in years past, the FY 2018 DLT Grant Application Guide has been updated based on program experience. The Application Guide has also been updated to reflect the new program regulations, 7 CFR 1734. All applicants should carefully review and prepare their applications according to instructions in the FY 2018 Application Guide and sample materials. Expenses incurred in developing applications will be at the applicant's own risk.

B. Federal Award Information

Under 7 CFR 1734.24, the Administrator will establish the maximum and minimum amounts of a grant to be made available to an individual recipient for each fiscal year. For FY 2018 the minimum amount of a grant is set at $50,000 and the maximum amount is set at $500,000.

The Agency will make awards, and the successful applicants will be required to execute documents appropriate to the project before funding will be advanced. Award documents specify the term of each award. The standard grant agreement is available at *https://www.rd.usda.gov/files/DLTGrantAgreement-2017.pdf.* Prior DLT grants cannot be renewed; however, existing DLT awardees can submit applications for new projects which will be evaluated as new applications. Grant applications must be submitted during the application window.

C. Eligibility Information

1. Eligible Applicants (See 7 CFR 1734.4)

a. Only entities legally organized as one of the following are eligible for DLT Grant Program financial assistance:

i. An incorporated organization;

ii. An Indian tribe or tribal organization, as defined in 25 U.S.C. 450b (b) and (c);

iii. A state or local unit of government;

iv. A consortium, as defined in 7 CFR 1734.3; or

v. Other legal entity, including a private corporation organized on a for-profit or not-for-profit basis.

b. Corporations that have been convicted of a Federal felony within the past 24 months are not eligible. Any corporation that has been assessed to have any unpaid federal tax liability, for which all judicial and administrative remedies have been exhausted or have lapsed and is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance.

c. Applicants must have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and have an active registration at time of application submittal with current information in the System for Award Management (SAM) (previously the Central Contractor Registry (CCR)) at *https://www.sam.gov.* Further information regarding DUNS number acquisition and SAM registration can be found in Sections D(3) and D(4) of this notice.

2. Cost Sharing or Matching

The DLT Program requires matching contributions for grants. See 7 CFR 1734.22 and the FY 2018 Application Guide for information on required matching contributions.

a. Grant applicants must demonstrate matching contributions, in cash or in kind (new or non-depreciated items), of at least fifteen (15) percent of the grant amount requested. Matching contributions must be used for approved purposes for grants (see 7 CFR 1734.21 and Section D(7)(b) of this Notice).

b. Applications that do not provide sufficient documentation of the required 15 percent match will be declared ineligible.

c. Discounts and Donations. In review of applications submitted in the past, it was determined that vendor donated matches did not have value without a required, subsequent purchase of vendor equipment or licenses with grant funds. For example, in many grant applications, software licenses were donated in satisfaction of the matching requirement. However, such licenses only worked with, and thus only had value with, the same vendor's equipment. Additionally, by side agreement, grant applicants were required to purchase the vendor's equipment once the grant was made with grant funds. The agency determined that such a practice violated federal procurement standards found at 2 CFR 200.317–326, given that the grant

applicant could not put the purchase out for bid, either because no other equipment would work with the ''donated'' licenses, or because they were contractually obligated to buy the equipment before the grant was made. As such, the agency has determined that vendor matches requiring subsequent purchases, either by necessity or contract, are not permitted.

d. Eligible Equipment and Facilities. See 7 CFR 1734 and the FY 2018 Application Guide for more information regarding eligible and ineligible items.

3. Other

a. Ineligibility of Projects in Coastal Barrier Resources Act Areas. Projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*) are not eligible for financial assistance from the DLT Program. See 7 CFR 1734.23(a)(11).

D. Application and Submission Information

The FY 2018 Application Guide provides specific, detailed instructions for each item of a complete application. The Agency emphasizes the importance of including every required item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the FY 2018 Application Guide. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to May 18, 2018. Agency contact information can be found in Section G of this NOSA. The Agency will not solicit or consider new scoring or eligibility information that is submitted after the application deadline; however the Agency reserves the right to contact applicants to seek clarification on materials contained in the submitted application. See the FY 2018 Application Guide for a full discussion of each required item. For requirements of completed grant applications, refer to 7 CFR 1734.25.

1. Address To Request Application Package.

The FY 2018 Application Guide, copies of necessary forms and samples, and the DLT Program regulation are available as follows:

a. Electronic Copies are available at *https://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.*

b. Paper Copies are available from the Rural Utilities Service, Office of Loan Origination and Approval, 202–720–0800.

2. Content and Form of Application Submission

a. Carefully review the FY 2018 DLT Application Guide and 7 CFR part 1734, which detail all necessary forms and worksheets. A table summarizing the necessary components of a complete application can be found in this section.

b. Description of Project Sites. Most DLT grant projects contain several project sites. Site information must be consistent throughout the application. The Agency has provided a site worksheet that lists the required information. Applicants should complete the site worksheet with all requisite information. Applications without consistent site information will be returned as ineligible.

c. Submission of Application Items. Given the high volume of program interest, applicants should submit the required application items in the order indicated in the FY 2018 Application Guide. Applications that are not assembled and tabbed in the specified order prevent timely determination of eligibility. For applications with inconsistencies among submitted copies, the Agency will base its evaluation on the original signed application received.

d. Table of Required Application Items.

Application item	Regulation	Comments
SF–424 (Application for Federal Assistance Form)	*7 CFR 1734.25(a)*	*Form provided in FY 2018 Application Tool Kit.*
Executive Summary of the Project	*7 CFR 1734.25(b)*	*Narrative.*
Scoring Criteria and Special Consideration Documentation.	*7 CFR 1734.25(c)*	*Provide documentation on how applicant meets each of the scoring criteria and special considerations contained in § 1734.26.*
Scope of Work	*7 CFR 1734.25(d)*	*Narrative & Documentation.*
Financial Information and Sustainability	*7 CFR 1734.25(e)*	*Narrative.*
Statement of Experience	*7 CFR 1734.25(f)*	*Narrative.*
Evidence of Leverage and Funding Commitments from All Sources.	*7 CFR 1734.25(g)*	*Agency Worksheet and narrative.*
Telecommunications System Plan	*7 CFR 1734.25(h)*	*Documentation.*
Compliance with other Federal Statutes	*7 CFR 1734.25(i)*	*Form provided in FY 2018 Application Tool Kit.*
Non-Duplication of Services		*Form provided in FY 2018 Application Tool Kit.*
Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.		*Form provided in FY 2018 Application Tool Kit.*
Environmental Review Requirements	*7 CFR 1734.25(j)*	*Form provided in FY 2018 Application Tool Kit.*
Evidence of Legal Authority and Existence	*7 CFR 1734.25(k)*	*Documentation.*
Federal Debt Certification	*7 CFR 1734.25(l)*	*Form provided in FY 2018 Application Tool Kit.*
Consultation with USDA State Director	*7 CFR 1734.25(m)*	*Documentation.*
Supplemental Information	7 CFR 1734. 25(n)	*Documentation.*

e. Number of copies of submitted applications.

i. Paper submissions. Submit the original application and one (1) paper copy to RUS, as well as one digital copy on a Flash Drive. Submit one additional copy to the state government single point of contact as described in Subsection *iii* below.

ii. Electronic submissions. Submit the electronic application once. Do not send a paper copy to RUS. Applicants should identify and number each page in the same manner as the paper application. Submit one (1) additional copy to the State government single point of contact as described in Subsection *iii below.*

iii. State Government Single Point of Contact. Submit one (1) copy to the State government single point of contact, if one has been designated, at the same time as application submission to the Agency. If the project is located in more than one State, submit a copy to each applicable State government single point of contact. Go to *https://www.whitehouse.gov/wp-content/uploads/2017/11/Intergovernmental_-*

Review-_SPOC_01_2018_OFFM.pdf for state office contact information.

3. Dun and Bradstreet Universal Numbering System (DUNS) Number

The applicant for a grant must supply a DUNS number as part of the application. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Go to *http://fedgov.dnb.com/webform* for more information on DUNS number acquisition or confirmation.

4. System for Award Management (SAM)

Prior to submitting a paper or an electronic application, the applicant must register in SAM at *https://www.sam.gov.* Throughout the RUS application review and the active Federal grant funding period, SAM registration must be active with current data at all times. To maintain active SAM registration, the applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

5. Submission Dates and Times

a. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 4, 2018 to be eligible for FY 2018 grant funding. Late applications, applications which do not include proof of mailing or shipping, and incomplete applications are not eligible for FY 2018 grant funding.

i. Address paper applications to the Telecommunications Program, RUS, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 2844, STOP 1597, Washington, DC 20250–1597. Applications should be marked, ''Attention: Deputy Assistant Administrator, Office of Loan Origination and Approval.''

ii. Paper applications must show proof of mailing or shipping by the deadline consisting of one of the following:

A. A legibly dated U.S. Postal Service (USPS) postmark;

B. A legible mail receipt with the date of mailing stamped by the USPS; or

C. A dated shipping label, invoice, or receipt from a commercial carrier.

iii. Due to screening procedures at the USDA, packages arriving via regular mail through the USPS are irradiated, which can damage the contents and delay delivery to RUS. RUS encourages applicants to consider the impact of this procedure when selecting their application delivery method.

b. Electronic grant applications must be received no later than June 4, 2018 to be eligible for FY 2018 funding. Late or incomplete applications will not be eligible for FY 2018 grant funding.

i. Applications will not be accepted via fax or electronic mail.

ii. Electronic applications for grants must be submitted through the Federal government's *Grants.gov* initiative at *https://www.grants.gov.*

iii. *Grants.gov* requires some credentialing and online authentication procedures. These procedures may take several business days to complete. Therefore, the applicant should complete the registration, credentialing, and authorization procedures at *Grants.gov* before submitting an application. Instructions on all required passwords, credentialing, and software are available on *Grants.gov*.

iv. If system errors or technical difficulties occur, use the customer support resources available at the *Grants.gov* website.

c. If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

6. Intergovernmental Review

The DLT Grant Program is subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' As stated in section D(2)(e)(iii) of this notice, a copy of a DLT grant application must be submitted to the state single point of contact, if one has been designated.

7. Funding Restrictions

a. Hub sites located in non-rural areas are not eligible for grant assistance unless they are necessary to provide DLT services to rural residents at end user sites. See 7 CFR 1734.2(h).

b. Ineligible and Eligible Items. Applicants should exclude ineligible items and ineligible matching contributions from the budget unless those items are clearly documented as vital to the project. See the FY 2018 Application Guide for a recommended budget format and detailed budget compilation instructions.

E. Application Review Information

1. Criteria

Grant applications are scored competitively and are subject to the criteria listed below. See 7 CFR 1734.26, the FY 2018 Application Guide, and the funding opportunity posted on *https://www.grants.gov* for more information on the scoring criteria.

a. *Rurality Category.* Rurality of the end user sites proposed in the application (up to 40 points).

b. *Economic Need Category.* County poverty percentage of the end user sites proposed in the application. The percentages must be determined by utilizing the United States Census Small Area Income and Poverty Estimates (SAIPE) Program (up to 30 points).

c. *Service Needs and Benefits Category.* An analysis addressing the extent to which the proposed project meets the need for distance learning or telemedicine services in rural areas, benefits derived from the services proposed by the project, and local community involvement in planning, implementing and financial assistance of the project. RUS will consider the extent of the applicant's analysis explaining the challenges imposed by the following criteria, how the project proposes to address these issues and why the applicant cannot complete the project without a grant (up to 30 points):

i. Economic characteristics.

ii. Educational challenges.

iii. Health care needs.

d. *Special Consideration.* Special consideration points will be awarded for projects having the following primary purpose (up to 10 points):

i. Telemedicine projects which propose to provide treatment and counseling services for opioid abuse; and

ii. Distance learning projects which propose to provide access to Science, Technology, Engineering and Math (STEM) courses.

2. Review and Selection Process

Grant applications are ranked by the final score. RUS selects applications based on those rankings, subject to the availability of funds. In addition, the Agency has the authority to limit the number of applications selected in any one state or for any one project during a fiscal year. See 7 CFR 1734.27 for a description of the grant application selection process. In addition, an application receiving fewer points can be selected over a higher scoring application in the event that there are insufficient funds available to cover the costs of the higher scoring application, as stated in 7 CFR 1734.27(b)(3).

a. In addition to ranking the applications based on the scoring criteria, the Agency evaluates grant applications on the following items, in accordance with 7 CFR 1734.27(c):

i. Financial feasibility. A proposal that does not indicate financial feasibility or that is not sustainable will not be approved for an award.

ii. Technical considerations. An application that contains flaws that would prevent the successful implementation, operation, or sustainability of the project will not be approved for an award.

iii. Other aspects of proposals that contain inadequacies that would undermine the ability of the project to comply with the policies of the DLT Program.

F. Federal Award Administration Information

1. Federal Award Notices

RUS notifies applicants whose projects are selected for awards by mailing or emailing a copy of an award letter. The receipt of an award letter does not authorize the applicant to commence performance under the award. After sending the award letter, the Agency will send an agreement that contains all the terms and conditions for the grant. An applicant must execute and return the grant agreement, accompanied by any additional items required by the agreement, within the number of days specified in the selection notice letter.

2. Administrative and National Policy Requirements

The items listed in Section E of this notice, the DLT Grant Program regulation, FY 2018 Application Guide and accompanying materials implement the appropriate administrative and national policy requirements, which include but are not limited to:

a. Executing a DLT Grant Agreement.

b. Using Form SF 270, ''Request for Advance or Reimbursement,'' to request reimbursements (along with the submission of receipts for expenditures, timesheets, and any other documentation to support the request for reimbursement).

c. Providing annual project performance activity reports until the expiration of the award.

d. Ensuring that records are maintained to document all activities and expenditures utilizing DLT grant funds and matching funds (receipts for expenditures are to be included in this documentation).

e. Providing a final project performance report.

f. Complying with policies, guidance, and requirements as described in the following applicable Code of Federal Regulations, and any successor regulations:

i. 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

ii. 2 CFR parts 417 and 180 (Government-wide Nonprocurement Debarment and Suspension).

g. Signing Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants'' (for corporate applicants only).

h. Complying with Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *https://www.LEP.gov.*

i. Accountability and Compliance with Civil Rights Laws.

1901.201 Purpose. This subpart contains policies and procedures for implementing the regulations of the Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Title IX, Section 504 of the Rehabilitation Act of 1973, Executive Order 13166, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they relate to the Rural Development (Rural Development). Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

The policies contained in subpart E of part 1901 apply to recipients. Recipients of Federal financial assistance are required to comply with the applicable Federal, State and local laws. Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act prohibit discrimination by recipients of Federal financial assistance. Recipients are required to adhere to specific outreach activities. These outreach activities include, contacting community organizations and leaders that include minority leaders, advertising in local newspapers and other media throughout the entire service area, and including the nondiscrimination slogan, ''This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law, ''in methods that may include, but not be limited to, advertisements, public broadcasts, and printed materials, such as, brochures and pamphlets. All recipients must submit and have on file a valid Form RD 400–1, ''Equal Opportunity Agreement,'' and RUS Form 266 or RD Form 400–4, ''Assurance Agreement.''

By signing Form 400–4 or 266, Assurance Agreement recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The Recipient will provide alternative forms of communication to persons with limited English proficiency. The Agency will conduct Civil Rights Compliance Reviews on recipients to identify the collection of racial and ethnic data on Program beneficiaries. In addition, the Compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.

3. Reporting

a. Performance reporting. All recipients of DLT financial assistance must provide annual performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project in meeting the DLT Grant Program objectives. See 7 CFR 1734.7 for additional information on these reporting requirements.

b. Financial reporting. All recipients of DLT financial assistance must provide an annual audit, beginning with the first year in which a portion of the financial assistance is expended. Audits are governed by USDA audit regulations. See 7 CFR 1734.8 and 2 CFR part 200, subpart F for a description of the audit requirements.

c. Recipient and Sub-recipient Reporting. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding, unless such applicant is exempt from such reporting requirements pursuant to 2 CFR 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

i. First Tier Sub-Awards of $25,000 or more (unless they are exempt under 2 CFR part 170) must be reported by the recipient to *https://www.fsrs.gov* no later than the end of the month following the month the obligation was made. Please note that currently underway is a consolidation of eight federal procurement systems, including the Federal Sub-award Reporting System (FSRS), into one system, the System for Award Management (SAM). As a result, the FSRS will soon be consolidated into and accessed through *https://www.sam.gov.*

ii. The total compensation of the recipient's executives (the five most highly compensated executives) must be reported by the recipient (if the recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov* by the

end of the month following the month in which the award was made.

iii. The total compensation of the sub-recipient's executives (the five most highly compensated executives) must be reported by the sub-recipient (if the sub-recipient meets the criteria under 2 CFR part 170) to the recipient by the end of the month following the month in which the sub-award was made.

d. Recordkeeping and Accounting. The agreement will contain provisions related to record keeping and accounting requirements.

G. Federal Awarding Agency Contacts

1. *Website: https://www.rd.usda.gov/programs-services/distance-learning-telemedicine-grants.* The DLT website maintains up-to-date resources and contact information for the DLT program.

2. *Telephone:* 202–720–0800.

3. *Fax:* 1–844–885–8179.

4. *Email: dltinfo@wdc.usda.gov.*

5. *Main point of contact:* Shawn Arner, Deputy Assistant Administrator, Office of Loan Origination and Approval, Rural Utilities Service, U.S. Department of Agriculture.

H. Other Information

1. USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, religion, sex, age, national origin, marital status, sex, gender identity (including gender expression), sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at 202–720–2600 (voice and TDD) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.ascr.usda.gov/ad-3027-usda-program-discrimination-complaint-form* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

a. *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

b. *Facsimile:* (202) 690–7442; or

c. *Email:* at *program.intake@usda.gov.*

d. USDA is an equal opportunity provider, employer, and lender.

Dated: March 22, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–06503 Filed 4–2–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Advisory Committee

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (Census Bureau) gives notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC addresses policy, research, and technical issues relating to all Census Bureau programs and activities. These activities include the production and dissemination of detailed demographic and economic statistics across all program areas, including the Decennial Census Program. The NAC is scheduled to meet in a plenary session on June 14–15, 2018. Planned topics of discussion include the following items:

- 2020 Census Program updates
- 2020 Census Operations: Integrated Communications Plan
- Undercount of Young Children Working Group update
- Integrated Partnership and Communications Working Group update

Please visit the Census Advisory Committees website for the most current meeting agenda at: *http://www.census.gov/about/cac.html.* The meeting will be available via webcast at: *http://www.census.gov/newsroom/census-live.html.*

DATES: June 14–15, 2018. On Thursday, June 14, the meeting will begin at 8:30 a.m. and end at 5:00 p.m. On Friday, June 15, the meeting will begin at 8:30 a.m. and end at 2:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Auditorium, 4600 Silver Hill Road, Suitland, Maryland 20746.

FOR FURTHER INFORMATION CONTACT: Tara Dunlop Jackson, Branch Chief for Advisory Committees, Customer Liaison and Marketing Services Office, at *tara.dunlop.jackson@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–5222. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC was established in March 2012 and operates in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10). The NAC members are appointed by the Director of the Census Bureau and provide recommendations to the Director on statistical and data collection issues on topics such as hard-to-reach populations, race and ethnicity, language, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, rural populations, and population segments with limited access to technology. The Committee also advises on data privacy and confidentiality, among other issues.

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on Friday, June 15. However, individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line ''June 2018 NAC Meeting Public Comment'') or by letter submission to Tara Dunlop Jackson, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 8H177, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Monday, June 11. You may access the online registration from the following link: *https://www.regonline.com/nac_meeting_june2018_active.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Committee Liaison Officer as soon

as known, and preferably two weeks prior to the meeting.

Due to security protocols and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: March 28, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions, and Duties of the Director, Bureau of the Census.

[FR Doc. 2018–06719 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Data Collection Form for Reporting on Audits of States, Local Governments, Indian Tribes, Institutions of Higher Education, and Non-Profit Organizations

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before June 4, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to the Federal Audit Clearinghouse at *erd.fac@census.gov* or 800–253–0696.

SUPPLEMENTARY INFORMATION:

I. Abstract

Non-Federal entities (states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations) are required by the Single Audit Act Amendments of 1996 (31 U.S.C. 7501, *et seq.*) (Act) and 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' (Uniform Guidance) to have audits conducted of their Federal awards and file the resulting reporting packages (Single Audit reports) and data collection forms (Form SF–SAC) with the Federal Audit Clearinghouse (FAC). The Form SF–SAC is Appendix X to 2 CFR part 200. The Office of Management and Budget (OMB) has designated the Census Bureau as the FAC to serve as the government-wide repository of record for Single Audit reports.

The Single Audit process is a primary method Federal agencies and pass-through entities use to provide oversight for Federal awards and reduce risk of non-compliance and improper payments. This includes following up on audit findings and questioned costs. The proposed changes are to revise some existing data elements and add data elements that would make the reports easier for Federal agencies, pass-through entities, and the public to use.

The proposed changes are to include the following required elements of the reporting package on the data collection form: The text of the federal award audit findings, the text of the corrective action plan, and the notes to the schedule of expenditures of federal awards (SEFA). The proposed revisions to the Form SF–SAC can be obtained by download from the FAC homepage at *https://harvester.census.gov/facweb* or by contacting the Federal Audit Clearinghouse at *erd.fac@census.gov* or 800–253–0696.

This is a reinstatement, with changes, of Form SF–SAC, OMB control number 0607–0518. Prior to the year 1997, the Census Bureau was responsible for the OMB clearance approval process using OMB control number 0607–0518. In 1997, OMB took over the approval process for the Form SF–SAC under OMB control number 0348–0057 (currently expiring June 30, 2019). The Census Bureau is now resuming responsibility for obtaining OMB clearance under the original OMB control number 0607–0518. The FAC will continue to collect Single Audit reports from prior audit years, going back to audit year 2013, to accommodate late submissions and revisions. Late submissions or revisions from prior years are to use the version of the Form SF–SAC applicable to that audit year. The FAC also plans to allow Non-Federal entities who did not meet the threshold requiring submission of a Single Audit report to voluntarily notify the FAC that they did not meet the reporting threshold. The FAC plans to put this information on their website.

II. Method of Collection

The information will be collected electronically through the FAC's web-based internet Data Entry System (IDES) available at *https://harvester.census.gov/facides*. IDES can also be accessed by visiting the FAC homepage at *https://harvester.census.gov/facweb* and then clicking ''Submit an Audit''.

III. Data

OMB Control Number: 0607–0518.

Form Number(s): SF–SAC.

Type of Review: Regular submission.

Affected Public: States, local governments, Indian tribes, institutions of higher education, non-profit organizations (Non-Federal entities) and their auditors.

Estimated Number of Respondents: 80,000 (40,000 auditees and 40,000 auditors).

Estimated Time per Response: 70 hours for each of the 400 large respondents and 21 hours for each of the 79,600 small respondents.

Estimated Total Annual Burden Hours: 1,699,600.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 31 U.S.C. Section 7501 *et. seq.* and 2 CFR part 200.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–06705 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security Information Systems

Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on April 25 and 26, 2018, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, April 25, 2018

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business
4. Learnings from Semiconductor and Device Roadmaps: 10, 7, 5nm and beyond
5. Industry Wassenaar Proposals for 2019

Thursday, April 26, 2018

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open sessions will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Joanna M. Lewis at *Joanna.Lewis@bis.doc.gov* no later than, April 18, 2018.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Lewis via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 4, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (l0)(d)), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and l0(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Joanna M. Lewis at (202) 482–6440.

Joanna M. Lewis,

Committee Liaison Officer.

[FR Doc. 2018–06720 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

Stainless Steel Bar From Spain: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that Sidenor Aceros Especiales S.L. (Sidenor), an exporter/producer of stainless steel bar (SSB) from Spain, sold subject merchandise in the United States at prices below normal value during the period of review (POR), March 1, 2016, through February 28, 2017.

DATES: Applicable April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Carrie Bethea or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1491 or (202) 482–2593, respectively.

Background

On December 4, 2017, Commerce published the preliminary results of the administrative review of the antidumping duty order on SSB from Spain.[1] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended.[2]

Scope of the Order

The merchandise covered by the order is SSB products and is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, and 7222.30.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum.[4] A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision

[1] *See Stainless Steel Bar from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 82 FR 57208 (December 4, 2017).

[2] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now April 6, 2018. *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[3] The HTSUS numbers provided in the scope changed since the publication of the order. *See Amended Final Determination and Antidumping Duty Order: Stainless Steel Bar from Spain,* 60 FR 11656 (March 2, 1995).

[4] *See* Memorandum, ''Certain Stainless Steel Bar from Spain: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review; 2016–2017,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, we have recalculated Sidenor's weighted-average dumping margin. For further discussion, *see* the Issues and Decision Memorandum.

Final Results of the Review

We determine that, for the period of March 1, 2016, through February 28, 2017, the following weighted-average dumping margin exists:

Exporter/producer	Weighted-average dumping margin (percent)
Sidenor Aceros Especiales, S.L	3.81

Duty Assessment

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Sidenor for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Sidenor will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 25.77 percent, the all-others rate established in the investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 23, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Final Decision Memorandum

I. Summary
II. List of Comments
III. Background
IV. Scope of the Order
V. Discussion of Comments
Comment: The Date Fields in the Home Market and Margin Program
VI. Recommendation

[FR Doc. 2018–06722 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from Spain,* 59 FR 66931 (December 28, 1994).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–824]

Laminated Woven Sacks From the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigation

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

DATES: Applicable April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Maisha Cryor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–5831, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On March 7, 2018, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) Petition concerning imports of laminated woven sacks (LWS) from the Socialist Republic of Vietnam (Vietnam), filed in proper form on behalf of the Laminated Woven Sacks Fair Trade Coalition and its individual members Polytex Fibers Corporation and ProAmpac Holdings Inc., (collectively, the petitioners).[1] The CVD Petition was accompanied by an antidumping (AD) Petition concerning imports of laminated woven sacks from Vietnam. The petitioners are domestic producers of LWS.[2]

On March 12, 16, and 26, 2018, Commerce requested supplemental information pertaining to certain areas of the Petition.[3] The petitioners filed

[1] *See* Letter to the Secretary of Commerce ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam (March 7, 2018) (the Petition).

[2] *See* Volume I of the Petition, at 3 and Exhibit I–3.

[3] *See* Commerce Letter re: ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Laminated Woven Sacks from the Socialist Republic of Vietnam: Supplemental Questions,'' dated March 12, 2018; *see also* Commerce Letter re: ''Petition for the Imposition of Antidumping Duties on Imports of Laminated Woven Sacks from the Socialist Republic of

Continued

responses to these requests on March 14, 2018,[4] March 15, 2018,[5] March 19, 2018, [6] and March 27, 2018.[7] On March 23, 2018, Commerce held consultations with respect to the Petition with the Government of Vietnam (GOV).[8]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the GOV is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of LWS in Vietnam, and imports of such products are materially injuring, or threatening material injury to, the domestic industry producing LWS in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed this Petition on behalf of the domestic industry because the petitioners are an interested party as defined in section 771(9)(C), (E) and (F) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigation that the petitioners are requesting.[9]

Period of Investigation

Because the Petition was filed on March 7, 2018, the period of investigation is January 1, 2017, through December 31, 2017.

Scope of the Investigation

The products covered by this investigation are LWS from Vietnam. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the Petition, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[10] Commerce also held two conference calls with the petitioners regarding the scope language.[11] As a result of these exchanges, the scope of the Petition was modified to clarify the description of merchandise covered by the Petition.[12] The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the Preamble to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[13] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.[14] To facilitate preparation of its questionnaires, Commerce requests all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on Monday April 16, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday April 26, 2018, which is 10 calendar days from the initial comments deadline.[15]

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of the concurrent AD and CVD investigations of LWS from Vietnam.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[16] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GOV of the receipt of the CVD Petition, and provided them with an opportunity for consultations with respect to the Petition.[17] In response to Commerce's invitation, the GOV met with Commerce officials on March 23, 2018.

Vietnam: Supplemental Questions,'' dated March 12, 2018. *See also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 16, 2018. *See also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 26, 2018.

[4] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Supplemental Questions Relating to Volume I: General Issues,'' dated March 14, 2018 (General Issues Supplement).

[5] *See* Letter from the petitioners, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Supplemental Questions Relating to Volume III: Countervailing Duties,'' dated March 15, 2018 (CVD Supplement).

[6] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Second Supplemental Questions Relating to Volume I: General Issues,'' dated March 19, 2018 (Second General Issues Supplement).

[7] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Second Supplemental Questions Relating to Volume I: General Issues,'' dated March 27, 2018 (Third General Issues Supplement).

[8] *See* Memorandum, ''Consultations with Officials from the Government of Vietnam (GOV) Regarding the Countervailing Duty (CVD) Petition on Laminated Woven Sacks from Vietnam,'' dated March 26, 2018.

[9] *See* ''Determination of Industry Support for the Petition'' section, below.

[10] *See* General Issues 2–5.

[11] *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 16, 2018; *see also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 26, 2018.

[12] *See* Second General Issues Supplement; *see also,* Third General Issues Supplement.

[13] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (Preamble).

[14] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[15] *See* 19 CFR 351.303(b).

[16] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). *See also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/ help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[17] *See* Letter from Robert Bolling, Acting Director, AD/CVD Operations, Office IV, Enforcement and Compliance, to the Embassy of Vietnam ''Countervailing Duty Petition on Laminated Woven Sacks from Vietnam: Invitation for Consultations to Discuss the Countervailing Duty Petition,'' dated March 8, 2018.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[18] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[19]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that LWS, as defined in the scope, constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[20]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioners provided their shipments of the domestic like product in 2017, and compared these shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[21] Because total industry production data for the domestic like product for 2017 are not reasonably available to the petitioners, and the petitioners have established that shipments are a reasonably proxy for production data,[22] we have relied on the data the petitioners provided for purposes of measuring industry support.[23]

Our review of the data provided in the Petition, the General Issues Supplement, the Second General Issues Supplement, the CVD Supplement, and other information readily available to Commerce, indicates that the petitioners have established industry support for the Petition.[24] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[25] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[26] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[27] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C), (E), and (F) of the Act, and they have demonstrated sufficient industry support with respect to the CVD investigation that they are requesting that Commerce initiate.[28]

Injury Test

Because Vietnam is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Vietnam materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[29]

[18] *See* section 771(10) of the Act.

[19] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[20] For a discussion of the domestic like product analysis, *see* Countervailing Duty Investigation Initiation Checklist: Laminated Woven Sacks from the Socialist Republic of Vietnam (Vietnam CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Laminated Woven Sacks from the Socialist Republic of Vietnam (Attachment II). This checklist is dated concurrently with, and hereby adopted by, this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[21] *See* Second General Issues Supplement, at 1 and Exhibit I–2S1.

[22] *See* General Issues Supplement, at 7 and Exhibit I–S3.

[23] *Id.; see also* Second General Issues Supplement, at 1 and Exhibit I–2S1. For further discussion, *see* Vietnam CVD Initiation Checklist, at Attachment II.

[24] *See* Vietnam CVD Initiation Checklist, at Attachment II.

[25] *See* section 702(c)(4)(D) of the Act; *see also* Vietnam CVD Initiation Checklist, at Attachment II.

[26] *See* Vietnam CVD Initiation Checklist, at Attachment II.

[27] *Id.*

[28] *Id.*

[29] *See* Volume I of the Petition, at Exhibit I–7; *see also* General Issues Supplement, at 9.

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; and a decline in U.S. shipments, capacity utilization, production, and financial performance.[30] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[31]

Initiation of CVD Investigation

Based upon our examination of the Petition, we find that the Petition meets the requirements of section 702 of the Act. Specifically, we find that there is sufficient information to initiate a CVD investigation on 19 alleged programs. Therefore, we are initiating a CVD investigation to determine whether imports of LWS from Vietnam benefit from countervailable subsidies conferred by the GOV. For a full discussion of the basis for our decision to initiate on each program, *see* Vietnam CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[32] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, Commerce published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[33] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this CVD investigation.[34]

Respondent Selection

The petitioners named 27 producers/exporters of LWS in Vietnam.[35] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of LWS from Vietnam during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix to this notice.

On March 16, 2018, Commerce released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[36] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOV *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of LWS from Vietnam are materially injuring, or threatening material injury to, a U.S. industry.[37] A negative ITC determination will result in the investigation being terminated.[38] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [39] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[40] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations

[30] *See* Volume I of the Petition, at 14–25 and Exhibits I–7 through I–9; *see also* General Issues Supplement, at 1, 9 and Exhibits I–S6 and I–S7.

[31] *See* Vietnam CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Laminated Woven Sacks from the Socialist Republic of Vietnam (Attachment III).

[32] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015). *See also Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[33] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[34] *See Applicability Notice,* 80 FR at 46794–95.

[35] *See* Volume I of the Petition at 7 and Exhibit I–5.

[36] *See* Memorandum from Thomas Martin, Senior International Trade Compliance Specialist, AD/CVD Operations, Office IV, Enforcement and Compliance to Robert Bolling, Program Manager, AD/CVD Operations, Office IV, Enforcement and Compliance ''Laminated Woven Sacks from the Socialist Republic of Vietnam Countervailing Duty Petition: Release of Customs Data from U.S. Customs and Border Protection,'' dated March 16, 2018.

[37] *See* section 703(a)(2) of the Act.

[38] *See* section 703(a)(1) of the Act.

[39] *See* 19 CFR 351.301(b).

[40] *See* 19 CFR 351.301(b)(2).

prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[41] Parties must use the certification formats provided in 19 CFR 351.303(g).[42] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305.[43]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: March 27, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is laminated woven sacks. Laminated woven sacks are bags consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (BOPP), polyester (PET), polyethylene (PE), nylon, or any film suitable for printing, or to an exterior ply of paper; printed; displaying, containing, or comprising three or more visible colors (*e.g.,* laminated woven sacks printed with three different shades of blue would be covered by the scope), not including the color of the woven fabric; regardless of the type of printing process used; with or without lining; with or without handles; with or without special closing features (including, but not limited to, closures that are sewn, glued, easy-open (*e.g.,* tape or thread), re-closable (*e.g.,* slider, hook and loop, zipper), hot-welded, adhesive-welded, or press- to-close); whether finished or unfinished (*e.g.,* whether or not closed on one end and whether or not in roll form, including, but not limited to, sheets, lay-flat, or formed in tubes); not exceeding one kilogram in actual weight. Laminated woven sacks produced in the Socialist Republic of Vietnam are subject to the scope regardless of the country of origin of the fabric used to make the sack.

Subject laminated woven sacks are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 6305.33.0040. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including, but not limited to, sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings, including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

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[41] *See* section 782(b) of the Act.

[42] *See also Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[43] On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–823]

Laminated Woven Sacks From the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Effective March 27, 2018.

FOR FURTHER INFORMATION CONTACT: Drew Jackson or Celeste Chen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406 or (202) 482–0890, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On March 7, 2018, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) Petition concerning imports of laminated woven sacks (LWS) from the Socialist Republic of Vietnam (Vietnam), filed in proper form on behalf of the Laminated Woven Sacks Fair Trade Coalition and its individual members, Polytex Fibers Corporation and ProAmpac Holdings Inc. (collectively, the petitioners).[1] The AD Petition was accompanied by a countervailing duty (CVD) petition concerning imports of LWS from Vietnam. The petitioners are domestic producers of LWS.[2]

On March 12, 16, and 26, 2018, Commerce requested supplemental information pertaining to certain areas of the Petition.[3] The petitioners filed

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks From the Socialist Republic of Vietnam,'' (March 7, 2018) (the Petition); *see also* Petitioners' Letter ''Antidumping and Countervailing Duty Investigations of Laminated Woven Sacks From the Socialist Republic of Vietnam: Correction to Petitioner's Name,'' dated March 16, 2018 (clarifying the name of ProAmpac Holdings Inc.).

[2] *See* Volume I of the Petition, at 2 and Exhibit I–1.

[3] *See* Commerce Letter re: ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Laminated Woven Sacks from the Socialist Republic of Vietnam: Supplemental

Continued

responses to these requests on March 14, 2018,[4] March 19, 2018,[5] and March 27, 2018.[6]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of LWS from Vietnam are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing LWS in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed this Petition on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C), (E) and (F) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigation that the petitioners are requesting.[7]

Period of Investigation

Because the Petition was filed on March 7, 2018, and Vietnam is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is July 1, 2017, through December 31, 2017.

Scope of the Investigation

The products covered by this investigation are LWS from Vietnam. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the Petition, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[8] Commerce also held two conference calls with the petitioners regarding the scope language.[9] As a result of these exchanges, the scope of the Petition was modified to clarify the description of the merchandise covered by the Petition.[10] The description of the merchandise covered by this initiation, as described by the Appendix to this notice, reflects these clarifications.

As discussed in the preamble to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[11] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[12] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, April 16, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, April 26, 2018, which is 10 calendar days from the initial comments deadline.[13]

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must be filed on the records of the concurrent AD and CVD investigations of LWS from Vietnam.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[14] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

Commerce will provide interested parties an opportunity to comment on the appropriate physical characteristics of LWS to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant production information accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they believe are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and

Questions,'' dated March 12, 2018; *see also* Commerce Letter re: ''Petition for the Imposition of Antidumping Duties on Imports of Laminated Woven Sacks from the Socialist Republic of Vietnam: Supplemental Questions,'' dated March 12, 2018. *See also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 16, 2018. *See also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 26, 2018.

[4] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Supplemental Questions Relating to Volume I: General Issues'' dated March 14, 2018 (General Issues Supplement); *see also* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Supplemental Questions Relating to Volume II: Antidumping Duties,'' dated March 14, 2018 (AD Supplement).

[5] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Second Supplemental Questions Relating to Volume I: General Issues,'' dated March 19, 2018 (Second General Issues Supplement).

[6] *See* Petitioners' Letter, ''Investigation of Laminated Woven Sacks From the Socialist Republic of Vietnam: Petitioners' Responses to Second Supplemental Questions Relating to Volume I: General Issues,'' dated March 27, 2018 (Third General Issues Supplement).

[7] *See* the ''Determination of Industry Support for the Petition'' section, below.

[8] *See* General Issues Supplement; *see also* Second General Issues Supplement.

[9] *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 16, 2018; *see also* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Laminated Woven Sacks from the Socialist Republic of Vietnam, Phone Call with Counsel to the Petitioners,'' dated March 26, 2018.

[10] *See* Second General Issues Supplement; *see also* Third General Issues Supplement.

[11] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[12] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[13] *See* 19 CFR 351.303(b).

[14] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

(2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe LWS, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all product characteristics comments must be filed by 5:00 p.m. ET on April 16, 2018. Any rebuttal comments must be filed by 5:00 p.m. ET on April 26, 2018. All comments and submissions to Commerce must be filed electronically, using ACCESS as explained above, on the record of the less-than-fair-value investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers, as a whole, of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[15] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[16]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that LWS, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioners provided their shipments of the domestic like product in 2017 and compared these shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[18] Because total industry production data for the domestic like product for 2017 are not reasonably available to the petitioners, and the petitioners have established that shipments are a reasonable proxy for production data,[19] we have relied on the data the petitioners provided for purposes of measuring industry support.[20]

Our review of the data provided in the Petition, the General Issues Supplement, the Second General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.[21] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[23] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[24] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C), (E), and (F) of the Act, and they have demonstrated sufficient industry support with respect to the AD

[15] *See* section 771(10) of the Act.

[16] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[17] For a discussion of the domestic like product analysis, *see* Enforcement and Compliance Office of AD/CVD Operations Antidumping Duty Investigation Initiation Checklist: Laminated Woven Sacks from the Socialist Republic of Vietnam (Vietnam AD Initiation Checklist), at Attachment II, Industry Support (Attachment II). This checklist is dated concurrently with, and hereby adopted by, this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Commerce building.

[18] *See* Second General Issues Supplement, at 1 and Exhibit I–2S1.

[19] *See* General Issues Supplement, at 7 and Exhibit I–S3.

[20] *Id; see also* Second General Issues Supplement, at 1 and Exhibit I–2S1. For further discussion, *see* Vietnam AD Initiation Checklist, at Attachment II.

[21] *See* Vietnam AD Initiation Checklist, at Attachment II.

[22] *See* section 732(c)(4)(D) of the Act; *see also* Vietnam AD Initiation Checklist, at Attachment II.

[23] *See* Vietnam AD Initiation Checklist, at Attachment II.

[24] *Id.*

investigation that they are requesting that Commerce initiate.[25]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[26]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and revenues; a decline in U.S. shipments, capacity utilization, production, and financial performance; and the magnitude of the alleged dumping margins.[27] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at less than fair value upon which Commerce based its decision to initiate the AD investigation of imports of LWS from Vietnam. The sources of data for the petitioners' calculations relating to U.S. price and NV are discussed in greater detail in the Vietnam AD Initiation Checklist.[29]

Export Price

The petitioners based U.S. price on export price (EP) using the average unit value of publicly available import data.[30] The petitioners also based the U.S. price on EP using price quotes for sales of LWS produced in, and exported from, Vietnam and offered for sale in the United States.[31] Where applicable, the petitioners made deductions from U.S. price consistent with the terms of sale.[32]

Normal Value

Commerce considers Vietnam to be an NME country.[33] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by Commerce. The presumption of NME status for Vietnam has not been revoked by Commerce and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, NV in Vietnam is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[34]

The petitioners state that India is an appropriate surrogate country for Vietnam, because it is a market economy country that is at a level of economic development comparable to that of Vietnam, it is a significant producer of comparable merchandise, and public information from India is available to value all material inputs.[35] Based on the information provided by the petitioners, we determine that it is appropriate to use India as a surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs no later than 30 days before the scheduled date of the preliminary determination.

Factors of Production

The petitioners state that they do not have access to the Vietnamese producers' factors of production and consumption rates for those FOPs. Therefore, the petitioners relied on their own experience and other information reasonably available.[36] The petitioners valued the estimated FOPs using surrogate values from India.[37] Additionally, for the surrogate values denominated in Indian rupees (INR), the petitioners converted INR prices into U.S. dollars using the average exchange rate for the POI available on Commerce's website.[38]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of LWS from Vietnam are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for LWS from Vietnam range from 101.73 percent to 292.61 percent.[39]

Initiation of the Less-Than-Fair-Value Investigation

Based upon our examination of the Petition, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating this AD investigation to determine whether imports of LWS from Vietnam are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD law were made.[40] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, Commerce published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[41] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this AD investigation.[42]

Respondent Selection

The petitioners named 27 producers/exporters of LWS from Vietnam.[43] In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V)

[25] *Id.*

[26] *See* Volume I of the Petition, at Exhibit I–7; *see also* General Issues Supplement, at 9.

[27] *See* Volume I of the Petition, at 14–25 and Exhibits I–7 through I–9; *see also* General Issues Supplement, at 1, 9 and Exhibits I–S6 and I–S7.

[28] *See* Vietnam AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation (Attachment III).

[29] *See* Vietnam AD Initiation Checklist.

[30] *Id.*

[31] *See* Vietnam AD Initiation Checklist.

[32] *See* Vietnam AD Initiation Checklist.

[33] *See Certain Steel Nails From the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014–2016,* 82 FR 26050 (82 FR 26050) (unchanged in *Certain Steel Nails From the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review; 2014–2016,* 82 FR 45266 (September 28, 2017).

[34] *See* Vietnam AD Initiation Checklist.

[35] *See* Volume II of the Petition at 4, and Exhibits II–1A, and II–1B.

[36] *Id.* at 6 and Exhibit II–7; *see also* AD Supplement, at 3 and Exhibit II–S5.

[37] *Id.* at 6–8 and Exhibits II–9 through II–11; *see also* AD Supplement, at 3–4 and Exhibits II–S6, II–S8, and II–S9.

[38] *Id.* at 6 and Exhibit II–8A.

[39] *See* AD Supplement at 4, and Exhibit II–S2.

[40] *See* Trade Preferences Extension Act of 2015, Pubic Law 114–27, 129 Stat. 362 (2015).

[41] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[42] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[43] *See* General Issues Supplement at 4, and Exhibit I–S1.

questionnaires to producers/exporters of merchandise subject to this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on the Q&V questionnaire responses received. For this investigation, Commerce will request Q&V information from known exporters and producers identified with complete contact information in the Petition. In addition, Commerce will post the Q&V questionnaire along with filing instructions on Enforcement and Compliance's website at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of LWS from Vietnam that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's website. The Q&V questionnaire response must be submitted by the relevant Vietnamese exporters/producers no later than 5:00 p.m. ET on April 10, 2018. All Q&V questionnaire responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[44] The specific requirements for submitting a separate-rate application are outlined in detail in the application itself, which is available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[45] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they timely respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from Vietnam submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate-rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[46]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the government of Vietnam *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of LWS from Vietnam, are materially injuring or threatening material injury to a U.S. industry.[47] A negative ITC determination will result in the investigation being terminated.[48] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[49] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[50] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

[44] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[45] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[46] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[47] *See* section 733(a) of the Act.

[48] *Id.*

[49] *See* 19 CFR 351.301(b).

[50] *See* 19 CFR 351.301(b)(2).

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[51] Parties must use the certification formats provided in 19 CFR 351.303(g).[52] Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305.[53]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: March 27, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is laminated woven sacks. Laminated woven sacks are bags consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (BOPP), polyester (PET), polyethylene (PE), nylon, or any film suitable for printing, or to an exterior ply of paper; printed; displaying, containing, or comprising three or more visible colors (*e.g.,* laminated woven sacks printed with three different shades of blue would be covered by the scope), not including the color of the woven fabric; regardless of the type of printing process used; with or without lining; with or without handles; with or without special closing features (including, but not limited to, closures that are sewn, glued, easy-open (*e.g.,* tape or thread), re-closable (*e.g.,* slider, hook and loop, zipper), hot-welded, adhesive-welded, or press- to-close); whether finished or unfinished (*e.g.,* whether or not closed on one end and whether or not in roll form, including, but not limited to, sheets, lay-flat, or formed in tubes); not exceeding one kilogram in actual weight. Laminated woven sacks produced in the Socialist Republic of Vietnam are subject to the scope regardless of the country of origin of the fabric used to make the sack.

Subject laminated woven sacks are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 6305.33.0040. If entered with plastic coating on both sides of the fabric consisting of woven polypropylene strip and/or woven polyethylene strip, laminated woven sacks may be classifiable under HTSUS subheadings 3923.21.0080, 3923.21.0095, and 3923.29.0000. If entered not closed on one end or in roll form (including, but not limited to, sheets, lay-flat tubing, and sleeves), laminated woven sacks may be classifiable under other HTSUS subheadings, including 3917.39.0050, 3921.90.1100, 3921.90.1500, and 5903.90.2500. If the polypropylene strips and/or polyethylene strips making up the fabric measure more than 5 millimeters in width, laminated woven sacks may be classifiable under other HTSUS subheadings including 4601.99.0500, 4601.99.9000, and 4602.90.0000. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

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[51] *See* section 782(b) of the Act.

[52] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013); *see also* frequently asked questions regarding the Final Rule, available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[53] On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–073]

Common Alloy Aluminum Sheet From the People's Republic of China: Postponement of Preliminary Determination of the Less-Than-Fair-Value Investigation

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

DATES: Effective April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Tom Bellhouse at (202) 482–2057 or Deborah Scott at (202) 482–2657, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 2017, the Department of Commerce (Commerce) initiated an antidumping duty investigation concerning imports of common alloy aluminum sheet (aluminum sheet) from the People's Republic of China.[1] The notice of initiation stated that Commerce, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1), would issue its preliminary determination no later than 140 days after the date of the initiation, unless postponed.[2] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day.[3] The current deadline for the preliminary determination of this investigation is no later than April 20, 2018.

Postponement of Preliminary Determination

On March 19, 2018, the Aluminum Association Common Alloy Sheet Trade Enforcement Working Group (the Domestic Industry), made a request for a 50-day postponement of the preliminary determination in this investigation to provide Commerce with sufficient time to review submissions and request supplemental information, in order to arrive at the most accurate results possible.[4] No other parties commented.

Pursuant to section 733(c)(1)(B) of the Act and 19 CFR 351.205(b)(2), Commerce has the authority to extend the deadline for the preliminary determination in this investigation. Because Commerce has the support of cooperating parties and has deemed the investigation to be extraordinarily complicated, Commerce is postponing the deadline for the preliminary determination by 50 days, until June 11, 2018, in accordance with section

[1] *See Common Alloy Aluminum Sheet from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 57214 (November 28, 2017) (*Initiation Notice*); *see also* Memorandum, ''Initiation of the Antidumping Duty Investigation of Common Alloy Aluminum Sheet from the People's Republic of China,'' dated November 28, 2017 (Initiation Memorandum).

[2] *Id.,* 82 FR at 57217.

[3] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[4] *See* Letter, ''Common Alloy Aluminum Sheet from the People's Republic of China—Domestic Industry Request for Postponement of the Preliminary Determination,'' dated March 19, 2018.

733(c)(1)(B) of the Act and 19 CFR 351.205(b)(2).[5]

In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 29, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2018–06723 Filed 4–2–18; 8:45 am]

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[5] This date reflects the next business day after the deadline of June 9, 2018. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–853]

Citric Acid and Certain Citrate Salts From Canada: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that Jungbunzlauer Canada, Inc. (JBL Canada), producer/exporter of citric acid and certain citrate salts from Canada, did not sell subject merchandise at prices below normal value (NV) during the period of review (POR) May 1, 2016, through April 30, 2017.

DATES: Applicable April 3, 2018.

FOR FURTHER INFORMATION CONTACT: Renato Barreda or George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0317 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2018, Commerce published in the **Federal Register** the *Preliminary Results* [1] of the administrative review of the antidumping duty order on citric acid and certain citrate salts from Canada. This review covers one producer/exporter of the subject merchandise, JBL Canada. We invited parties to comment on the *Preliminary Results.*[2] No interested party submitted comments.[3] Further, no party submitted a request for a hearing in the instant review. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [4]

The merchandise subject to the order is citric acid and certain citrate salts from Canada. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description, available in the Preliminary Decision Memorandum,[5] remains dispositive.

Changes Since the Preliminary Results

As no parties submitted comments on the margin calculation methodology used in the *Preliminary Results,* Commerce made no adjustments to that methodology in the final results of this review.

Final Results of the Review

As a result of this review, Commerce determines that the following weighted-average dumping margin exists for entries of subject merchandise that were produced and/or exported by the following company during the POR:

Manufacturer/exporter	Weighted-average margin (percent)
Jungbunzlauer Canada, Inc.	0.00

[1] *See Citric Acid and Citrate Salts from Canada: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 5246 (February 6, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.*

[3] JBL Canada submitted a case brief stating: ''Respondent JBL has no comments on the Department's *Preliminary Results.* JBL reserves the right to submit a rebuttal brief in response to any issue(s) which may be raised by Petitioners in their case brief.'' *See* letter from JBL ''Eighth Administrative Review of the Antidumping Order on Citric Acid and Certain Citrate Sales from Canada—JBL Canada's Case Brief,'' dated March 8, 2018.

[4] *See Citric Acid and Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders,* 74 FR 25703 (May 29, 2009) (the *Order*).

[5] For a complete description of the scope of the *Order,* see the PDM at 2, which can be accessed directly at *http://enforcement.trade.gov/frn/.*

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).[6] Because we calculated a zero margin for JBL Canada in the final results of this review, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties. In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by JBL Canada for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue the appropriate assessment instructions to CBP 41 days after the date of publication of these final results of review, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of these final results for all shipments of citric acid and certain citrate salts from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for merchandise produced or exported by JBL Canada will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate established in the *Order.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

[6] *See* section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).

Notification to Importers

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

Administrative Protective Order

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

Notification to Interested Parties

We intend to issue and publish these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: March 28, 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. 2018–06721 Filed 4–2–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG138

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Citizen Science Advisory Panel Volunteers Action Team via webinar.

DATES: The Volunteers Team meeting will be held on Thursday, April 19, 2018 at 1 p.m. The meeting is scheduled to last approximately 90 minutes. Additional Action Team webinar and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES: The meeting will be held via webinar and is open to members of the public. Webinar registration is required and a registration link will be posted to the Citizen Science program page of the Council's website at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone: (843) 302–8433 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of *Volunteers, Data Management, Projects/Topics Management, Finance,* and *Communication/Outreach/Education* to develop program policies and operations for the Council's Citizen Science Program.

Each Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee. Public comment will be accepted at the beginning of the meeting. Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other Business

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 29, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–06733 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG136

Pacific 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 Pacific Fishery Management Council's (Pacific Council) Highly Migratory Species Management Team (HMSMT) will hold a meeting, which is open to the public.

DATES: The meeting will be held Wednesday, April 25, to Friday, April 27, 2018, and will start at 8:30 a.m. and continue until business is concluded on each day.

ADDRESSES: The meeting will be held at the Glenn M. Anderson Federal Building, 501 W. Ocean Blvd., Long Beach, CA 90802, on the Third Floor in Room 3400. Visitors need to present photo ID and pass through electronic security equipment to enter the building. There is no visitor parking available in the building for the general public. Metered street parking is nearby. Commercial parking lots are within walking distance to the building. For meeting location information, please contact Mr. Lyle Enriquez at *Lyle.Enriquez@noaa.gov* or 562–980–4025.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The purpose of the HMSMT meeting is to prepare an analysis of the range of alternatives for authorizing a fishery using deep-set buoy gear adopted by the Pacific Council in September 2017 and March 2018. The HMSMT will provide an update on the analysis at the Pacific Council's June 2018 meeting. The HMSMT may also discuss updates to the HMS Stock Assessment and Fishery Evaluation document and HMS-related matters scheduled on future Council agendas including reporting relative to bycatch performance metrics for the large mesh drift gillnet (DGN) fishery, exempted fishing permit applications, observer coverage in the DGN fishery, and citizenship requirements for the general HMS permit.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document 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 physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820–2411, at least 10 business days prior to the meeting date.

Dated: March 29, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–06734 Filed 4–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

Final Waiver and Extension of the Project Period for the Opportunity Scholarship Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Final waiver and extension of the project period.

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.370A.]

SUMMARY: For projects funded under the DC Opportunity Scholarship Program (OSP), the Secretary: (1) Waives the requirements of the Education Department General Administrative Regulations that generally prohibit project period extensions involving the obligation of additional Federal funds; and (2) extends the project period for the current OSP grantee for up to an additional 24 months under the existing program authority. This waiver and extension will enable the Department to provide continuation awards to the current OSP grantee through FY 2019 under the existing program authority.

DATES: As of May 3, 2018, the waiver and extension of the project period are finalized.

FOR FURTHER INFORMATION CONTACT: Anna Hinton, U.S. Department of Education, 400 Maryland Avenue SW, room 4W229, Washington, DC 20202. Telephone: (202) 260–1816. Email: *anna.hinton@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On January 24, 2018, the Department published a notice in the **Federal Register** (83 FR 3336) proposing to waive the requirements of 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds. In that notice, the Secretary also proposed to extend the OSP project period for up to an additional 24 months, to enable the Department to provide continuation awards to the current OSP grantee through FY 2019 under the existing program authority.

That notice contained background information and our reasons for proposing the waiver and extension of the project period. This notice makes the waiver and extension of the project period final. Any activities carried out during the period of an OSP continuation award will have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2015 OSP competition and the ensuing cooperative agreement. The requirements applicable to continuation awards for this competition set forth in the 2015 notice inviting applications (80 FR 9448) and the requirements in 34 CFR 75.253 will apply to any continuation awards sought by the current OSP grantee. The Department will not announce a new competition or make new awards in FY 2018 and FY 2019.

Public Comment: In response to our invitation in the proposed waiver and extension, we received two comments. Generally, the Department does not address technical and other minor changes. In addition, the Department does not address general comments that raise concerns not directly related to the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and the final waiver and extension.

Analysis of Comments and Discussion

Comments: One commenter supported the proposed waiver and extension of the OSP project period, and one commenter opposed the proposed action. The commenters provided various reasons for their positions.

An anonymous commenter stated that the administration of the OSP should remain the responsibility of the current grantee until there is a justifiable reason to identify another. The commenter further stated that selection of a new grantee should always coincide with the reauthorization of the Scholarships for Opportunity and Results (SOAR) Act.

One commenter, a coalition of more than 50 organizations devoted to the support of public schools, opposed the proposed waiver and extension. The commenter cited concerns with the current and prior grantees' administration of the program; and challenged the Department's assumptions regarding a qualified and interested applicant pool to compete for the grant. For these reasons, the commenter states that the Department should hold a competition in FY 2018.

Discussion: The Department appreciates the commenters' feedback. Under the SOAR Act, the Department is responsible for administration of the OSP and oversight of the OSP grantee. Based on the Department's experience working with the current OSP grantee, the Department believes that extending the current grantee's project will create stability and continuity by: (1) Permitting the current grantee to fully implement the new recruitment and marketing strategies designed to significantly increase scholarship usage rates; and (2) aligning the next OSP competition with the next anticipated reauthorization of the SOAR Act. Additionally, based on the Department's current experience administering and overseeing the OSP and the number of qualified applicants in past competitions, the Department does not believe that another eligible organization with capacity to administer this program is interested in doing so.

Changes: None.

Regulatory Flexibility Act Certification

The Secretary certifies that the final waiver and extension and the activities required to support additional months of funding will not have a significant economic impact on a substantial number of small entities.

The small entity that will be affected by this final waiver and extension is the FY 2015 grantee, the non-profit organization currently receiving Federal funds under the OSP. This final waiver and extension will not have a significant economic impact on this entity because the activities required to support the additional year(s) of funding will not impose excessive regulatory burdens or require unnecessary Federal supervision. The waiver will impose minimal requirements to ensure the proper expenditure of program funds,

including requirements that are standard for continuation awards.

Paperwork Reduction Act of 1995

This notice of final waiver and extension does not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 29, 2018.

Margo K. Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–06757 Filed 4–2–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0036]

Agency Information Collection Activities; Comment Request; U.S. Department of Education Pre-Authorized Debit Account Brochure and Application

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 4, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0036. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Pre-Authorized Debit Account Brochure and Application.

OMB Control Number: 1845–0025.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,667.

Total Estimated Number of Annual Burden Hours: 138.

Abstract: The Pre-authorized Debit Account Brochure and Application (PDA Application) serves as the means by which an individual with a defaulted federal education debt (student loan or grant overpayment) that is held by the U.S. Department of Education (ED) requests and authorizes the automatic debiting of payments toward satisfaction of the debt from the borrower's checking or savings account. The PDA Application explains the automatic debiting process and collects the individual's authorization for the automatic debiting and the bank account information needed by ED to debit the individual's account.

Dated: March 29, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–06715 Filed 4–2–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–77–000.

Applicants: Cabazon Wind Partners, LLC, Rock River I, LLC, Whitewater Hill Wind Partners, LLC.

Description: Application for Authorization for Disposition of

Jurisdictional Facilities and Request for Expedited Action of Cabazon Wind Partners, LLC, et. al.

Filed Date: 3/27/18.

Accession Number: 20180327–5200.

Comments Due: 5 p.m. ET 4/17/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–68–000.

Applicants: Camilla Solar Energy LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Camilla Solar Energy LLC.

Filed Date: 3/28/18.

Accession Number: 20180328–5072.

Comments Due: 5 p.m. ET 4/18/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1819–017; ER10–1820–0020.

Applicants: Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation.

Description: Supplement to December 28, 2017 Triennial Market Power Analysis of Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation.

Filed Date: 3/28/18.

Accession Number: 20180328–5177.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER16–2025–000.

Applicants: Mt. Carmel Cogen, Inc.

Description: Report Filing: Refund Report to be effective N/A.

Filed Date: 3/27/18.

Accession Number: 20180327–5186.

Comments Due: 5 p.m. ET 4/17/18.

Docket Numbers: ER18–192–002.

Applicants: Dynegy Oakland, LLC.

Description: Tariff Amendment: Settlement Agreement and Request for Expedited Treatment to be effective 1/1/2018.

Filed Date: 3/27/18.

Accession Number: 20180327–5181.

Comments Due: 5 p.m. ET 4/17/18.

Docket Numbers: ER18–748–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Amendment to Cost Recovery Filing on Behalf of American Electric Power Service to be effective 4/1/2018.

Filed Date: 3/27/18.

Accession Number: 20180327–5184.

Comments Due: 5 p.m. ET 4/17/18.

Docket Numbers: ER18–1195–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1518R13 Arkansas Electric Cooperative Corp NITSA NOA Notice of Cancellation to be effective 1/1/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5031.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1196–000.

Applicants: Duke Energy Indiana, LLC.

Description: § 205(d) Rate Filing: DEI Reactive Tariff Amendment (Connersville/Miami Wabash Reactive Retirement) to be effective 6/1/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5032.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1197–000.

Applicants: Camilla Solar Energy LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 5/28/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5064.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1198–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2855R4 KMEA & KCPL Meter Agent Agreement to be effective 3/1/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5066.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1199–000.

Applicants: Public Service Company of Colorado.

Description: Formula Rate Post-employment Benefits Other than Pensions filing of Public Service Company of Colorado.

Filed Date: 3/27/18.

Accession Number: 20180327–5202.

Comments Due: 5 p.m. ET 4/17/18.

Docket Numbers: ER18–1200–000.

Applicants: PSEG Energy Resources & Trade LLC.

Description: § 205(d) Rate Filing: Reactive Power Tariff Record Sewaren and Keys to be effective 6/1/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5091.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1201–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: OATT Att N—LGIP Amend Suspend Lang. to be effective 3/29/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5154.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1203–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA SA No. 5034; Queue No. AC1–097 to be effective 3/7/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5156.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1204–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Victoria City Power Interconnection Agreement to be effective 3/6/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5157.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1205–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Victoria Port Power Interconnection Agreement to be effective 3/6/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5167.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1207–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: 2018 TACBAA Update to be effective 6/1/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5213.

Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1208–000.

Applicants: Midcontinent Independent System Operator, Inc., Northern Indiana Public Service Company.

Description: § 205(d) Rate Filing: 2018–03–28 NIPSCO–IMPA 1st Rev NOTIA to be effective 1/18/2018.

Filed Date: 3/28/18.

Accession Number: 20180328–5227.

Comments Due: 5 p.m. ET 4/18/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06697 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1187–000]

Eagle's View Partners, Ltd.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Eagle's View Partners, Ltd.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06700 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1197–000]

Camilla Solar Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Camilla Solar Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06703 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1188–000]

Prairie Queen Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Prairie Queen Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be

listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06701 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1189–000]

Meadow Lake Wind Farm VI LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Meadow Lake Wind Farm VI LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06702 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1186–000]

Turtle Creek Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Turtle Creek Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06699 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD18–8–000; Docket No. EL18–26–000]

EDF Renewable Energy, Inc. v. Reform of Affected System Coordination in the Generator Interconnection Process, Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued in this proceeding on February 2, 2018 and the Supplemental Notice of Technical Conference issued on February 27, 2018, the Federal Energy Regulatory Commission (Commission) will convene a staff-led technical conference in the above-referenced proceeding on Tuesday and Wednesday, April 3–4, 2018 from 9:30 a.m. to 4:30 p.m. (ET). The conference will be held in the Commission Meeting Room at Commission headquarters, 888 First Street NE, Washington, DC 20426. Commissioners may attend and participate. The purpose of this conference is to discuss issues related to the coordination of affected systems that have been raised in the complaint filed by EDF Renewable Energy, Inc. against Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C. in Docket No. EL18–26–000 and in the Commission's Notice of Proposed Rulemaking (Generator Interconnection NOPR) on the interconnection process in Docket No. RM17–8–000. The first day of the conference will focus on questions specific to issues raised in the complaint filed in Docket No. EL18–26–000, while the second day of the conference will focus on the broader affected systems issues raised in the Generator Interconnection NOPR in Docket No. RM17–8–000.

An agenda with a list of selected speakers is attached and will be available in the Commission Calendar of Events at *http://www.ferc.gov.*

While this conference is not for the purpose of discussing other specific cases, we note that the discussions at the conference may address matters at issue in the following Commission proceedings that are either pending or within their rehearing period:

Internal MISO Generators v. *Midcontinent Independent System Operator, Inc.,* Docket No. EL15–99–000;

EDF Renewable Energy, Inc. v. *Midcontinent Independent System Operator, Inc.,* Docket No. EL18–55–000;

Southwest Power Pool, Inc., Docket No. ER18–421–000;

Midcontinent Independent System Operator, Inc., Docket No. ER18–636–000;

Midcontinent Independent System Operator, Inc., Docket No. ER16–1346–003;

Midcontinent Independent System Operator, Inc., Docket No. ER16–1817–004;

Midcontinent Independent System Operator, Inc., Docket No. EL18–17–000;

Midcontinent Independent System Operator, Inc., Docket No. ER17–156–002; and

TranSource, LLC v. PJM Interconnection, L.L.C., Docket No. EL15–79–001.

The conference will be open for the public to attend. Information on the technical conference will also be posted on the Calendar of Events on the Commission's website, *http://www.ferc.gov,* prior to the event. Advance registration is not required but is encouraged. Attendees may register at the following web page: *http://www.ferc.gov/whats-new/registration/04-03-18-form.asp.*

This event will be webcast and transcribed. Anyone with internet access can navigate to the ''FERC Calendar'' at *www.ferc.gov* and locate the technical conference in the Calendar of Events. Opening the technical conference in the Calendar of Events will reveal a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.capitolconnection.org* or call 703–993–3100. The webcast will be available on the Calendar of Events at *www.ferc.gov* for three months after the conference. Transcripts of the conference will be immediately available for a fee from Ace-Federal Reporters, Inc. (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 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *Sarah.Mckinley@ferc.gov*

Myra Sinnott (Technical Information), Office of Energy Policy and Innovation, (202) 502–6033, *Myra.Sinnott@ferc.gov*

Kathleen Ratcliff (Technical Information), Office of Energy Market Regulation, (202) 502–8018, *Kathleen.Ratcliff@ferc.gov*

Lina Naik (Legal Information), Office of the General Counsel, (202) 502–8882, *Lina.Naik@ferc.gov*

Dated: March 26, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06687 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–584–000.
Applicants: Enable Gas Transmission, LLC.
Description: Annual Revenue Crediting Filing of Enable Gas Transmission, LLC.
Filed Date: 3/23/18.
Accession Number: 20180323–5202.
Comments Due: 5 p.m. ET 4/4/18.

Docket Numbers: RP18–234–001.
Applicants: Northern Border Pipeline Company.
Description: Compliance filing Settlement Compliance Period 2 Apr18–Dec19 to be effective 4/1/2018.
Filed Date: 3/27/18.
Accession Number: 20180327–5052.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–585–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032718 Negotiated Rates—Uniper Global Commodities R–7650–02 to be effective 4/1/2018.
Filed Date: 3/27/18.
Accession Number: 20180327–5037.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–586–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Neg. Rate Agmt—MEX Gas Supply, S.L. SP301591—Amendment No. 2 to be effective 4/1/2018.

Filed Date: 3/27/18.
Accession Number: 20180327–5100.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–587–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032718 Negotiated Rates—Vitol Inc. R–7495–06 to be effective 4/1/2018.
Filed Date: 3/27/18.
Accession Number: 20180327–5104.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–588–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032718 Negotiated Rates—Macquarie Energy LLC R–4090–16 to be effective 4/1/2018.
Filed Date: 3/27/18.
Accession Number: 20180327–5106.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–589–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Amended Negotiated Rate Agreement—DTE Energy to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5000.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–590–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Amended Negotiated Rate Filing—Tenaska Marketing Ventures to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5001.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–591–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Neg Rate Agmt—Sequent Energy Mgmt SP100239—Correct Exhibit A to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5003.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–592–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Non-Conforming Agreement—3 in compliance with CP15–93 Order to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5028.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–593–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Non-Conforming Agreement List Update—3 to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5029.
Comments Due: 5 p.m. ET 4/9/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06698 Filed 4–2–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9976–11—Region 5]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Superior Silica Sands and Wisconsin Proppants LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petitions for objection to Clean Air Act title V operating permits.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated February 26, 2018, denying Petitions dated October 25, 2016 and January 25, 2017 from the Ho-Chunk Nation and the Sierra Club John Muir Chapter. The first Petition requested that EPA object to a Clean Air Act (CAA) title V operating permit issued by the Wisconsin Department of Natural Resources (WDNR) to Superior Silica Sands for its industrial sand mining and processing facility in Barron County, Wisconsin. The second Petition also requested that EPA object to a CAA title V operating permit issued by the WDNR to Wisconsin Proppants for its industrial sand mine and processing facility in Jackson County, Wisconsin.

ADDRESSES: EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. You may review copies of the final Order, the Petition, and other supporting information at the EPA Region 5 Office, 77 W. Jackson Blvd., Chicago Illinois, 60604. You may view the hard copies Monday through Friday, from 9 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order and Petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Genevieve Damico, EPA Region 5, (312) 353–4761, *damico.genevieve@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period, if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issues arose after this period.

EPA received the Petitions from Ho-Chunk Nation and the Sierra Club John Muir Chapter dated October 25, 2016 and January 25, 2017, requesting that EPA object to the issuance of operating permit no. 603110860–P01, issued by the WDNR to Superior Silica Sands for its industrial sand mining and processing facility in Barron County, Wisconsin, and operating permit no. 627026620–P01, issued by the WDNR to Wisconsin Proppants for it industrial sand mine and processing facility in Jackson County, Wisconsin. The Petitions alleged that (1) the permits are deficient because they do not include emissions estimates for all sources of particulate matter of less than 2.5 microns (PM 2.5), (2) the permits are deficient because PM 2.5 limits that were based on previous modeling were removed and WDNR has not made a defensible finding that the proposed permits will not cause or contribute to an exceedance of any ambient air quality standard, and (3) (raised in

Superior Silica Sands only) the permit does not assure compliance with New Source Performance Standard for PM limits because the permit does not require the facility to operate the control device according to all of the design parameters specified in the manufacturer's guarantees.

On February 26, 2018, the EPA Administrator issued an Order denying the Petitions. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than June 4, 2018.

Dated: March 20, 2018.

Edward H. Chu,

Acting Regional Administrator, Region 5.

[FR Doc. 2018–06764 Filed 4–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9970–81–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of California's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA approves the authorized program revision for the State of California's National Primary Drinking Water Regulations Implementation program as of May 3, 2018, if no timely request for a public hearing is received and accepted by the Agency.

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 California State Water Resources Control Board (CA SWRCB) submitted an application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed CA SWRCB's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision 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 California's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

CA SWRCB was notified of EPA's determination to approve its application with respect to the authorized program 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 California'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 California'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. 2018–06706 Filed 4–2–18; 8:45 am]

BILLING CODE 6560–50–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 May 1, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Henderson Bancshares, Inc., Troy, Alabama;* to merge with First Brundidge Bancshares, Inc., and thereby directly acquire First National Bank of Brundidge, both of Brundidge, Alabama.

In connection with this proposal, Henderson's parent company, Trust Number 3 under the Will of Charles Henderson, Troy, Alabama, will indirectly acquire First Brundidge Bancshares, Inc. and First National Bank of Brundidge both of Brundidge, Alabama.

Board of Governors of the Federal Reserve System, March 29, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–06731 Filed 4–2–18; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in four consumer financial regulations enforced by the Commission. Those clearances expire on July 31, 2018.

DATES: Comments must be filed by June 4, 2018.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Regs BEMZ, PRA Comments, P084812'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Carole Reynolds or Stephanie Rosenthal, Attorneys, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION: The four regulations covered by this notice are:

(1) Regulations promulgated under the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* (''ECOA'') (''Regulation B'') (OMB Control Number: 3084–0087);

(2) Regulations promulgated under the Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* (''EFTA'') (''Regulation E'') (OMB Control Number: 3084–0085);

(3) Regulations promulgated under the Consumer Leasing Act, 15 U.S.C. 1667 *et seq.* (''CLA'') (''Regulation M'') (OMB Control Number: 3084–0086); and

(4) Regulations promulgated under the Truth-In-Lending Act, 15 U.S.C. 1601 *et seq.* (''TILA'') (''Regulation Z'') (OMB Control Number: 3084–0088).

The FTC enforces these statutes as to all businesses engaged in conduct these laws cover unless these businesses (such as federally chartered or insured depository institutions) are subject to the regulatory authority of another federal agency.

Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), Public Law 111–203, 124 Stat. 1376 (2010), almost all rulemaking authority for the ECOA, EFTA, CLA, and TILA transferred from the Board of Governors of the Federal Reserve System (Board) to the Consumer Financial Protection Bureau (CFPB) on July 21, 2011 (''transfer date''). To implement this transferred authority, the CFPB published interim final rules for new regulations in 12 CFR part 1002 (Regulation B), 12 CFR part 1005 (Regulation E), 12 CFR part 1013 (Regulation M), and 12 CFR 1026 (Regulation Z) for those entities under its rulemaking jurisdiction, which were issued as final rules thereafter.[1] Although the Dodd-Frank Act transferred most rulemaking authority under ECOA, EFTA, CLA, and TILA to the CFPB, the Board retained rulemaking authority for certain motor vehicle dealers[2] under all of these statutes and also for certain interchange-related requirements under EFTA.[3]

As a result of the Dodd-Frank Act, the FTC and the CFPB generally share the authority to enforce Regulations B, E, M, and Z for entities for which the FTC had enforcement authority before the Act, except for certain motor vehicle dealers.[4] Because of the generally shared enforcement jurisdiction, the two agencies have divided the FTC's previously-cleared PRA burden

[1] 12 CFR 1002 (Reg. B) (76 FR 79442, Dec. 21, 2011) (81 FR 25323, Apr. 28, 2016); 12 CFR 1005 (Reg. E) (76 FR 81020, Dec. 27, 2011); (81 FR 25323, Apr. 28, 2016) 12 CFR 1013 (Reg. M) (76 FR 78500, Dec. 19, 2011) (81 FR 25323, Apr. 28, 2016); 12 CFR 1026 (Reg. Z) (76 FR 79768, Dec. 22, 2011) (81 FR 25323, Apr. 28, 2016).

[2] Generally, these are dealers ''predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.'' *See* Dodd-Frank Act, § 1029(a), –(c).

[3] *See* Dodd-Frank Act, § 1075 (these requirements are implemented through Board Regulation II, 12 CFR 235, rather than EFTA's implementing Regulation E).

[4] The FTC's enforcement authority includes state-chartered credit unions; other federal agencies also have various enforcement authority over credit unions. For example, for large credit unions (exceeding $10 billion in assets), the CFPB has certain authority. The National Credit Union Administration also has certain authority for state-chartered federally insured credit unions, and it additionally provides insurance for certain state-chartered credit unions through the National Credit Union Share Insurance Fund and examines credit unions for various purposes. There are approximately three state-chartered credit unions exceeding $10 billion in assets, and the CFPB assumes PRA burden for those entities. As of the third quarter of 2017, there were approximately the following number of state-chartered credit unions: 2,347 state-chartered credit unions—2,106 federally insured, 125 privately insured, and 116 in Puerto Rico insured by a quasi-governmental entity. Because of the difficulty in parsing out PRA burden for such entities in view of the overlapping authority, the FTC's figures include PRA burden for all state-chartered credit unions (rounded to 2,300). As noted above, the CFPB's figures as to state chartered credit unions include burden for those entities exceeding $10 billion in assets (approximately 3 entities). *See generally* Dodd-Frank Act, §§ 1061, 1025, 1026. This attribution does not change actual enforcement authority.

estimates between them,[5] except that the FTC has assumed all of the burden estimates associated with motor vehicle dealers[6] and now is also doing the same regarding estimated burden for state-chartered credit unions (both reflected in the burden summaries below as a ''carve-out''). The division of PRA burden hours not attributable to motor vehicle dealers and, as appropriate, to state-chartered credit unions, is reflected in the CFPB's PRA clearance requests to OMB, as well as in the FTC's burden estimates below.

Through the Dodd-Frank Act, the FTC generally has sole authority to enforce Regulations B, E, M, and Z regarding certain motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both, that, among other things, assign their contracts to unaffiliated third parties.[7] Because the FTC has exclusive jurisdiction to enforce these rules for such motor vehicle dealers and retains its concurrent authority with the CFPB for other types of motor vehicle dealers, and in view of the different types of motor vehicle dealers, the FTC is including for itself the entire PRA burden for all motor vehicle dealers in the burden estimates below.

The regulations impose certain recordkeeping and disclosure requirements associated with providing credit or with other financial transactions. Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must get OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements to submit reports, keep records, or provide information to a third party. *See* 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

All four of these regulations require covered entities to keep certain records, but FTC staff believes these records are kept in the normal course of business even absent the particular recordkeeping requirements.[8] Covered entities, however, may incur some burden associated with ensuring that they do not prematurely dispose of relevant records (*i.e.,* during the time span they must retain records under the applicable regulation).

The regulations also require covered entities to make disclosures to third-parties. Related compliance involves set-up/monitoring and transaction-specific costs. ''Set-up'' burden, incurred only by covered new entrants, includes their identifying the applicable required disclosures, determining how best to comply, and designing and developing compliance systems and procedures. ''Monitoring'' burden, incurred by all covered entities, includes their time and costs to review changes to regulatory requirements, make necessary revisions to compliance systems and procedures, and to monitor the ongoing operation of systems and procedures to ensure continued compliance. ''Transaction-related'' burden refers to the time and cost associated with providing the various required disclosures in individual transactions, thus, generally, of much lesser magnitude than ''monitoring'' (or ''setup'') burden. The FTC's estimates of transaction time and volume are intended as averages. The population of affected motor vehicle dealers is one component of a much larger universe of such entities.

The required disclosures do not impose PRA burden on some covered entities because they make those disclosures in their normal course of activities. For other covered entities that do not, their compliance burden will vary widely depending on the extent to which they have developed effective computer-based or electronic systems and procedures to communicate and document required disclosures.[9]

Calculating the burden associated with the four regulations' disclosure requirements is very difficult because of the highly diverse group of affected entities. The ''respondents'' included in the following burden calculations consist of, among others, credit and lease advertisers, creditors, owners (such as purchasers and assignees) of credit obligations, financial institutions, service providers, certain government agencies and others involved in delivering electronic fund transfers (''EFTs'') of government benefits, and lessors.[10] The burden estimates represent FTC staff's best assessment, based on its knowledge and expertise relating to the financial services industry, of the average time to complete the aforementioned tasks associated with recordkeeping and disclosure. Staff considered the wide variations in covered entities' (1) size and location; (2) credit or lease products offered, extended, or advertised, and their particular terms; (3) EFT types used; (4) types and frequency of adverse actions taken; (5) types of appraisal reports utilized; and (6) computer systems and electronic features of compliance operations.

The cost estimates that follow relate solely to labor costs, and they include the time necessary to train employees how to comply with the regulations. Staff calculated labor costs by multiplying appropriate hourly wages by the burden hours described above. The hourly wages used were $56 for managerial oversight, $42 for skilled technical services, and $17 for clerical work. These figures are averages drawn from Bureau of Labor Statistics data.[11] Further, the FTC cost estimates assume the following labor category apportionments, except where otherwise indicated below: Recordkeeping—10% skilled technical, 90% clerical; disclosure—10% managerial, 90% skilled technical.

The applicable PRA requirements impose minimal capital or other non-labor costs. Affected entities generally already have the necessary equipment for other business purposes. Similarly, FTC staff estimates that compliance with these rules entails minimal printing and copying costs beyond that associated with documenting financial transactions in the normal course of business.

The following discussion and tables present FTC estimates under the PRA of recordkeeping and disclosure average

[5] The CFPB also factors into its burden estimates respondents over which it has jurisdiction but the FTC does not.

[6] *See* Dodd-Frank Act § 1029 (a), as limited by subsection (b) as to motor vehicle dealers. Subsection (b) does not preclude CFPB regulatory oversight regarding, among others, businesses that extend retail credit or retail leases for motor vehicles in which the credit or lease offered is provided directly from those businesses, rather than unaffiliated third parties, to consumers. It is not practicable, however, for PRA purposes, to estimate the portion of dealers that engage in one form of financing versus another (and that would or would not be subject to CFPB oversight). Thus, FTC staff's ''carve-out'' for this PRA burden analysis reflects a general estimated volume of motor vehicle dealers. This attribution does not change actual enforcement authority.

[7] *See* Dodd-Frank Act, § 1029(a), –(c).

[8] PRA ''burden'' does not include ''time, effort, and financial resources'' expended in the normal course of business, regardless of any regulatory requirement. *See* 5 CFR 1320.3(b)(2).

[9] For example, large companies may use computer-based and/or electronic means to provide required disclosures, including issuing some disclosures en masse, *e.g.,* notice of changes in terms. Smaller companies may have less automated compliance systems but may nonetheless rely on electronic mechanisms for disclosures and recordkeeping. Regardless of size, some entities may utilize compliance systems that are fully integrated into their general business operational system; if so, they may have minimal additional burden. Other entities may have incorporated fewer of these approaches into their systems and thus may have a higher burden.

[10] The Commission generally does not have jurisdiction over banks, thrifts, and federal credit unions under the applicable regulations.

[11] These inputs are based broadly on mean hourly data found within the ''Bureau of Labor Statistics, Economic News Release,'' March 31, 2017, Table 1, ''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2016.'' *http://www.bls.gov/news.release/ocwage.t01.htm.*

time and labor costs, excluding that which the FTC believes entities incur customarily in the normal course of business [12] and information compiled and produced in response to FTC law enforcement investigations or prosecutions.[13]

1. Regulation B

The ECOA prohibits discrimination in the extension of credit. Regulation B implements the ECOA, establishing disclosure requirements to assist customers in understanding their rights under the ECOA and recordkeeping requirements to assist agencies in enforcement. Regulation B applies to retailers, mortgage lenders, mortgage brokers, finance companies, and others.

Recordkeeping

FTC staff estimates that Regulation B's general recordkeeping requirements affect 530,762 credit firms subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per firm for a total of 663,453 hours.[14] Staff also estimates that the requirement that mortgage creditors monitor information about race/national origin, sex, age, and marital status imposes a maximum burden of one minute each (of skilled technical time) for approximately 2.6 million credit applications (based on industry data regarding the approximate number of mortgage purchase and refinance originations), for a total of 43,333 hours.[15] Staff also estimates that recordkeeping of self-testing subject to the regulation would affect 1,500 firms, with an average annual burden of one hour (of skilled technical time) per firm, for a total of 1,500 hours, and that recordkeeping of any corrective action as a result of self-testing would affect 10% of them, *i.e.,* 150 firms, with an average annual burden of four hours (of skilled technical time) per firm, for a total of 600 hours.[16] Keeping associated records of race/national origin, sex, age, and marital status requires an estimated one minute of skilled technical time.

Disclosure

Regulation B requires that creditors (*i.e.,* entities that regularly participate in the decision whether to extend credit under Regulation B) provide notices whenever they take adverse action, such as denial of a credit application. It requires entities that extend mortgage credit with first liens to provide a copy of the appraisal report or other written valuation to applicants.[17] Finally, Regulation B also requires that for accounts which spouses may use or for which they are contractually liable, creditors who report credit history must do so in a manner reflecting both spouses' participation. Further, it requires creditors that collect applicant characteristics for purposes of conducting a self-test to disclose to those applicants that: (1) Providing the information is optional; (2) the creditor will not take the information into account in any aspect of the credit transactions; and (3) if applicable, the information will be noted by visual observation or surname if the applicant chooses not to provide it.[18]

Burden Totals

Recordkeeping: 708,886 hours (631,281 + 77,605 carve-out); $14,845,512 ($13,316,477 + $1,529,035 carve-out), associated labor costs.

Disclosures: 1,088,912 hours (961,224 + 127,688 carve-out); $47,258,792 ($41,717,144 + $5,541,648 carve-out), associated labor costs.

REGULATION B—DISCLOSURES—BURDEN HOURS

Disclosures	Respondents	Setup/Monitoring [1]		Number of transactions	Transaction-related [2]		Total burden (hours)
		Average burden per respondent (hours)	Total setup/ monitoring burden (hours)		Average burden per transaction (minutes)	Total transaction burden (hours)	
Credit history reporting	133,553	.25	33,388	60,098,850	.25	250,412	283,800
Adverse action notices	530,762	.75	398,072	92,883,350	.25	387,014	785,086
Appraisal reports/written valuations	4,650	1	4,650	1,725,150	.50	14,376	19,026
Self-test disclosures	1,500	.5	750	60,000	.25	250	1,000
Total							1,088,912

[1] The estimates assume that all applicable entities would be affected, with respect to appraisal reports and other written valuations. These entities have decreased slightly, while credit history, adverse action and self-test entities have increased slightly, from prior FTC estimates, based on market changes.

[2] Applicable transactions have increased for appraisal reports; however, credit history, adverse action and self-test transactions have decreased, based on market changes. Taken together, the overall total disclosure burden has decreased.

[12] *See supra* note 8 and accompanying text.

[13] *See* 5 CFR 1320.4(a) (excluding information collected in response to, among other things, a federal civil action or ''during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities'').

FTC enforcement initiatives are based on diverse statutory and regulatory requirements. Some actions are brought in partnership with other federal and state agencies and encompass matters enforced by those agencies, not solely issues related to Regulations M and Z. Further, even where Regulations M and Z matters also are involved in FTC actions, or are in the broader initiative or enforcement sweep of automobile actions, the actions frequently include charges of unfair and/or deceptive practices under Section 5 of the FTC Act, 15 U.S.C. 45(a), and/or may involve warranty violations under the Magnuson Moss Warranty Act, 15 U.S.C. 2301–2312, and other issues not pertinent to this PRA submission. *See, e.g.,* FTC, Press Release, *FTC, Multiple Law Enforcement Partners Announce Crackdown on Deception, Fraud in Auto Sales, Financing and Leasing,* Mar. 26, 2015, *available at https://www.ftc.gov/news-events/press-releases/2015/03/ftc-multiple-law-enforcement-partners-announce-crackdown.* The FTC also frequently issues business ''blog'' guidance with its enforcement initiatives to guide and facilitate compliance. *See, e.g.,* Lesley Fair, ''*FTC says car dealer took consumers for a ride—again,* FTC BUSINESS CENTER BLOG (Aug. 18, 2016), *available at https://www.ftc.gov/news-events/blogs/business-blog/2016/08/ftc-says-car-dealer-took-consumers-ride-again;* Lesley Fair, *Operation Ruse Control: Six tips if cars are up your alley,* FTC BUSINESS CENTER BLOG (Mar. 26, 2015), *available at https://www.ftc.gov/news-events/blogs/business-blog/2015/03/operation-ruse-control-6-tips-if-cars-are-your-alley.*

[14] Section 1071 of the Dodd-Frank Act amended the ECOA to require financial institutions to collect and report information concerning credit applications by women- or minority-owned businesses and small businesses, effective on the July 21, 2011 transfer date. Both the CFPB and the Board have exempted affected entities from complying with this requirement until a date set by the prospective final rules these agencies issue to implement it. The Commission will address PRA burden for its enforcement of the requirement after the CFPB and the Board have issued the associated final rules.

[15] Regulation B contains model forms that creditors may use to gather and retain the required information.

[16] In contrast to banks, for example, entities under FTC jurisdiction are not subject to audits by the FTC for compliance with Regulation B; rather they may be subject to FTC investigations and enforcement actions. This may impact the level of self-testing (as specifically defined by Regulation B) in a given year, and staff has sought to address such factors in its burden estimates.

[17] While the rule also requires the creditor to provide a short written disclosure regarding the appraisal process, the disclosure is provided by the CFPB, and is thus not a ''collection of information'' for PRA purposes. Accordingly, it is not included in burden estimates below.

[18] The disclosure may be provided orally or in writing. The model form provided by Regulation B assists creditors in providing the written disclosure.

REGULATION B—RECORDKEEPING AND DISCLOSURES—COST

Required Task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($47/hr.)	Time (hours)	Cost ($17/hr.)	
General recordkeeping	0	$0	66,345	$2,786,490	597,108	$10,150,836	$12,937,326
Other recordkeeping	0	0	43,333	1,819,986	0	0	1,819,986
Recordkeeping of self-test	0	0	1,500	63,000	0	0	63,000
Recordkeeping of corrective action	0	0	600	25,200	0	0	25,200
Total Recordkeeping							14,845,512
Disclosures:							
Credit history reporting	28,380	1,589,280	255,420	10,727,640	0	0	12,316,920
Adverse action notices	78,509	4,396,504	706,577	29,676,234	0	0	34,072,738
Appraisal reports	1,903	106,568	17,123	719,166	0	0	825,734
Self-test disclosure	100	5,600	900	37,800	0	0	43,400
Total Disclosures							47,258,792
Total Recordkeeping and Disclosures							62,104,304

2. Regulation E

The EFTA requires that covered entities provide consumers with accurate disclosure of the costs, terms, and rights relating to EFT and certain other services. Regulation E implements the EFTA, establishing disclosure and other requirements to aid consumers and recordkeeping requirements to assist agencies with enforcement. It applies to financial institutions, retailers, gift card issuers and others that provide gift cards, service providers, various federal and state agencies offering EFTs, prepaid account entities, etc. Staff estimates that Regulation E's recordkeeping requirements affect 251,053 firms offering EFT and certain other services to consumers and that are subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 251,053 hours. This represents a decrease from prior figures, reflecting a decrease in entities under FTC jurisdiction engaged in applicable activities.

Burden Totals

Recordkeeping: 251,053 hours (233,947 + 17,106 carve-out); $4,895,526 ($4,561,949 + $333,577 carve-out), associated labor costs.

Disclosures: 7,184,903 hours (7,165,929 + 18,974 carve-out); $311,824,800 ($310,999,734 + $825,066 carve-out), associated labor costs.

REGULATION E—DISCLOSURES—BURDEN HOURS

Disclosures [1]	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent	Total setup/ monitoring burden (hours)	Number of Transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Initial terms	27,300	.5	13,650	273,000	.02	91	13,741
Change in terms	8,550	.5	4,275	11,286,000	.02	3,762	8,037
Periodic statements	27,300	.5	13,650	327,600,000	.02	109,200	122,850
Error resolution	27,300	.5	13,650	273,000	5	22,750	36,400
Transaction receipts	27,300	.5	13,650	1,375,000,000	.02	458,333	471,983
Preauthorized transfers [2]	258,553	.5	129,277	6,463,825	.25	26,933	156,210
Service provider notices	20,000	.25	5,000	200,000	.25	833	5,833
ATM notices	125	.25	31	25,000,000	.25	104,167	104,198
Electronic check conversion [3]	48,553	.5	24,277	728,295	.02	243	24,520
Overdraft services	15,000	.5	7,500	1,500,000	.02	500	8,000
Gift cards	15,000	.5	7,500	750,000,000	.02	250,000	257,500
Remittance transfers:							
Disclosures	4,800	1.25	6,000	96,000,000	.9	1,440,000	1,446,000
Error resolution	4,800	1.25	6,000	120,960,000	.9	1,814,400	1,820,400
Agent compliance	4,800	1.25	6,000	96,000,000	.9	1,440,000	1,446,000
Prepaid accounts and gov't benefits: [4]							
Disclosures	550	40x10 [5]	220,000	2,750,000,000	.02	916,667	1,136,667
Disclosures—updates	138	1x10	1,380 [6]	N/A			1,380
Access to account information	550	20x10 [7]	110,000	1,100,000	.01	183	110,183
Error resolution	300	4x4	4,800	275,000	2	9,167	13,967
Error resolution—followup [8]		N/A		1,380	30	690	690
Submission of agreements	138	2x1	276	690	1	11	287
Updates to agreements [9]		N/A		690	5	57	57
Total							7,184,903

[1] Except as noted below, most respondent tallies in this table have decreased due to business shifts and other market changes that result in fewer entities under FTC jurisdiction. Accordingly, related transactions under FTC jurisdiction have also decreased.

[2] Preauthorized transfers rules apply to ''persons'' and entities. The number of respondents and transactions by such persons have increased, as these preauthorized transfers are used more commonly than previously.

[3] The total number of electronic check conversion respondents and transactions has decreased, particularly due to declining check usage.

[4] Prepaid accounts are now covered by Regulation E (and payroll cards are included in this area). Government benefit notices are included also in this area, although some separate requirements for government benefits remain; these factors are accounted for in the estimates. The number of government benefit entities also have declined given business shifts that have reduced the number of entities under FTC jurisdiction (and prepaid entities under FTC jurisdiction are also few in number).

[5] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[6] This reflects prepaid accounts' updates of additional fee type disclosures. Individual burden hours are listed first, followed by the number of programs.
[7] Burden hours are on a per program basis; individual burden hours are listed first, followed by the number of programs.
[8] This pertains to prepaid accounts.
[9] This pertains to prepaid accounts' agreements.

REGULATION E—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	25,105	$1,054,410	225,948	$3,841,116	$4,895,526
Disclosures:							
Initial terms	1,374	76,944	12,367	519,414	0	0	596,358
Change in terms	804	45,024	7,233	303,786	0	0	348,810
Periodic statements	12,285	687,960	110,565	4,643,730	0	0	5,331,690
Error resolution	3,640	203,840	32,760	1,375,920	0	0	1,579,760
Transaction receipts	47,198	2,643,088	424,785	17,840,970	0	0	20,484,058
Preauthorized transfers	15,621	874,776	140,589	5,904,738	0	0	6,779,514
Service provider notices	583	32,648	5,250	220,500	0	0	253,148
ATM notices	10,420	583,520	93,778	3,938,676	0	0	4,522,196
Electronic check conversion	2,452	137,312	22,068	926,856	0	0	1,064,168
Overdraft services	800	44,800	7,200	302,400	0	0	347,200
Gift cards	25,750	1,442,000	231,750	9,733,500	0	0	11,175,500
Remittance transfers:							
Disclosures	144,600	8,097,600	1,301,400	54,658,800	0	0	62,756,400
Error resolution	182,040	10,194,240	1,638,360	68,811,120	0	0	79,005,360
Agent compliance	144,600	8,097,600	1,301,400	54,658,800	0	0	62,756,400
Prepaid accounts and gov't. benefits:							
Disclosures	113,667	6,365,352	1,023,000	42,966,000	0	0	49,331,352
Disclosures—updates	138	7,728	1,242	52,164	0	0	59,892
Access to account information	11,018	617,008	99,165	4,164,930	0	0	4,781,938
Error resolution	1,397	78,232	12,570	527,940	0	0	606,172
Error resolution—followup	69	3,864	621	26,082	0	0	29,946
Submission of agreements	29	1,624	258	10,836	0	0	12,460
Updates to agreements	6	336	51	2,142	0	0	2,478
Total Disclosures							311,824,800
Total Recordkeeping and Disclosures							316,720,326

3. Regulation M

The CLA requires that covered entities provide consumers with accurate disclosure of the costs and terms of leases. Regulation M implements the CLA, establishing disclosure requirements to help consumers comparison shop and understand the terms of leases and recordkeeping requirements. It applies to vehicle lessors (such as auto dealers, independent leasing companies, and manufacturers' captive finance companies), computer lessors (such as computer dealers and other retailers), furniture lessors, various electronic commerce lessors, diverse types of lease advertisers, and others.

Staff estimates that Regulation M's recordkeeping requirements affect approximately 30,203 firms within the FTC's jurisdiction leasing products to consumers at an average annual burden of one hour per firm, for a total of 30,203 hours.

Burden Totals [19]

Recordkeeping: 30,203 hours (3,513 + 26,690 carve-out); $1,649,088 ($191,814 + $1,457,274 carve-out), associated labor costs.

Disclosures: 71,750 hours (2,094 + 69,656 carve-out); $3,917,550 ($114,394 + $3,803,156 carve-out), associated labor costs.

REGULATION M—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Motor Vehicle Leases [1]	26,690	1	26,690	4,000,000	.50	33,333	60,023
Other Leases [2]	3,513	.50	1,757	60,000	.25	250	2,007
Advertising [3]	14,615	.50	7,308	578,960	.25	2,412	9,720
Total							71,750

[1] This category focuses on consumer vehicle leases. Vehicle leases are subject to more lease disclosure requirements (pertaining to computation of payment obligations) than other lease transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). While the number of respondents for vehicle leases has decreased with market changes, the number of vehicle lease transactions has remained about the same, compared to past FTC estimates. Leases up to $55,800 plus an annual adjustment are now covered. The resulting total burden has decreased.

[19] Recordkeeping and disclosure burden estimates for Regulation M are more substantial for motor vehicle leases than for other leases, including burden estimates based on market changes and regulatory definitions of coverage. Based on industry information, the estimates for recordkeeping and disclosure costs assume the following: 90% managerial, and 10% skilled technical. As noted above, for purposes of PRA burden calculations for Regulations B, E, M, and Z, and given the different types of motor vehicle dealers, the FTC is including in its estimates burden for all of them.

[2] This category focuses on all types of consumer leases other than vehicle leases. It includes leases for computers, other electronics, small appliances, furniture, and other transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). The number of respondents has decreased, based on market changes in companies and types of transactions they offer; the number of such transactions has also declined, based on types of transactions offered that are covered by the CLA. Leases up to $55,800 plus an annual adjustment are now covered. The resulting total burden has decreased.

[3] Respondents for advertising have decreased as have lease advertisements, based on market changes, from past FTC estimates. The resulting total burden has decreased.

REGULATION M—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	27,183	$1,522,248	3,020	$126,840	0	0	$1,649,088
Disclosures:.							
Motor Vehicle Leases	54,021	3,025,176	6,002	252,084	0	0	3,277,260
Other Leases	1,806	101,136	201	8,442	0	0	109,578
Advertising	8,748	489,888	972	40,824	0	0	530,712
Total Disclosures							3,917,550
Total Recordkeeping and Disclosures							5,566,638

4. Regulation Z

The TILA was enacted to foster comparison credit shopping and informed credit decision making by requiring creditors and others to provide accurate disclosures regarding the costs and terms of credit to consumers. Regulation Z implements the TILA, establishing disclosure requirements to assist consumers and recordkeeping requirements to assist agencies with enforcement. These requirements pertain to open-end and closed-end credit and apply to various types of entities, including mortgage companies; finance companies; auto dealerships; private education loan companies; merchants who extend credit for goods or services; credit advertisers; acquirers of mortgages; and others. Additional requirements also exist in the mortgage area, including for high cost mortgages, higher-priced mortgage loans,[20] ability to pay of mortgage consumers, mortgage servicing, loan originators, and certain integrated mortgage disclosures.

FTC staff estimates that Regulation Z's recordkeeping requirements affect approximately 430,762 entities subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per entity with .25 additional hours per entity for 3,650 entities (ability to pay), and 5 additional hours per entity for 4,500 entities (loan originators).

Burden Totals

Recordkeeping: 561,866 hours (484,961 + 76,905 carve-out); $10,956,397 ($9,456,749 + $1,499,648 carve-out), associated labor costs.

Disclosures: 7,854,575 hours ($6,838,256 + 1,016,319 carve-out; $318,601,732 ($274,493,500 + $44,108,232 carve-out), associated labor costs.

REGULATION Z—DISCLOSURES—BURDEN HOURS

Disclosures [1]	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Open-end credit:.							
Initial terms	23,650	.75	17,738	10,500,600	.375	65,629	83,367
Initial terms—prepaid accounts	3	[2] 4x1	12	[3] 3x78,667	.125	492	504
Rescission notices	750	.5	375	3,750	.25	16	391
Subsequent disclosures	4,650	.75	3,488	23,250,000	.188	72,850	76,338
Subsequent disclosures—prepaid accounts	3	[4] 4x1	12	[5] 3x78,667	.0625	246	258
Periodic statements	23,650	.75	17,738	788,325,450	.0938	1,232,415	1,250,153
Periodic statements—prepaid accounts	3	[6] 40x1	120	[7] 3x944,000	.03125	1,475	1,595
Error resolution	23,650	.75	17,738	2,104,850	6	210,485	228,223
Error resolution—prepaid accounts followup	3	[8] 4x1	12	[9] 3x1,180	15	885	897
Credit and charge card accounts	10,250	.75	7,688	5,125,000	.375	32,031	39,719

[20] While Regulation Z also requires the creditor to provide a short written disclosure regarding the appraisal process for higher-priced mortgage loans, the disclosure is provided by the CFPB. As a result, it is not a ''collection of information'' for PRA purposes (*see* 5 CFR 1320.3(c)(2)). It is thus excluded from the burden estimates below.

REGULATION Z—DISCLOSURES—BURDEN HOURS—Continued

Disclosures [1]	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Credit and charge card accounts—prepaid accounts	3	[10] 4x1	12	[11] 3x12	240	144	156
Settlement of estate debts	23,650	.75	17,738	496,650	.375	3,104	20,842
Special credit card requirements	10,250	.75	7,688	5,125,000	.375	32,031	39,719
Home equity lines of credit	750	.5	375	5,250	.25	22	397
Home equity lines of credit high-cost mortgages	250	2	500	1,500	2	50	550
College student credit card marketing—ed. institutions	1,350	.5	675	81,000	.25	338	1,013
College student credit card marketing—card issuer reports	150	.75	113	4,500	.75	56	169
Posting and reporting of credit card agreements	10,250	.75	7,688	5,125,000	.375	32,031	39,719
Posting and reporting of prepaid account agreements	3	[12] .75x1	2	[13] 3x5	2.5	1	3
Advertising	38,650	.75	28,988	115,950	.75	1,449	30,437
Advertising—prepaid accounts	3	[14] 20x1	60	N/A	.....	.....	60
Advertising—prepaid accounts Updates	3	[15] 0.2x5	3	N/A	.....	.....	3
Sale, transfer, or assignment of mortgages	500	.5	250	500,000	.25	2,083	2,333
Appraiser misconduct reporting	301,150	.75	225,863	6,023,000	.375	37,644	263,507
Mortgage servicing [16]	1,500	.75	1,125	150,000	.5	1,250	2,375
Loan originators	2,250	2	4,500	22,500	5	1,875	6,375
Closed-end credit:.							
Credit disclosures	280,762	.75	210,572	112,304,800	2.25	4,211,430	4,422,002
Rescission notices	3,650	.5	1,825	5,475,000	1	91,250	93,075
Redisclosures	101,150	.5	50,575	505,750	2.25	18,966	69,541
Integrated mortgage disclosures	3,650	10	36,500	10,950,000	3.5	638,750	675,250
Variable rate mortgages	3,650	1	3,650	365,000	1.75	10,646	14,296
High cost mortgages	1,750	1	1,750	43,750	2	1,458	3,208
Higher priced mortgages	1,750	1	1,750	14,000	2	467	2,217
Reverse mortgages	3,025	.5	1,513	15,125	1	252	1,765
Advertising	205,762	.5	102,881	2,057,620	1	34,294	137,175
Private education loans	75	.5	38	30,000	1.5	750	788
Sale, transfer, or assignment of mortgages	48,850	.5	24,425	2,442,500	.25	10,177	34,602
Ability to pay/qualified mortgage	3,650	.75	2,738	0	0	0	2,738
Appraiser misconduct reporting	301,150	.75	225,863	6,023,000	.375	37,644	263,507
Mortgage servicing [17]	3,650	1.5	5,475	730,000	2.75	33,458	38,933
Loan originators	2,250	2	4,500	22,500	5	1,875	6,375
Total open-end credit	.....	.....	.....	.....	.....	.....	2,089,103
Total closed-end credit	.....	.....	.....	.....	.....	.....	5,765,472

REGULATION Z—DISCLOSURES—BURDEN HOURS—Continued

Disclosures [1]	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Total credit							7,854,575

[1] Regulation Z requires disclosures for closed-end and open-end credit. TILA and Regulation Z now cover credit up to $55,800 plus an annual adjustment (except that real estate credit and private education loans are covered regardless of amount). In most instances noted below, business shifts and other market changes have reduced estimated PRA burden. In a few instances noted below, changes to Regulation Z have increased estimated PRA burden. This is particularly due to the inclusion of burden for prepaid accounts with certain credit aspects, as applicable, due to new rules. However, the overall effect of these competing factors, combined with the FTC sharing with the CFPB estimated PRA burden (for all but motor vehicle dealers and certain credit unions) yields a net decrease from the FTC's prior reported estimate for open-end credit and for closed-end credit.

[2] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[3] This figure lists the number of entities followed by the number of responses or programs each.

[4] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[5] This figure lists the number of entities followed by the number of responses or programs each.

[6] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[7] This figure lists the number of entities followed by the number of responses or programs each.

[8] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[9] This figure lists the number of entities followed by the number of responses or programs each.

[10] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[11] This figure lists the number of entities followed by the number of responses or programs each.

[12] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[13] This figure lists the number of entities followed by the number of responses or programs each.

[14] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[15] Burden hours are on a per program basis. Individual burden hours are listed first, followed by the number of programs.

[16] Regulation Z has expanded various mortgage servicing requirements for successors-in-interest, which in some instances can affect open-end credit, increasing burden. However, the number of entities and transactions under FTC jurisdiction have decreased, reducing overall burden compared to prior FTC estimates.

[17] Regulation Z has expanded various mortgage servicing requirements for successors-in-interest, and periodic statement requirements including for consumers in bankruptcy, among other things, affecting closed-end credit, increasing burden. However, the number of entities and transactions under FTC jurisdiction have decreased, reducing overall burden compared to prior FTC estimates.

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	56,187	$2,359,854	505,679	$8,596,543	$10,956,397
Open-end credit Disclosures:.							
Initial terms	8,337	466,872	75,030	3,151,260	0	0	3,618,132
Initial terms—prepaid accounts	50	2,800	454	19,068	0	0	21,868
Rescission notices	39	2,184	352	14,784	0	0	16,968
Subsequent disclosures	7,634	427,504	68,704	2,885,568	0	0	3,313,072
Subsequent disclosures—prepaid accounts	26	1.456	232	9,744	0	0	11,200
Periodic statements	125,015	7,000,840	1,125,138	47,255,796	0	0	54,256,636
Periodic statements—prepaid accounts	159	8,904	1436	60,312	0	0	69.216
Error resolution	22,822	1,278,032	205,401	8,626,842	0	0	9,904,874
Error resolution—prepaid accounts followup	90	5,040	807	33.894	0	0	38,934
Credit and charge card accounts	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Credit and charge card accounts-prepaid accounts	16	896	140	5,880	0	0	6,776
Settlement of estate debts	2,084	116,704	18,758	787,836	0	0	904,540
Special credit card requirements	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Home equity lines of credit	40	2,240	357	14,994	0	0	17,234
Home equity lines of credit—high cost mortgages	55	3,080	495	20,790	0	0	23,870
College student credit card marketing—ed institutions	101	5,656	912	38,304	0	0	43,960
College student credit card marketing—card issuer reports	17	952	152	6,384	0	0	7,336
Posting and reporting of credit card agreements	3,972	222,432	35,747	1,501,374	0	0	1,723,806
Posting and reporting of prepaid accounts	1	56	2	84	0	0	140
Advertising	3,044	170,464	27,393	1,150,506	0	0	1,320,970
Advertising—prepaid accounts	6	336	54	2,268	0	0	2,604
Advertising—prepaid accounts Updates	1	56	2	84	0	0	140
Sale, transfer, or assignment of mortgages	233	13,048	2,100	88,200	0	0	101,248
Appraiser misconduct reporting	26,351	1,475,656	237,156	9,960,552	0	0	11,436,208
Mortgage servicing	238	13,328	2,137	89,754	0	0	103,082
Loan originators	638	35,728	5,737	240,954	0	0	276,682
Total open-end credit							90,667,108
Closed-end credit Disclosures:.							
Credit disclosures	442,200	2,476,300	3,979,802	167,151,684	0	0	169,627,984
Rescission notices	9,308	521,248	83,767	3,518,214	0	0	4,039,462
Redisclosures	6,954	389,424	62,587	2,628,654	0	0	3,018,078
Integrated mortgage disclosures	67,525	3,781,400	607,725	25,524,450	0	0	29,305,850
Variable rate mortgages	1,430	80,080	12,866	540,372	0	0	620,452
High cost mortgages	321	17,976	2,887	121,254	0	0	139,230
Higher priced mortgages	222	12,432	1,995	83,790	0	0	96,222

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST—Continued

Required task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Reverse mortgages	177	9,912	1,588	66,696	0	0	76,608
Advertising	13,718	768,208	123,457	5,185,194	0	0	5,953,402
Private education loans	79	4,424	709	29,778	0	0	34,202
Sale, transfer, or assignment of mortgages	3,460	193,760	31,142	1,307,964	0	0	1,501,724
Ability to pay/qualified mortgage	274	15,344	2,464	103,488	0	0	118,832
Appraiser misconduct reporting	26,351	1,475,656	237,156	9,960,552	0	0	11,436,208
Mortgage servicing	3,893	218,008	35,040	1,471,680	0	0	1,689,688
Loan originators	638	35,728	5,737	240,954	0	0	276,682
Total closed-end credit							227,934,624
Total Disclosures							318,601,732
Total Recordkeeping and Disclosures							329,558,129

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are useful; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of providing the required information to consumers.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before June 4, 2018. Write ''Regs BEMZ, PRA Comments, P084812'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public FTC website, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra,* by following the instructions on the web-based form. If this Notice appears at *https://www.regulations.gov/#!home,* you also may file a comment through that website.

If you file your comment on paper, write ''Regs BEMZ, PRA Comments, P084812'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov/,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 4, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–06669 Filed 4–2–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Study of Coaching Practices in Early Care and Education Settings (SCOPE).

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to collect

descriptive information for the Study of Coaching Practices in Early Care and Education Settings (SCOPE) project. The goal of this information collection is to identify how professional development coaching practices for early care and education (ECE) providers are implemented and vary in ECE classrooms serving children supported by Child Care and Development Fund (CCDF) subsidies or Head Start grants. This study will focus primarily on coaching used for delivering professional development services to ECE teachers and caregivers to improve knowledge and practice in center-based classrooms and family child care (FCC) homes serving preschool-age children. This study aims to advance understanding of how core features of coaching are implemented in ECE classrooms, how the features may vary by key contextual factors and implementation drivers, and which are ripe for more rigorous evaluation. The study tasks will include gathering information to inform selection of states in which to conduct the study, designing and conducting a descriptive study to examine the occurrence and variability of coaching features in ECE classrooms, and conducting case studies to examine program or systems-level drivers of coaching and the features being implemented.

Respondents: State administrators knowledgeable about coaching and coaching funders or providers, ECE center directors, coaches, teachers, and FCC providers.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
State coaching informant interview protocol	45	23	1	1	23
ECE setting eligibility screener	173	87	1	0.25	22
Center director survey	60	30	1	0.5	15
Coach survey	90	45	1	0.5	23
Teacher/FCC provider survey	172	86	1	0.58	50
Center director semi-structured interview protocol	12	6	1	1.5	9
Coach semi-structured interview protocol	12	6	1	1	6
Teacher/FCC provider semi-structured interview protocol	12	6	1	1	6
Coach supervisor semi-structured interview protocol	12	6	1	0.5	3

Estimated Total Annual Burden Hours: 157

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. 2018–06684 Filed 4–2–18; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Network Clinical Trials.

Date: April 13, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 435–6033, *rajarams@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 27, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06707 Filed 4–2–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0141]

National Maritime Security Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard seeks applications for membership on the National Maritime Security Advisory Committee. The National Maritime Security Advisory Committee provides advice and makes recommendations on national maritime security matters to the Secretary of Homeland Security via

the Commandant of the United States Coast Guard.

DATES: Completed applications should reach the U.S. Coast Guard on or before May 3, 2018.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the National Maritime Security Advisory Committee that also identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: ryan.f.owens@uscg.mil;*
- *By Fax:* 202–372–8353, ATTN: Mr. Ryan Owens, Alternate Designated Federal Officer; or
- *By Mail:* Mr. Ryan Owens, National Maritime Security Advisory Committee, Alternate Designated Federal Officer, CG–FAC, U.S. Coast Guard Headquarters, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593, Stop 7501, Washington, DC 20593–7501.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Owens, Commandant (CG–FAC–1), the National Maritime Security Advisory Committee Alternate Designated Federal Officer, U.S. Coast Guard Headquarters, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593, Stop 7501, Washington, DC 20593–7501, *ryan.f.owens@uscg.mil,* Phone: 202–372–1108, Fax: 202–372–8353.

SUPPLEMENTARY INFORMATION: The National Maritime Security Advisory Committee is a Federal Advisory Committee, which operates under the provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix. The National Maritime Security Advisory Committee advises, consults with, and makes recommendations to the Secretary via the Commandant of the Coast Guard on matters relating to national maritime security.

The full Committee normally meets at least two times per fiscal year. Working group meetings and teleconferences are held more frequently, as needed. The Committee may also meet for extraordinary purposes.

Each National Maritime Security Advisory Committee member serves a term of office up to 3 years. Members may serve a maximum of two consecutive terms. All members serve without compensation from the Federal Government; however, they may receive travel reimbursement and per diem.

We will consider applications for 16 representative positions listed below that will become vacant on June 1, 2018 and December 31, 2018.

Applicants with experience in the following sectors of the marine transportation industry with at least five years of practical experience in their field are encouraged to apply:

- At least four individuals who represents the interests of the port authorities. Two become vacant on June 1, 2018 and two become vacant on December 31, 2018;
- at least three individuals who represents the interests of the vessel owners or operators. One becomes vacant on June 1, 2018 and two become vacant on December 31, 2018;
- at least two individuals who represents the interests of the facilities owners/operators. Both become vacant on December 31, 2018;
- at least two individuals who represents the interests of the terminal owners/operators. Both become vacant on December 31, 2018;
- at least two individuals who represents the interests of the maritime labor organizations. One becomes vacant on June 1, 2018 and one becomes vacant on December 31, 2018;
- at least two individuals who represents the interests of the maritime industry. One becomes vacant on June 1, 2018 and one becomes vacant on December 31, 2018;
- at least one individual who represents the academic community. One becomes vacant on December 31, 2018.

Due to the nature of National Maritime Security Advisory Committee business, National Maritime Security Advisory Committee members are required to apply for, obtain, and maintain a government national security clearance at the Secret level. The U.S. Coast Guard will sponsor and assist candidates with this process.

Registered lobbyists are not eligible to serve on Federal Advisory Committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyist to Federal Advisory Committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists as defined in Title 2 U.S.C. 1602 who are required by Title 2 U.S.C. 1603 to register with the Secretary of the Senate and the Clerk of the House of Representatives.

The Department of Homeland Security does not discriminate in selection of committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the committee, send your complete application package to Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: March 28, 2018.

Jason D. Neubauer,

Captain, U.S. Coast Guard, Acting Director of Inspections and Compliance.

[FR Doc. 2018–06745 Filed 4–2–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0098; Docket No. FWS–HQ–IA–2017–0064; FXIA16710900000–178–FF09A30000]

Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities. The ESA also requires that we invite public comment before issuing these permits.

DATES: We must receive comments by May 3, 2018.

ADDRESSES:

Document availability: The applications, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–HQ–IA–2017–0098 or Docket No. FWS–HQ–IA–2017–0064 (as appropriate) at *http://www.regulations.gov.*

Submitting Comments: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–####. (Search under appropriate docket number, which can be found under **SUPPLEMENTARY INFORMATION**, III., Permit Applications.)

• *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–####; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803. (Note: Insert appropriate docket number, which can be found under **SUPPLEMENTARY INFORMATION**, III., Permit Applications.)

When submitting comments, please indicate the name of the applicant and the PRT# at the beginning of your comment. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see **SUPPLEMENTARY INFORMATION** for more information).

FOR FURTHER INFORMATION CONTACT: Joyce Russell, 703–358–2280.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

You may submit your comments and materials by one of the methods listed under *Submitting Comments* in the **ADDRESSES** section. We will not consider comments sent by email or fax, or to an address not in the **ADDRESSES** section.

Please make your requests or comments as specific as possible, confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above in **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

C. Who will see my comments?

If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), we invite public comment on these permit applications before final action is taken.

III. Permit Applications

We invite the public to comment on applications to conduct certain activities with endangered species. With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: B Bryan Preserve LLC, Point Arena, CA; PRT–MA117577 (Docket No. FWS–HQ–IA–2017–0098)

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Grevy's zebra (*Equus grevyi*), Hartmann's mountain zebra (*Equus zebra hartmannae*), and eastern black rhinoceros (*Diceros bicornis michaeli*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Tanganyika Wildlife Foundation, Goddard, KS; PRT–MA724896 (Docket No. FWS–HQ–IA–2017–0098)

The applicant requests a renewal/amendment to a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: African penguin (*Spheniscus demersus*), ring-tailed lemur (*Lemur catta*), red-ruffed lemur (*Varecia rubra*), Diana monkey (*Cercopithecus diana diana*), mandrill (*Mandrillus sphinx*), lar gibbon (*Hylobates lar*), siamang (*Hylobates syndactylus*), clouded leopard (*Neofelis nebulosa*), snow leopard (*Uncia uncia*), spotted leopard (*Panthera pardus*), cheetah (*Acinonyx jubatus*), Asian tapir (*Tapirus indicus*), black rhinoceros (*Diceros bicornis*), Indian rhinoceros (*Rhinoceros unicornis*), southern white rhinoceros (*Ceratotherium simum simum*), Grevy's zebra (*Equus grevyi*), Arabian oryx (*Oryx leucoryx*), and red lechwe (*Kobus lechwe*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Denver Zoological Foundation, d/b/a Denver Zoo, Denver, CO; PRT–32977C (Docket No. FWS–HQ–IA–2017–0064)

In the **Federal Register** of October 23, 2017 (82 FR 49041), we published a notice inviting the public to comment on an application that we received from Denver Zoological Foundation, Denver, CO. We are reopening the comment period on that application. The applicant requests a permit to import two male captive-bred Asian elephants (*Elephas maximus*) from African Lion Safari, Ontario, Canada, to enhance the propagation or survival of the species. This notification is for a single import.

If you wish to make comments, go to the Federal eRulemaking Portal (*http://www.regulations.gov*) and follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0064. *Note:* We are not reopening the comment periods of any of the other applications announced in the **Federal Register** notice of October 23, 2017.

IV. Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the **Federal Register** notice announcing the permit issuance date by searching in *www.regulations.gov* under the permit number listed in this document (*e.g.,* PRT–12345X).

VI. Authority

Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–06680 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2017–N104; FXES11140100000–189–FF01E00000]

Draft Habitat Conservation Plan for the Olympia Subspecies of the Mazama Pocket Gopher and Oregon Spotted Frog and Draft Environmental Assessment, Thurston County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), received an application from UCP, LLC (applicant) for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (ESA). The application includes a draft habitat conservation plan (HCP), which describes the actions the applicant will take to minimize and mitigate the impacts of the taking of the threatened Olympia subspecies of the Mazama pocket gopher and the threatened Oregon spotted frog that may occur incidental to the otherwise lawful construction of 327 single and multi-family residences at a development site known as The Preserve located in Thurston County, Washington. We also announce the availability of a draft environmental assessment (EA) addressing the draft HCP and proposed permit. We invite the public to review and comment on the permit application, including the draft HCP and the draft EA.

DATES: To ensure consideration, please submit written comments by May 3, 2018.

ADDRESSES: You may view or download copies of the draft HCP and draft EA and obtain additional information on the internet at *http://www.fws.gov/wafwo/*. To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to ''The Preserve HCP/EA'':

- *Email: wfwocomments@fws.gov.*
- *U.S. Mail:* Public Comments Processing, Attn: FWS–R1–ES–2017–N104; U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503.
- *In-Person Drop-off, Viewing, or Pickup:* Call 360–753–5823 to make an appointment (necessary for viewing or picking up documents only) during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, Conservation Planning and Hydropower Branch Manager, Washington Fish and Wildlife Office (see **ADDRESSES**); telephone: 360–753–5823. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Service received an application from UCP, LLC for an ITP pursuant to section 10(a)(1)(B) of the ESA. The application requests a 15-year permit that would authorize ''take'' of two covered species—the threatened Olympia subspecies of the Mazama pocket gopher (*Thomomys mazama pugetensis;* hereafter referred to as the Olympia pocket gopher); and the threatened Oregon spotted frog (*Rana pretiosa*)—incidental to otherwise lawful land development and habitat conservation activities on parcels the applicant owns in Thurston County, Washington. The application includes a draft HCP, which describes the actions the applicant will take to minimize and mitigate the impacts of the taking on the two covered species. The Service also announces the availability of a draft EA addressing the draft HCP and proposed permit. We invite comments from all interested parties regarding the permit application, including the draft HCP and EA.

Background

Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as endangered or threatened. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in our regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Section 10(a)(1)(B) of the ESA contains provisions that authorize the Service to issue permits to non-Federal entities for the take of endangered and threatened species caused by otherwise lawful activities, provided the following criteria are met: (1) The taking will be incidental; (2) the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) the applicant will ensure that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP. Regulations governing permits for endangered and threatened species are found in 50 CFR 17.22 and 17.32, respectively.

In this case, the applicant is requesting a 15-year permit that would authorize take of the Olympia pocket gopher and the Oregon spotted frog incidental to otherwise lawful activities on parcels they own in Thurston County, Washington. The application includes a draft HCP that describes the actions the applicant will take to minimize and mitigate the impacts of the taking on the two covered species.

Proposed Action

The Service proposes to issue the requested 15-year permit based on the applicant's commitment to implement the draft HCP, if permit issuance criteria are met. Covered activities include measures related to construction, land development, and the conservation of the two covered species. The area covered under the draft HCP consists of a project development site known as The Preserve, totaling approximately 127 acres and an approximately 64-acre conservation site. Take of the Olympia pocket gopher would occur primarily on fragmented habitat remaining on a previously disturbed project development site, and will be offset by permanent management of a single block of occupied habitat for the covered species at the conservation site. The Oregon spotted frog is not known from the project development site, but is known to occur on the conservation site. Any take of the Oregon spotted frog would be incidental to conservation site management activities and is offset by permanently conserving and managing on-site habitat for the benefit of the species. Financial assurances have been provided by the applicant to ensure ongoing perpetual management of the conservation site.

National Environmental Policy Act Compliance

The proposed issuance of a permit is a Federal action that triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.;* NEPA). Pursuant to the requirements of

NEPA, we have prepared a draft EA to analyze the environmental impacts of a reasonable range of alternatives to the proposed Federal permit action.

Alternatives analyzed in the EA include a no-action alternative, the proposed alternative, and an on-site mitigation alternative. Under the no-action alternative, take of listed species would be avoided by limiting construction and development on the project development site to areas where impacts to listed species could be avoided. Because no impacts to listed species are expected under this alternative, no HCP would be needed and no permit would be issued. The proposed alternative is implementation of the proposed HCP and issuance of the requested 15-year permit, as described above. The on-site mitigation alternative would provide for incidental take of the Olympia pocket gopher associated with a level of development that could be fully offset by managing currently occupied habitat on the project site.

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We specifically request information, views, and opinions from interested parties regarding our proposed Federal action, including on the adequacy of the draft HCP pursuant to the requirements for permits at 50 CFR parts 13 and 17 and the adequacy of the draft EA pursuant to the requirements of NEPA.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information in your comments, you should be aware that your entire comment—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so. All comments received from organizations, businesses, or individuals representing organizations or businesses are available for public inspection in their entirety. Comments and materials we receive, as well as supporting documentation we use in preparing the EA, will be available for public inspection by appointment, during normal business hours, at our Washington Fish and Wildlife Office (see **ADDRESSES**).

Next Steps

After public review and completion of the EA, we will determine whether the proposed action warrants a finding of no significant impact or whether an environmental impact statement should be prepared. We will evaluate the permit application, associated documents, and any comments received, to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the ESA. We will also evaluate whether issuance of the requested section 10(a)(1)(B) permit would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation under section 7(a)(2) of the ESA on anticipated ITP actions. The final NEPA and permit determinations will not be completed until after the end of the 30-day comment period and will fully consider all comments received during the comment period. If we determine that all requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the ESA to the applicant for the take of the covered species, incidental to otherwise lawful covered activities.

Authority

We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22 and 40 CFR 1506.6, respectively).

Theresa E. Rabot,

Deputy Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2018–06714 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2018–0002; FXIA16710900000–156–FF09A30000]

Foreign Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued permits to conduct activities with endangered and threatened species under the authority of the Endangered Species Act, as amended (ESA). With some exceptions, the ESA prohibits activities involving listed species unless a Federal permit is issued that allows such activity.

ADDRESSES: Information about the applications for the permits listed in this notice is available online at *www.regulations.gov.* See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, 703–358–2023.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.;* ESA).

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to *www.regulations.gov* and search for the appropriate permit number (*e.g.,* 12345C) provided in the following table:

Permit No.	Applicant	Permit issuance date
64164A	NH & S Holdings	July 25, 2017.
672849	Priour Brothers Ranch	October 19, 2017.
707102	Priour Brothers Ranch	October 19, 2017.
27097C	Zoological Society of San Diego	November 7, 2017.
32285C	Southeastern Louisiana University	November 13, 2017.

Permit No.	Applicant	Permit issuance date
41581C	Smithsonian National Zoological Park	December 6, 2017.
34054C	Cynthia Page-Kargian, Florida Atlantic University	December 18, 2017.
43158C	Center for the Conservation of the Tropical Ungulates	December 20, 2017.
013008	777 Ranch, Inc	December 27, 2017.

Authority

We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–06667 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N179; FXES11130200000–189–FF02ENEH00]

Notice of Intent To Prepare a Draft Environmental Assessment for a Proposed Safe Harbor Agreement for Spikedace, Loach Minnow, and Gila Chub; Eagle Creek and Lower San Francisco River in Greenlee and Graham Counties, Arizona

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, advise the public that we intend to prepare a draft environmental assessment (EA), pursuant to the National Environmental Policy Act, to evaluate the impacts of, and alternatives to, the proposed issuance of an enhancement of survival permit under the Endangered Species Act of 1973, as amended, to Freeport-McMoRan, Inc., Freeport-McMoRan Morenci, Inc., and the Morenci Water and Electric Company (FMMI/MWE) (collectively referred to as the applicant) for conservation of federally-listed fish species. The applicant proposes to draft a safe harbor agreement. Via this notice, we also open a public scoping period.

DATES: Written suggestions or comments on alternatives and issues to be addressed in the Service's draft environmental analysis must be received by close of business on or before May 3, 2018.

ADDRESSES: To request further information or submit written comments, use one of the following methods, and note that your information request or comment is in reference to the FMMI/MWE NEPA scoping:

- Email: *incomingazcorr@fws.gov;*
- U.S. Mail: Field Supervisor, Arizona Ecological Services Office, 9828 N 31st Avenue, Suite C3, Phoenix, Arizona 85051;
- Fax: 602–242–2513; or
- Phone: 602–242–0210.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft EA, pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), to evaluate the impacts of, and alternatives to, the proposed issuance of an enhancement of survival permit (EOS Permit) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), to Freeport-McMoRan, Inc., Freeport-McMoRan Morenci, Inc., and the Morenci Water and Electric Company (FMMI/MWE) (collectively referred to as the applicant) for conservation of three federally-listed species: The endangered spikedace (*Meda fulgida*), endangered loach minnow (*Tiaroga cobitis*), and endangered Gila chub (*Gila intermedia*) (collectively referred to as covered species). In support of the EOS Permit, the applicant proposes to draft a safe harbor agreement (SHA) for land and water uses at Eagle Creek and the lower San Francisco River, as well as for long-term management and monitoring activities, including construction of a nonnative fish barrier; an exotic species study; annual surveys for covered species and other fish species; and the continued implementation of the *Spikedace and Loach Minnow Management Plan* (October 2011) at Eagle Creek and the lower San Francisco River in Greenlee and Graham Counties, Arizona.

Background

Section 9 of the ESA and its implementing regulations prohibit ''take'' of fish and wildlife species listed as endangered or threatened under the ESA. The ESA defines ''take'' as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct'' (16 U.S.C. 1533). The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, we may, under specified circumstances, issue permits that allow the take of federally listed species, provided that the take is incidental to, but not the purpose of, otherwise lawful activity. EOS Permits issued to applicants in association with approved SHAs authorize incidental take of the covered species from implementation of the conservation activities and ongoing covered activities above the baseline condition. Baseline condition for a species could be described as the existing number of individuals, acres of habitat, or length of occupied stream present in the permit area prior to implementation of the SHA.

Application requirements and issuance criteria for EOS permits for SHAs are found in the Code of Regulations (CFR) at 50 CFR 17.22(c)(2)(ii) and 17.32(c)(2)(ii), respectively. See also the joint policy on SHAs, which the Service and the Department of Commerce's National Oceanic and Atmospheric Administration, National Marine Fisheries Service published in the **Federal Register** on June 17, 1999 (64 FR 32717).

The purpose of issuing the proposed EOS Permit is to authorize take associated with the applicant's proposed activities while conserving covered species and their habitats. We expect that the applicant will request EOS Permit coverage for a period of 50 years.

The Applicant's Proposed Project

The proposed activities would include ongoing land and water management activities associated with water-related improvements, including a diversion dam and appurtenant pumping facilities and pipelines, groundwater pumping stations and water transmission pipelines, access roads, power lines, and related infrastructure. During the term of the SHA, the permittee anticipates improving, replacing, repairing, reconstructing, and maintaining these facilities and related infrastructure on land adjacent to Eagle Creek and the lower San Francisco River. We have worked with the applicant to design conservation activities expected to have a net conservation benefit to the spikedace, loach minnow, and Gila

chub within the area to be covered under this proposed SHA. These conservation activities would include the following:

(1) Allocation of $4,000,000 over the next 10 years to complete the design and construction of a fish barrier on Eagle Creek to protect and enhance aquatic habitat for the covered species. Design of the barrier is almost complete, and the location for the barrier has been selected by the applicant. The fish barrier would prevent nonnative aquatic species from moving upstream into the upper portion of the creek, protecting the covered species and their habitat. Loach minnow and Gila chub are primarily found above the proposed barrier location, and the best remaining habitat for the three species is also above the proposed barrier location.

(2) Development and implementation of a 3-year monitoring program to detect the presence of other types of nonnative invasive species (*e.g.,* bullfrogs and crayfish) within the upper reach of Eagle Creek, and investigation of the practicability and cost of actions to suppress the populations of these species in the upper segment of Eagle Creek, above the fish barrier.

(3) Annual monitoring along Eagle Creek and the lower reach of the San Francisco River to gather data for use in informing future conservation and management activities and assisting in the recovery of the Covered Species.

These conservation activities are expected to:

(1) Protect existing upper Eagle Creek populations of spikedace, loach minnow, and Gila chub, as well as other native fish species, against future upstream incursion of nonnative aquatic organisms from the Gila River and lower Eagle Creek. Spikedace, loach minnow, and Gila chub all occur in approximately 10 to 15 percent of their historical ranges, having been extirpated from other areas due to habitat alteration, competition with or predation by nonnative species, and other factors. The Gila River and lower Eagle Creek are currently occupied by a variety of nonnative fish species known to be detrimental to native fishes, including flathead catfish, channel catfish, smallmouth bass, red shiner, and green sunfish.

(2) Provide data that can be used to inform future management actions to remove nonnative species (*e.g.,* crayfish and bullfrogs) within Eagle Creek.

(3) Provide a cooperative approach that allows for continuation of mining operations and native fish conservation.

Ongoing land and water management activities, as well as conservation activities under the SHA, would occur along portions of Eagle Creek and the lower San Francisco River in Graham and Greenlee Counties, Arizona, on lands currently owned by the applicant.

Potentially Affected Species

The applicant may apply for an EOS Permit to cover the spikedace, loach minnow, and Gila chub. The permit area may include an additional three species federally listed as threatened: The western distinct population segment of the yellow-billed cuckoo (*Coccyzus americanus*), Chiricahua leopard frog (*Lithobates chiricahuensis*), and narrow-headed gartersnake (*Thamnophis rufipunctatus*). The ultimate list of species covered by the proposed EOS Permit and associated SHA may change based on the outcome of more detailed reviews of the best available science, changes to the list of protected species, or further assessments of the likelihood of take from the proposed activities.

Possible Alternatives in the Environmental Assessment

The proposed action presented in the draft EA would be compared to the No-Action Alternative. The No-Action Alternative represents the estimated future conditions without the proposed Federal action.

No-Action Alternative

In the No-Action Alternative, the applicant would not request, and we would not issue, an EOS Permit for the ongoing use and management of land and water along Eagle Creek and the lower San Francisco River. Therefore, ongoing use and management of land and water on the applicant's property, should incidental take occur, would require the applicant to seek coverage for incidental take in some other manner. Additionally, the non-native fish barrier would not be built, and monitoring would not occur.

Proposed Alternative

The proposed action would be the issuance of an EOS Permit for the covered species for the conservation and covered activities within the plan area, when and if the applicant determines to move forward with an SHA and development of a nonnative fish barrier. The draft SHA, which must be consistent with the final SHA policy (64 FR 32717), would be developed in coordination with the Service and implemented by the applicant.

The proposed alternative would need to provide a net conservation benefit for the listed species covered by the SHA, and would need to provide long-term protection of native fish habitat in portions of upper Eagle Creek and the lower San Francisco River. Actions covered under the requested EOS Permit may include possible take of the species associated with proposed land and water management activities above the baseline condition for the species, as well as construction of the nonnative fish barrier.

Other Alternatives

Possible alternatives include mechanical or chemical stream renovation with barrier construction, or alternative sites for barrier construction. We are requesting information regarding other reasonable alternatives during this scoping period.

National Historic Preservation Act

We will use and coordinate the NEPA process to fulfill our obligations under the National Historic Preservation Act [(Pub. L. 89–665, as amended by Pub. L. 96–515, and as provided in 36 CFR 800.2(d)(3) and 800.8c)]. A cultural resource inventory has already been completed for the project; we will address the findings of that report and continue coordinating with tribes and the State Historic Preservation Office during project development.

Environmental Review

The Service will draft an EA to analyze the proposed action, as well as other alternatives, and the associated impacts of each alternative on the human environment and each species covered for the range of alternatives to be addressed. The draft EA is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources, such as vegetation, wetlands, wildlife, geology, and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice, as appropriate for the proposed action.

Public Availability of Comments

Written comments received will become part of the public record associated with this action. 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. 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.

Authority

We publish this notice in compliance with NEPA and its implementing regulations (40 CFR 1501.7, 1506.6, and 1508.22), and section 10(c) of the ESA (16 U.S.C. 1539(c)).

Amy Lueders,

Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2018–06713 Filed 4–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N089; FXES11130400000C2–178–FF04E00000]

Endangered and Threatened Wildlife and Plants; Technical/Agency Draft Recovery Plan for the Cumberland Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered Cumberland darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that will guide the process of recovery under the Endangered Species Act of 1973, as amended (Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, comments on the draft recovery plan must be received on or before June 4, 2018.

ADDRESSES:

Reviewing documents: If you wish to review this technical/agency draft recovery plan, you may obtain a copy by contacting Michael Floyd, U.S. Fish and Wildlife Service, Kentucky Ecological Services Field Office, 330 West Broadway, Suite 265, Frankfort, KY 40601; tel. 502–695–0468; or by visiting the Service's Kentucky Field Office website at *http://www.fws.gov/frankfort/.*

Submitting comments: If you wish to comment, you may submit your comments by one of the following methods:

1. You may submit written comments and materials to us at the Kentucky Field Office address;

2. You may hand-deliver written comments to our Kentucky Field Office, at the above address, or fax them to 502–695–1024; or

3. You may send comments by email to *mike_floyd@fws.gov.* Please include ''Cumberland Darter Draft Recovery Plan Comments'' on the subject line.

For additional information about submitting comments, see the Request for Public Comments section.

FOR FURTHER INFORMATION CONTACT: Michael Floyd (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered Cumberland darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that would be used to delist this fish under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

Background

The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Recovery plans describe actions considered necessary for conservation of species, establish criteria for delisting, and estimate time and cost for implementing recovery measures. Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into consideration in the course of implementing approved recovery plans.

About the Species

We listed the Cumberland darter (*Etheostoma susanae*) as endangered under the Act on September 8, 2011 (76 FR 48722). The Cumberland darter is a small fish endemic to the upper Cumberland River basin, above Cumberland Falls, in Kentucky and Tennessee. Cumberland darters occur in 9 widely separated populations (total of 16 streams) in southeastern Kentucky and north-central Tennessee. No population estimates or status trends are available; however, survey results by Thomas (2007) suggest that the species is uncommon or occurs in low densities across its range.

Cumberland darters are known from streams ranging in size from small, second order tributaries to larger, fourth order streams such as Jellico Creek, Whitley County, Kentucky. Little is known of the species' life history or microhabitat suitability, but it is often encountered in pools or shallow runs of low-to-moderate-gradient sections of streams with sand, silt, or sand-covered bedrock substrates. Most of these habitats contain isolated boulders and large cobble that the species likely uses as cover.

We designated critical habitat for the Cumberland darter on October 16, 2012 (77 FR 63604). A total of 54 river miles (86 rkm) were designated, including 13 streams in McCreary and Whitley Counties, Kentucky, and Campbell and Scott Counties, Tennessee.

Threats

The majority of streams within the upper Cumberland River basin have been modified from their historical condition due to a number of anthropogenic activities such as agriculture, logging, residential development, road construction, and surface coal mining. As a result of these activities and associated stressors (*e.g.,* siltation), the Cumberland darter has been extirpated from at least six streams and is now restricted to nine isolated watersheds. Limiting factors include the following: (1) Anthropogenic activities that cause siltation, disturbance of riparian corridors, and changes in channel morphology; (2) water quality degradation caused by a variety of nonpoint-source pollutants; and (3) naturally small population size and reduced geographic range.

Recovery Plan Components

The primary goal of this recovery plan is to recover Cumberland darter populations to the point that listing under the Act is no longer necessary. To achieve these goals, it is necessary to produce self-sustaining, viable populations that possess healthy, long-term demographic and genetic trends (*e.g.*, evidence of multiple age classes and continued recruitment, high genetic diversity), and that are no longer threatened by any of the factors discussed above.

Management Units

For this Recovery Plan, we identify nine management units for the Cumberland Darter (refer to the associated Recovery Implementation Strategy, Figure 1). Based on the species' current distribution (refer to the associated Species Biological Report, Figures 1 and 2) and our knowledge of the species' movement patterns, we consider each management unit to

represent a separate population. As genetic analyses are completed and more is known about the species' gene flow and genetic structure, it may be necessary to adjust or modify unit boundaries. All stream reaches within the species' historical range that are not specifically identified in the following management units, should not immediately be excluded from recovery activities if new information indicates these areas are necessary to prevent local extirpation or to facilitate recovery.

The management units are as follows:

Management Unit 1: The boundaries of this management unit correspond to critical habitat units 1 (Bunches Creek) and 2 (Calf Pen Fork), which are located entirely within the Daniel Boone National Forest (DBNF).

Management Unit 2: The boundaries of this management unit correspond to critical habitat units 7 (Kilburn Fork) and 8 (Laurel Fork). The majority of this management unit (73 percent) is located within the DBNF.

Management Unit 3: The boundaries of this management unit correspond to critical habitat unit 6 (Cogur Fork). The majority of this management unit (69 percent) is located within the DBNF.

Management Unit 4: The boundaries of this management unit correspond to critical habitat units 4 (Barren Fork) and 5 (Indian Creek), which are located entirely within the DBNF.

Management Unit 5: The boundaries of this management unit correspond to critical habitat units 9 (Laurel Creek), 10 (Elisha Branch), and 11 (Jenneys Branch), and a 7.4-km (4.6-mi) segment of Bridge Fork. The majority of this management unit (96 percent) is located within the DBNF.

Management Unit 6: This management unit corresponds to critical habitat units 13 (Jellico Creek), 14 (Rock Creek), and 15 (Capuchin Creek). A portion of this management unit (29 percent) is located within the DBNF.

Management Unit 7: The boundaries of this management unit correspond to critical habitat unit 3 (Youngs Creek). This unit is located almost entirely on private land, except for any small amount that is publicly owned in the form of bridge crossings and road easements.

Management Unit 8: The boundaries of this management unit correspond to critical habitat unit 12 (Wolf Creek). This unit is located almost entirely on private land, except for any small amount that is publicly owned in the form of bridge crossings and road easements.

Management Unit 9: This management unit does not correspond to a critical habitat unit because the species was thought to be extirpated from Laurel Fork when the critical habitat rule was published in 2012. The species was rediscovered in Laurel Fork (of Clear Fork) by the Kentucky State Nature Preserves Commission (KSNPC) and the Service in 2014 (Service unpublished data). This management unit is comprised of an approximate 16.7-km (10.4-mi) reach of Laurel Fork that extends from the mouth of Laurel Fork in Campbell County, Tennessee, upstream to Laurel Fork–Buffalo Creek Road in Whitley County, Kentucky. No collection records exist for the Tennessee portion of this management unit (Campbell and Claiborne Counties); however, recent collection records exist for areas near the Kentucky-Tennessee border, and suitable habitat is present throughout the Tennessee portion of the stream. This unit is located primarily on private property, except for a 6.6-km (4.1-mi) reach on the western side (right descending bank) of Laurel Fork in Archer-Benge State Nature Preserve, a 7.5-km^2 (1,864-ac) tract in Whitley County, Kentucky, and any small amount that is publicly owned in the form of bridge crossings and road easements.

Recovery Criteria

The Cumberland darter should be considered for removal from the List of Endangered and Threatened Wildlife when:

(1) Management Units 1–9 or Management Units 1–7, 9, and one additional stream within the species' historical range (*e.g.,* Sanders Creek) are determined to be protected from present and foreseeable habitat threats through recovery efforts like land acquisition, conservation agreements and easements, stewardship, outreach, adequate regulatory oversight and enforcement, or other similar actions;

(2) Instream habitat quality (substrate, flows, water quality) in these management units is sufficient, as defined by recovery tasks 3.1 and 3.2, to meet the species' life history requirements; and

(3) A viable population (as defined in the recovery plan) must occur within each of these management units.

Request for Public Comments

We request written comments on the draft recovery plan. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan.

Public Availability of Comments

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

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: March 26, 2018.

Leopoldo Miranda,

Acting Regional Director, Southeast Region.

[FR Doc. 2018–06631 Filed 4–2–18; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDC00000.18XL1109AF. L10100000.DF0000.241A0; 4500118259]

Notice of Public Meeting, Coeur d'Alene District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, and the Federal Lands Recreation Enhancement Act of 2004 (FLREA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Coeur d'Alene District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Coeur d'Alene District RAC will meet Thursday, April 19, 2018. The meeting will begin at 9 a.m. and end no later than 4 p.m. The public comment period will take place from 2 p.m. to 2:30 p.m.

ADDRESSES: The Coeur d'Alene District RAC will meet at the BLM Coeur d'Alene District Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815.

FOR FURTHER INFORMATION CONTACT: Suzanne Endsley, RAC Coordinator, Coeur d'Alene District, 3815 Schreiber Way, Coeur d'Alene, ID 83815; telephone: 208–769–5004; email: *sendsley@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Ms. Endsley by calling the Federal Relay Service (FRS) at 800–877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Ms. Endsley.

You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Idaho. The meeting agenda will include updates from the Cottonwood and Coeur d'Alene Field Offices regarding recreation, forestry and fuels projects. Idaho Panhandle National Forest recreation managers will also present recommendations regarding potential new recreation fees and/or increased fee rates to the Recreation RAC. Additional agenda topics or changes to the agenda will be announced in local press releases. More information is available at: *https://www.blm.gov/get-involved/resource-advisory-council/near-you/Idaho/coeurdalene-district-RAC*

RAC meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. 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.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Linda Clark,

BLM Coeur d'Alene District Manager.

[FR Doc. 2018–06742 Filed 4–2–18; 8:45 am]

BILLING CODE 4310–AK–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Notice of Availability of the Proposed Notice of Sale for Gulf of Mexico Outer Continental Shelf Oil and Gas Region-Wide Lease Sale 251

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of Availability of the Proposed Notice of Sale for Gulf of Mexico Outer Continental Shelf Oil and Gas Region-Wide Lease Sale 251.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the Proposed Notice of Sale (NOS) for the proposed Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Oil and Gas Region-wide Lease Sale 251 (GOM Region-wide Sale 251). This Notice is published pursuant to BOEM's regulations. With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the Outer Continental Shelf Lands Act, provides Governors of affected states the opportunity to review and comment on the Proposed NOS. The Proposed NOS sets forth the proposed size, timing, and location of the sale, including lease stipulations, terms and conditions, minimum bids, royalty rates, and rental rates.

DATES: Governors of affected states may comment on the size, timing, and location of proposed GOM Region-wide Sale 251 within 60 days following their receipt of the Proposed NOS. The Final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for August 15, 2018.

ADDRESSES: The Proposed NOS for GOM Region-wide Sale 251 and Proposed NOS Package containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394; telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package also are available for downloading or viewing on BOEM's website at *http://www.boem.gov/Sale-251/.*

FOR FURTHER INFORMATION CONTACT: Dr. Andrew Krueger, Acting Chief, Leasing Management and Policy Division, 703–787–1554, *andrew.krueger@boem.gov.*

Authority: 43 U.S.C. 1345 and 30 CFR 556.304(c).

Dated: March 28, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–06730 Filed 4–2–18; 8:45 am]

BILLING CODE 4310–MP–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–603–605 and 731–TA–1413–1415 (Preliminary)]

Glycine From China, India, Japan, and Thailand; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–603–605 and 731–TA–1413–1415 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of glycine from China, India, Japan, and Thailand, provided for in subheading 2922.49.43 and 2922.49.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value from India, Japan, and Thailand, and alleged to be subsidized by the governments of China, India, and Thailand. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by May 14, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 21, 2018.

DATES: March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Abu B. Kanu ((202) 205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on March 28, 2018, by GEO Specialty Chemical, Lafayette, Indiana and Chattem Chemicals, Inc., Chattanooga, Tennessee.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Wednesday, April 18, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before April 16, 2018. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 23, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 29, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06716 Filed 4–2–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Modular LED Display Panels, DN 3302;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of

Ultravision Technologies, LLC on March 27, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain modular led display panels. The complaint names as respondents: Shenzhen Absen Optoelectronic Co., Ltd. of China; Absen, Inc. of Orlando, FL; Shenzhen AOTO Electronics Co., Ltd. of China; AOTO Electronics (US) LLC of Irvine, CA; Barco NV of Belgium; Barco Inc. of Duluth, GA; Cirrus Systems, Inc. of Saco, ME; digiLED (UK) Limited, formerly display LED (HK) Limited of the United Kingdom; Elation Lighting, Inc., d/b/a Elation Professional of Los Angeles, CA; Glux Visual Effects Tech (Shenzhen) Co. of China; Ledman Optoelectronic Co., Ltd. of China; Shenzhen Liantronics Co. Ltd. of China; Liantronics, LLC of Fremont, CA; Lighthouse Technologies (Hong Kong) Limited of Hong Kong; Shenzhen Mary Photoelectricity Co., Ltd. of China; MRLED Inc. of Walnut, CA; Prismaflex International France S.A. of France; Prismaflex USA, Inc. of Elizabethtown, NC; Rocketsign Hong Kong Ltd. of Hong Kong; Tianjin Samsung Electronics Co., Ltd. of China; Samsung Electronics America, Inc. of Ridgefield Park, NJ; Shanghai Sansi Electronic Engineering Co., Ltd. of China; Sansi North America, LLC of New York, NY; Unilumin Group Co., Ltd. of China; Unilumin LED Technology FL LLC of Orlando, FL; Yaham Optoelectronics Co., Ltd. of China; Yaham LED U.S.A., Inc. of Las Vegas, NV; Formetco Inc. of Duluth, GA; Leyard Optoelectronic Co. of China; Leyard American Corporation of Buffalo Grove, IL; Mitsubishi Electric Corporation of Japan; Mitsubishi Electric Power Products, Inc. of Warrendale, PA; NanoLumens Inc. of Peachtree Corners; GA; Panasonic Corporation of Japan; Panasonic Corporation of North America of Newark, NJ; Vanguard LED Displays, Inc., formerly Aeson LED Display Technologies, Inc. of Lakeland, FL; ANC Sports Enterprises, LLC of Purchase, NY; GoVision, LLC of Argyle, TX; and RMG Networks Holding Corporation of Addison, TX. The complainant requests that the Commission issue a general exclusion order, or in the alternative, a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3302) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 27, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06589 Filed 4–2–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Strontium-Rubidium Radioisotope Infusion Systems, and Components Thereof Including Generators, DN 3303;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Bracco Diagnostics Inc. on March 27, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain strontium-rubidium radioisotope infusion systems, and components thereof including generators. The complaint names as respondents: Jubliant DraxImage Inc. of Canada; Jubilant Pharma Limited of Singapore; and Jubilant Life Sciences of India. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3303'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

Issued: March 27, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06592 Filed 4–2–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–602 and 731–TA–1412 (Preliminary)]

Steel Wheels From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–602 and 731–TA–1412 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of steel wheels from China, provided for in subheadings 8708.70.45, 8708.70.60, and 8716.90.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by May 11, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 18, 2018.

DATES: March 27, 2018.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on March 27, 2018, by Accuride Corporation, Evansville, Indiana, and Maxion Wheels Akron LLC, Akron, Ohio.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, April 17, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before April 13, 2018. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 20, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including

under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 28, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–06688 Filed 4–2–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), DOJ.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

DATES: The APB will meet in open session from 8:30 a.m. until 5 p.m., on June 6–7, 2018.

ADDRESSES: The meeting will take place at Sheraton Greensboro Hotel/Joseph S. Koury Convention Center, Greensboro, NC 27407; telephone 336–292–9161.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Kathleen Oldaker; Management and Program Analyst; CJIS Training and Advisory Process Unit, Resources Management Section; FBI CJIS Division, Module C2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149; telephone 304–625–5931.

SUPPLEMENTARY INFORMATION: The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Next Generation Identification, Interstate Identification Index, Law Enforcement Enterprise Portal, National Crime Information Center, National Instant Criminal Background Check System, National Incident-Based Reporting System, National Data Exchange, and Uniform Crime Reporting.

This meeting is open to the public. All attendees will be required to check-in at the meeting registration desk. Registrations will be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO). Any member of the public may file a written statement with the Board. Written comments shall be focused on the APB's current issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. Nicky J. Megna, Acting DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to the APB for their consideration prior to the meeting.

Anyone requiring special accommodations should notify Mr. Megna at least seven (7) days in advance of the meeting.

Dated: March 22, 2018.

Nicky J. Megna,

CJIS Acting Designated Federal Officer, Criminal Justice Information, Services Division, Federal Bureau of Investigation.

[FR Doc. 2018–06724 Filed 4–2–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On March 23, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Georgia in the lawsuit entitled *United States* v. *Magnolia Valley Plantation, LLC, Magnolia Valley, LLC, and Magnolia Hills, LLC,* Civil Action No. 1:18–cv–00055–JRH–BKE.

The Consent Decree resolves the United States' claims set forth in the complaint against Magnolia Valley Plantation, LLC, Magnolia Valley, LLC, and Magnolia Hills, LLC (''Defendants'') for violations of the Clean Water Act (''CWA'') in connection with (1) Defendants' alleged failure to comply with applicable General Permits issued by the State of Georgia pursuant to CWA Section 402, 42 U.S.C. 1342, and for Defendants' alleged discharge of pollutants in storm water from a construction site comprised of the Magnolia Valley Plantation and Magnolia Hills (f/k/a Magnolia Valley) developments (together, the ''Site'') in Evans, Columbia County, Georgia, and (2) Defendants' alleged violations of CWA Section 301, 42 U.S.C. 1311, for the alleged discharge of pollutants from the Site into waters of the United States without permits issued pursuant to CWA Section 404, 42 U.S.C. 1344.

Under the Consent Decree, Defendants, with signatory Aaron W. Sullivan, have agreed to pay a civil penalty of $45,000 and pay $60,000 to purchase wetlands credits. Defendants also have agreed to implement injunctive relief, including (1) for the Site: Ensuring that best management practices (''BMPs'') are implemented and maintained, BMP failures are reported and corrected, and (2) for all future sites: Ensuring that BMPs are implemented and maintained, BMP failures are reported and corrected, and both internal and third-party oversight and reporting are implemented.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States* v. *Magnolia Valley Plantation, LLC, Magnolia Valley, LLC, and Magnolia Hills, LLC,* D.J. Ref. No. 90–5–1–1–11410. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $19.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the exhibits and signature pages, the cost is $14.25.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–06584 Filed 4–2–18; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–028)]

Notice of Intent To Grant Exclusive Term License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive patent license in the United States to practice the invention described and claimed in USPN 9,483,674, entitled ''RFID Torque-Sensing Tag System for Fasteners'', MSC–25626–1, to Solon Manufacturing, Inc., having its principal place of business in Chardon, Ohio.

DATES: The prospective exclusive license may be granted unless NASA receives written objections, including evidence and argument no later than April 18, 2018 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than April 18, 2018 will also be treated as objections to the grant of the contemplated exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, MS AL, NASA Johnson Space Center, 2101 NASA Parkway, Houston, TX 770585. Phone (281) 483–4871. Facsimile (281) 483–6936.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Ugalde, Technology Transfer and Commercialization Office/XT1, Johnson Space Center, Houston, TX 77058, (281) 483–8615.

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–06717 Filed 4–2–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–029)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the invention described and claimed in a U.S. Patent Application corresponding to NASA Case Number, ARC–17266–1, entitled ''Atmospheric Pressure Plasma Based Fabrication of Printable Electronics and Functional Coatings'' to Space Foundry, Inc., having its principal place of business at 1035 Aster Avenue, Unit 1120, Sunnyvale, CA 94086.

DATES: The prospective partially exclusive license may be granted unless NASA receives written objections, including evidence and argument no later than April 18, 2018 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later April 18, 2018 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Chief Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767.

Information about other NASA inventions available for licensing can be found online at *https://technology.nasa.gov.*

Mark Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–06718 Filed 4–2–18; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on April 4, 2018 at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Wednesday, April 4, 2018—1:00 p.m. Until 5:00 p.m.

The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons on the quantification guidance for main control room abandonment scenarios in fire probabilistic risk assessments. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christiana Lui (Telephone 301–415–2492 or Email *Christiana.Lui@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide

the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 301–415–6702) to be escorted to the meeting room.

Dated: March 21, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–06708 Filed 4–2–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Weeks of April 2, 9, 16, 23, 30, May 7, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 2, 2018

Wednesday, April 4, 2018

10:30 a.m. Discussion of Management and Personnel Issues (Closed Ex. 2, 6, & 9).

Thursday, April 5, 2018

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public); (Contact: Mark Banks: 301–415–3718).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 9, 2018—Tentative

Tuesday, April 10, 2018

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1).

Thursday, April 12, 2018

9:00 a.m. Briefing on Accident Tolerant Fuel (Public); (Contact: Andrew Proffitt: 301–415–1418).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 16, 2018—Tentative

There are no meetings scheduled for the week of April 16, 2018.

Week of April 23, 2018—Tentative

Tuesday, April 24, 2018

9:00 a.m. Briefing on Advanced Reactors (Public); (Contact: Lucieann Vechioli: 301–415–6035).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 26, 2018

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting); (Contact: Mahmoud Jardaneh: 301–415–4126 or Soly Soto Lugo: 301–415–7528).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 30, 2018—Tentative

There are no meetings scheduled for the week of April 30, 2018.

Week of May 7, 2018—Tentative

Thursday, May 10, 2018

10:00 a.m. Briefing on Security Issues (Closed Ex. 1).

2:00 p.m. Briefing on Security Issues (Closed Ex. 1).

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated: March 30, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–06853 Filed 3–30–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Radiation Protection and Nuclear Materials; Notice of Meeting

The ACRS Subcommittee on Radiation Protection and Nuclear Materials will hold a meeting on April 4, 2018, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Wednesday, April 4, 2018, 8:30 a.m. until 12:00 p.m.

The Subcommittee will review the draft NUREG–2215, ''Standard Review Plan for Spent Fuel Dry Storage Systems and Facilities''. The Subcommittee will hear presentations by and hold discussions with the NRC staff regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so

that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Theron Brown (Telephone 301–415–6702) to be escorted to the meeting room.

Dated: March 20, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–06709 Filed 4–2–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

TIME AND DATE: Tuesday, April 10, 2018, at 9:00 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Tuesday, April 10, 2018, at 9:00 a.m.

1. Strategic Issues.
2. Financial Matters.
3. Personnel and Compensation Items.
4. Executive Session—Discussion of prior agenda items and Temporary Emergency Committee governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2018–06886 Filed 3–30–18; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33061; File No. 812–14321]

Aquila Funds Trust, et al.

March 28, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

Applicants: Aquila Funds Trust (''AFT''), Aquila Municipal Trust (''AMT'') and The Cascades Trust (''Cascades'' and together with AFT and AMT, each a ''Trust''), each registered under the Act as an open-end management investment company, and Aquila Investment Management LLC (the ''Adviser''), a registered investment adviser under the Investment Advisers Act of 1940.

Filing Dates: The application was filed on June 9, 2014 and amended on September 26, 2017, January 30, 2018, and March 21, 2018.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 23, 2018 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC, 20549–1090; Applicants: Aquila Investment Management LLC, 120 West 45th Street, Suite 3600, New York, New York 10036.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application:

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[1] The Funds will not borrow under the facility for leverage purposes and

[1] Applicants request that the order also apply to any existing or future series of the Trusts and any existing or future registered open-end management investment company or series thereof (each a ''Fund'' and collectively the ''Funds'') for which the Adviser, or an entity controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each such entity included in the term ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

the loans' duration will be no more than 7 days.[2]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short-term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[3]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[4] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[5]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert Errett,

Deputy Secretary.

[FR Doc. 2018–06661 Filed 4–2–18; 8:45 am]

BILLING CODE 8011–01–P

[2] Any Fund, however, will be able to call a loan on one business day's notice.

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[4] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[5] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82960; File No. SR–ICC–2018–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to ICC's End-of-Day Price Discovery Policies and Procedures

March 28, 2018.

I. Introduction

On January 26, 2018, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] a proposed rule change (SR–ICC–2018–002) to revise its End-of-Day Price Discovery Policies and Procedures (''Pricing Policy'') with respect to the bid-offer width (''BOW'') methodology applicable to single-name (''SN'') instruments. The proposed rule change was published for comment in the **Federal Register** on February 12, 2018.[2] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.[3]

II. Description of the Proposed Rule Change

ICC proposes to revise its Pricing Policy to amend the methodology used to calculate end-of-day BOWs for its SN instruments. As part of its end-of-day pricing process, ICC calculates a BOW for each clearing-eligible instrument. These BOWs are then used as an input in determining end-of-day levels, which are used for mark-to-market and risk

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 34–82641 (February 6, 2018), 83 FR 6078 (February 12, 2016) (SR–ICC–2018–002) (''Notice'').

[3] Capitalized terms used herein but not otherwise defined have the meaning set forth in the ICC rulebook, which is available at *https://www.theice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf,* or in the Pricing Policy.

management purposes, including calculation of certain margin requirements, and for firm trade determinations.[4] ICC's current approach to calculating a BOW for SN instruments starts by calculating a ''Consensus BOW,'' which is a spread-based BOW derived from intraday quotes (taken from trader emails) for the most actively traded instrument for a given SN instrument. Once the Consensus BOW has been determined, ICC applies a ''scrape factor'' to the Consensus BOW to capture differences between BOWs provided in intraday quotes taken from trader emails and BOWs achieved in the market. Thereafter, ICC applies additional scaling factors to capture differences in instrument liquidity for longer and shorter maturities, and for higher and lower coupons.[5] Scaling across maturities is performed in spread terms, while scaling across coupons is performed in price terms.[6] ICC uses the ISDA Standard Model for the transformations from spread to price.[7]

Under the proposed revisions, ICC would still start its calculation of end-of-day BOWs for SN instruments by calculating a Consensus BOW, but it would change the calculation of the Consensus BOW from being based on intraday quotes taken from trader emails to being computed as (i) a price-based floor, plus (ii) a relative BOW that is multiplied by the average of price-space mid-levels submitted by Clearing Participants through the end-of-day price discovery process.[8]

The relative BOW would be determined by ICC's Risk Management Department in consultation with ICC's Trade Advisory Committee, and would be designed to reflect observed variability in SN instrument levels for the most actively traded instruments. The price-based floor would reflect BOWs established for index products representing baskets of the most distressed SN instruments.[9] In addition, ICC proposes to extend the application of the price-based BOW floors from the 0/3-month, 6-month, and 1-year benchmark tenors to cover the entire set of benchmark tenors from 0 month to 10 years.[10]

Under the proposed enhancements, ICC would continue to apply certain scaling factors, other than the scrape factor, to the Consensus BOW. Specifically, ICC would apply a tenor scaling factor to the Consensus BOW for each benchmark instrument at the most actively traded coupon.[11] For benchmark instruments at other coupons, ICC would apply a combination of tenor and coupon scaling factors. The coupon and tenor scaling factors would be determined by the ICC Risk Management Department in consultation with the Trading Advisory Committee.[12] Once the applicable scaling factor or factors have been applied, ICC would then apply a Single Name Variability Factor, with the resulting BOW being deemed the ''systematic BOW.'' [13]

ICC also proposes to introduce a new component to its Pricing Policy: The ''dynamic BOW,'' which would be the dispersion of price-space mid-levels submitted as part of its end-of-day price discovery process.[14] As the last step of its process, ICC would compare the systematic BOW with the dynamic BOW and would select the greater of the two as the end-of-day BOW for a given SN instrument.[15]

In addition to the proposed changes regarding the computation of the end-of-day BOW for SN instruments, ICC also proposes changes to the Governance section of its Pricing Policy. Specifically, ICC proposes to amend the Governance section to provide that the responsibilities of the ICC Risk Management Department include determining the price-based floors, relative BOWs, and tenor and coupon scaling factors used as inputs into the BOW determination.[16] ICC also proposes to amend language in the Governance section to provide that the ICC Risk Management Department has the responsibility of ensuring that appropriate end-of-day levels are determined, and to clarify that the parameters used in the end-of-day pricing process are to be established by the Risk Management Department in consultation with the Trading Advisory Committee.[17] ICC also proposes revisions to the Governance section that would provide that the Trading Advisory Committee would review and provide input regarding revisions to the BOW price-based floors.[18]

Finally, ICC proposes certain clarifying edits. Specifically, ICC proposes to remove references to scrape factors, and to remove the requirement that the Trading Advisory Committee review scrape factors, as the scrape factors, which are applied to the Consensus BOW under ICC's current approach to account for differences between BOWs obtained from intraday quotes taken from trader emails and those achieved in the market, would no longer be applicable under the proposed changes as the Consensus BOW under the proposed amendments would not rely on such intraday quotes.[19] Other clarifying edits include the addition of a footnote to the Pricing Policy describing ICC's use of the ISDA Standard Model, the removal of outdated references, correcting certain typographical errors, and updates to section numbering, as well as certain other minor edits as described in greater detail in the Notice.[20]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[21] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[22] and Rules 17Ad–22(b)(2) and (d)(8) thereunder.[23]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of

[4] Notice, 83 FR at 6078. According to ICC, to encourage Clearing Participants to provide the best possible EOD submissions, ICC selects a sub-set of the potential-trades generated by the cross-and-lock algorithm and designates them as firm-trades, which Clearing Participants are entered into as cleared transactions. *See* Notice of Filing of Proposed Rule Change to Revise ICC End-of-Day Price Discovery Policies and Procedures, Securities Exchange Act Release No. 34–77771 (May 5, 2016), 81 FR 29309, 29310 (May 11, 2016) (SR–ICC–2016–007).

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.* at 6079. ICC would no longer apply a scrape factor to the Consensus BOW as the determination of Consensus BOWs would no longer rely on ''scraped'' intraday quotes. *Id.* at 6078.

[9] *Id.* at 6079. In addition, because ICC accepts SN instrument submissions from Clearing Participants only in price terms under the Pricing Policy, rather than in both spread and price terms, the need for spread-based BOWs would be eliminated, as would the need to use the ISDA Standard Model to achieve the transformations from spread to price during the scaling process. *See id.* at 6078.

[10] *Id.* at 6078.

[11] *Id.* at 6079.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] 15 U.S.C. 78s(b)(2)(C).

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] 17 CFR 240.17Ad–22(b)(2) and (d)(8).

securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[24] As discussed above, the proposed rule change would enhance ICC's end-of-day price discovery process for SN instruments in a number of ways, including but not limited to incorporating a price-based floor which would be applied to a wider range of instruments, adopting a new dynamic BOW component, and taking into consideration the dispersion of price-space mid-levels received from Clearing Participants, all while continuing to apply scaling tenor, coupon, and variability scaling factors.

Taken as a whole, the Commission believes the proposed changes should enhance ICC's ability to determine the end-of-day BOW for SN instruments. First, the proposed changes should permit ICC to determine BOWs consistently across SN instruments on all reference entities, including those for which only sparse intraday data is available.[25] In addition, by extending the application of the price-based BOW floor component to the entire set of benchmark tenors from the 0 month to 10 years instead of solely the ⅔ month, 6 month, and 1-year benchmark tenors, the Commission believes that ICC will be able to more consistently compute the end-of-day BOW for a wider range of SN instruments.

Consequently, the Commission believes that the proposed changes will improve ICC's end-of-day pricing process as a whole as additional relevant information will be taken into consideration and a wider range of instruments will be considered in the pricing process. Based on these improvements, the Commission believes that ICC's risk management processes related to the end-of-day pricing process, including the calculation and collection of certain margin requirements, will also be improved, resulting in an improved ability to safeguard the positions that ICC maintains from the default of a Clearing Participant. As a result, the Commission believes that the proposed changes will promote the prompt and accurate clearance and settlement of the products cleared by ICC, and will enhance ICC's ability to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.[26]

B. Consistency With Rule 17Ad–22(b)(2)

Rule 17Ad–22(b)(2) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish implement, maintain, and enforce written policies and procedures reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions. As noted above, ICC uses the end-of-day BOWs as part of its mark-to-market and risk management purposes, including the computation of certain margin requirements.[27]

The Commission believes that by improving the end-of-day pricing process, as described above, ICC will also improve its ability to calculate margin requirements that use the end-of-day BOWs as an input. Consequently, an improved margin calculation should lead to the collection of margin levels that enhance ICC's ability to limit its credit exposures to participants under normal market conditions. As a result, the Commission finds that the proposed rule change is consistent with the requirements of Rule 17Ad–22(b)(2).[28]

C. Consistency With Rule 17Ad–22(d)(8)

Rule 17Ad–22(d)(8) requires, in relevant part, that a registered clearing agency that is not a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable, have governance arrangements that promote the effectiveness of the clearing agency's risk management procedures.[29] ICC proposed to amend the Governance section of its Pricing policy to clarify the responsibilities of the ICC Risk Management Department and the Trading Advisory Committee with respect to the determination of price-based floors, relative BOWs, and scaling factors. By updating the Governance section of the Pricing Policy to delineate the roles of the ICC Risk Management Department and the Trading Advisory Committee, the Commission believes that ICC will improve the governance structure surrounding the end-of-day pricing process.

Because the output of the end-of-day pricing process is used for mark-to-market and risk management purposes, the Commission believes that improvements to the governance structure of the end-of-day pricing process will have the effect of promoting greater effectiveness of ICC's risk management procedures overall. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Rule 17Ad–22(d)(8).[30]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular with the requirements of Section 17A of the Act[31] and Rules 17Ad–22(b)(2) and (d)(8)[32] thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act[33] that the proposed rule change (SR–ICC–2018–002) be, and hereby is, approved.[34]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Jill Peterson,

Assistant Secretary.

[FR Doc. 2018–06691 Filed 4–2–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release 34–82961; File No. SR–ISE–2018–21]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Delay for Re-Introduction of Legging Functionality for Stock-Option Orders on INET by an Additional Year

March 28, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] Notice, 83 FR at 6078.

[26] *Id.*

[27] 17 CFR 240.17Ad–22(b)(2).

[28] *Id.*

[29] 17 CFR 240.17Ad–22(d)(8).

[30] *Id.*

[31] 15 U.S.C. 78q–1.

[32] 17 CFR 240.17Ad–22(b)(2) and (d)(8).

[33] 15 U.S.C. 78s(b)(2).

[34] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the delay for re-introduction of legging functionality for Stock-Option Orders on INET by an additional year.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the delay for re-introduction of legging functionality for Stock-Option Orders on INET by an additional year. With the recent re-platform of the Exchange's trading system to INET, the Exchange delayed the re-introduction of legging functionality for Stock-Option Orders.[3] As such, Stock-Option Orders entered on the Exchange today are not automatically executed against bids and offers on the Exchange for the individual legs pursuant to Rule 722(b)(3)(ii)–(iii) and Supplementary Material .02 to Rule 722. The Exchange proposes to extend the delay of implementation of legging functionality for Stock-Option Orders by an additional year. Stock-Option Orders will continue to execute against other Stock-Option Orders in the complex order book, thereby providing an opportunity for Members to have their Stock-Option Orders executed on the Exchange.

When the Exchange initially delayed legging functionality for Stock-Option Orders, the Exchange noted that it would re-introduce legging for Stock-Option Orders within one year from the date of that filing. The Exchange filed the initial rule change on March 21, 2017, and the additional one year delay would therefore extend the implementation timeline for this functionality to March 21, 2019. The extended delay would provide the Exchange additional time to develop and test this functionality on INET. The Exchange will issue an Options Trader Alert notifying Members when this functionality will be available. Furthermore, in connection with this change, the Exchange also proposes to amend Rule 722 to remove language about the migration of symbols to INET as this migration has been completed and all symbols listed by the Exchange are currently trading on the INET platform.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it would provide additional time to develop and test legging functionality for Stock-Option Orders on INET. Although the Exchange is now fully operating on the INET platform, additional time is necessary to re-implement this functionality to ensure a quality experience for Members. Members are already aware that this functionality has been delayed, and the Exchange will provide Members notice of the date when the functionality will be available. While the Exchange is proposing to extend the delay of legging functionality for these Stock-Option Orders, Members can continue to submit these orders to the Exchange where they can be executed against other Stock-Option Orders on the complex order book. No Members have notified the Exchange of significant impact on execution quality as a result of the delayed implementation of legging functionality for Stock-Option Orders, and therefore the Exchange does not believe that extending the delay will have a significant impact on market participants. This functionality will be available on or before March 21, 2019. Furthermore, the other proposed changes merely update this rule to reflect the fact that all symbols listed by ISE are currently traded on the INET platform.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe that the proposed one year delay will impose any significant burden on intra-market competition because legging for Stock-Option Orders will be uniformly delayed for all Members. Similarly, the Exchange does not believe that the proposed delay will impose any significant burden on inter-market competition as it does not impact the ability of other markets to offer or not offer competing functionality. The Exchange believes that providing an additional year to develop and test this functionality will be beneficial to members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not

[3] *See* Securities Exchange Act Release No. 80316 (March 27, 2017) 82 FR 16084 (March 31, 2017) (SR–ISE–2017–28).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [8] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, ISE requests that the Commission waive the 30-day operative delay to allow the proposed one-year extension of the time for re-introducing the legging functionality for Stock-Option Orders to begin at the conclusion of the current delay period, which was scheduled to end on March 21, 2018. As noted above, ISE states that extending the delay for re-introducing the legging functionality for Stock-Option Orders will provide ISE with additional time to develop and test the legging functionality on INET. ISE further states that no Members have notified ISE of a significant impact on execution quality as a result of the delayed implementation of the legging functionality for Stock-Option Orders and, accordingly, the Exchange does not believe that extending the delay will have a significant impact on market participants. The Commission believes that waiving the operative delay is consistent with the protection of investors and the public interest because it will provide ISE with additional time to develop and test the legging functionality for Stock-Option Orders. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–21, and should be submitted on or before April 24, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Jill Peterson,

Assistant Secretary.

[FR Doc. 2018–06692 Filed 4–2–18; 8:45 am]

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[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82959; File No. SR–BOX–2018–06]

Self-Regulatory Organizations; BOX Options Exchange LLC; Order Approving a Proposed Rule Change To Adopt IM–8040–3 To Exchange Rule 8040 to Permit Directed Orders To Be Submitted With an Auction Only Designation

March 28, 2018.

I. Introduction

On February 5, 2018, BOX Options Exchange LLC (''BOX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt IM–8040–3 to Exchange Rule 8040 to permit Directed Orders [3] to be submitted with an Auction Only designation. The proposed rule change was published for comment in the **Federal Register** on February 16, 2018.[4] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to adopt IM–8040–3 to Exchange Rule 8040 to allow Options Participants [5] to apply a new optional Auction Only designation to Directed Orders. A Directed Order with an Auction Only designation will be cancelled if it is not entered into the Price Improvement Period (''PIP'') [6] by the Executing Participant (''EP'').[7]

Market Makers [8] may receive and handle Directed Orders on an agency

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Directed Order'' means any Customer Order to buy or sell contracts on a single option series that has been directed to a particular market maker by an Order Flow Provider (''OFP''). *See* Exchange Rule 100(a)(19).

[4] *See* Securities Exchange Act Release No. 82690 (February 12, 2018), 83 FR 7084 (''Notice'').

[5] The term ''Options Participant'' or ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to the BOX Rule 2000 Series for purposes of participating in options trading on BOX as an OFP or Market Maker. *See* Exchange Rule 100(a)(41).

[6] *See* Exchange Rule 7150.

[7] An Executing Participant (''EP'') is a market maker that desires to accept Directed Orders. *See* Notice, *supra* note 4, at 7085 n.4.

[8] The term ''Market Maker'' means an Options Participant registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in the BOX Rule 8000 Series. All Market Makers are designated

basis, in accordance with the procedures set forth in Exchange Rule 8040(d). Upon receipt of a Directed Order from an OFP,[9] an EP must either submit the Directed Order to the PIP, or send the Directed Order to the BOX Book.[10] In addition, the BOX Trading Host will send the Directed Order to the BOX Book: (i) If the EP has not taken action within one second of receipt of a Directed Order; [11] (ii) if the Market Maker that the order is directed to has not systematically indicated that it is an EP; [12] (iii) upon receipt of a subsequent Directed Order for the same EP for the same series and side of the market if a Guaranteed Directed Order (''GDO'') [13] has been automatically generated and is pending; [14] or (iv) if a Directed Order is modified once the BOX Trading Host has established a GDO.[15]

As noted above, BOX proposes that if a Directed Order with an Auction Only designation would be sent to the BOX Book for any reason, it will instead be cancelled back to the OFP that submitted the Directed Order.[16] The Exchange notes that, under the proposal, the Auction Only designation will be automatically applied by the system, and the designation will not be disclosed to the EP.[17]

The Exchange represents that it will provide at least two weeks' notice to Participants via Circular prior to the launch of the proposed change, which the Exchange anticipates will be during the second quarter of 2018.[18]

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[20] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change is consistent with Section 6(b)(8) of the Act,[21] which requires that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that the Auction Only designation will provide OFPs with greater control over how their Directed Orders are handled by the EP, as OFPs will have certainty that their Directed Orders with the Auction Only designation will either be executed in the PIP or cancelled.[22] In addition, should the Directed Order be entered into the PIP, the Directed Order will receive the opportunity for price improvement.[23] Moreover, the Commission notes that an EP will not be notified whether a Directed Order was submitted with the Auction Only designation,[24] and current restrictions on an EP's behavior with respect to Directed Orders will continue to apply.[25] Accordingly, the Commission believes that the Exchange's proposal is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–BOX–2018–06) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Jill Peterson,

Assistant Secretary.

[FR Doc. 2018–06690 Filed 4–2–18; 8:45 am]

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as specialists on the Exchange for all purposes under the Act or Rules thereunder. *See* Exchange Rule 100(a)(31).

[9] An OFP is an Options Participant representing as agent Customer Orders on the Exchange or a non-Market Maker Participant conducting proprietary trading. *See* Exchange Rule 100(a)(46).

[10] *See* Exchange Rule 8040(d)(3).

[11] *See* Exchange Rule 8040(d)(4).

[12] *See* Exchange Rule 8040(d)(1).

[13] If a Directed Order is executable against the current national best bid or offer (''NBBO'') and the EP is also quoting at such NBBO on the opposite side of the Directed Order, then the Trading Host will immediately upon receipt of the Directed Order take down the EP's quote and guarantee the EP's execution of the Directed Order for at least the price and size of the EP's quote. This guarantee is the GDO, and the EP's quote will not be reestablished until the Directed Order has been processed pursuant to Exchange Rule 8040(d). *See* Exchange Rule 8040(d)(2)(i).

[14] *See* Exchange Rule 8040(d)(2)(ii).

[15] *See* Exchange Rule 8040(d)(5).

[16] The Exchange notes that interest on the BOX Book may still interact with a Directed Order that has an Auction Only designation via the PIP allocation. *See* Exchange Rule 7150(g).

[17] The Exchange notes that existing restrictions on an EP's behavior will continue to apply. Specifically, an EP shall not submit to the Exchange a contra order to the Directed Order for its proprietary account during the one second following submission of the Directed Order to the Exchange. *See* Exchange Rule 8040(d)(6)(i).

[18] *See* Notice, *supra* note 4, at 7085.

[19] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f(b)(8).

[22] The Exchange notes that, pursuant to Exchange Rule 7150(f), a customer order that is submitted to the PIP must be submitted with a matching contra side order equal to the full size of the customer order and as such, the order is guaranteed to be fully executed. *See* Notice, *supra* note 4, at 7085 n.13.

[23] *See* Exchange Rule 7150.

[24] *See* proposed IM–8040–3 to Exchange Rule 8040.

[25] *See supra* note 17.

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15460 and #15461; PENNSYLVANIA Disaster Number PA–00083]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 03/27/2018.

Incident: Severe Storms and Tornadoes.

Incident Period: 02/15/2018 through 02/17/2018.

DATES: Issued on 03/27/2018.

Physical Loan Application Deadline Date: 05/29/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 12/27/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Fayette

Contiguous Counties:

Pennsylvania: Greene, Somerset, Washington, Westmoreland

Maryland: Garrett

West Virginia: Monongalia, Preston

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.625
Homeowners without Credit Available Elsewhere	1.813
Businesses with Credit Available Elsewhere	7.160
Businesses without Credit Available Elsewhere	3.580
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.580
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15460 C and for economic injury is 15461 0.

The States which received an EIDL Declaration # are Pennsylvania, Maryland, West Virginia.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: March 27, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–06681 Filed 4–2–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 2.625 percent for the April–June quarter of FY 2018.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender's commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

Dianna L. Seaborn,

Director, Office of Financial Assistance.

[FR Doc. 2018–06677 Filed 4–2–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15466 and #15467; NEW YORK Disaster Number NY–00182]

Administrative Declaration of a Disaster for the State of NEW YORK

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated 03/27/2018.

Incident: Flooding.

Incident Period: 01/15/2018 through 01/16/2018.

DATES: Issued on 03/27/2018.

Physical Loan Application Deadline Date: 05/29/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 12/27/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clinton

Contiguous Counties:

New York: Essex, Franklin

Vermont: Chittenden, Grand Isle

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.500
Homeowners without Credit Available Elsewhere	1.750
Businesses with Credit Available Elsewhere	6.770
Businesses without Credit Available Elsewhere	3.385
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.385
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15466 6 and for economic injury is 15467 0.

The States which received an EIDL Declaration # are New York, Vermont.

(Catalog of Federal Domestic Assistance Number 59008)

Linda E. McMahon,

Administrator.

[FR Doc. 2018–06678 Filed 4–2–18; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2018–0013]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2018–0013].

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 4, 2018. Individuals can obtain copies of the collection instrument by writing to the above email address.

Statement of Reclamation Action—31 CFR 210—0960–0734. Regulations governing the Federal Government Participation in the Automated Clearing House: (1) Allow SSA to send Social Security payments to Canada; and (2) mandate the reclamation of funds paid erroneously to a Canadian bank, or financial institution, after the death of a Social Security beneficiary. SSA uses Form SSA–1713, Notice of Reclamation Action, to determine if, how, and when the Canadian bank or financial institution is going to return erroneous payments after the death of a Social Security beneficiary who elected to have payments sent to Canada. Form SSA–1712 (or SSA–1712 CN), Notice of Reclamation—Canada Payment Made in the United States, is the cover sheet SSA prepares to request return of the payment. The respondents are Canadian banks and financial institutions who erroneously received Social Security payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1712	8	1	5	1
SSA–1713	7	1	5	1
Totals	15			2

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 3, 2018. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Application for Mother's or Father's Insurance Benefits—20 CFR 404.339–404.342, and 20 CFR 404.601–404.603—0960–0003. Section 202(g) of the Social Security Act (Act) provides for the payment of monthly benefits to the widow or widower of an insured individual if the surviving spouse is caring for the deceased worker's child (who is entitled to Social Security benefits). SSA uses the information on Form SSA–5–BK to determine an individual's eligibility for mother's or father's insurance benefits. The respondents are individuals caring for a child of the deceased worker who is applying for mother's or father's insurance benefits under the Old Age, Survivors, and Disability Insurance program.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–5–F6 (paper)	6,542	1	15	1,636
Modernized Claims System	42,175	1	15	10,544
Totals	48,717			12,180

2. Certification by Religious Group—20 CFR 404.1075—0960–0093. SSA is responsible for determining whether religious groups meet the qualifications exempting certain members and sects from payment of Self-Employment Contribution Act taxes under the Internal Revenue Code, Section 1402(g). SSA sends Form SSA–1458, Certification by Religious Group, to a group's authorized spokesperson to complete and verify organizational members meet, or continue to meet, the criteria for exemption. The respondents are spokespersons for religious groups or sects.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1458	180	1	15	45

3. Claim for Amounts Due in the Case of a Deceased Beneficiary—20 CFR 404.503(b)—0960–0101. Section 204(d) of the Act provides that if an individual dies before payment under Title II is complete, SSA will pay the amount due (including the amount of any check not negotiated) to persons meeting specified qualifications. When a Social Security payment was due to a deceased beneficiary at the time of death, and there is insufficient information in the file to identify the individuals entitlement to the payment, or the individual's address, SSA asks the

surviving spouse, next of kin, or legal representative of the estate to complete Form SSA–1724, Claim for Amounts Due in the Case of a Deceased Social Security Recipient. SSA collects the information when a surviving child (or children), parent, or spouse is not already entitled to a monthly benefit on the same earnings record, or is not filing for a lump-sum death payment as a former spouse. SSA uses the information Form SSA–1724 provides to ensure proper payment of an underpayment due to a deceased beneficiary. The respondents are applicants for underpayments owed to deceased beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1724	250,000	1	10	41,667

4. Prohibition of Payment of SSI Benefits to Fugitive Felons and Parole/Probation Violators—20 CFR 416.708(o)—0960–0617. Section 1611(e)(4) of the Act precludes eligibility for Supplemental Security Income (SSI) payments for certain fugitives and parole or probation violators. Regulations at 20 CFR 416.708(o) of the Code of Federal Regulations require individuals applying for, or receiving, SSI to report to SSA that: (1) They are fleeing to avoid prosecution for a crime; (2) they are fleeing to avoid custody or confinement after conviction of a crime; or (3) they are violating a condition of probation or parole. SSA uses the information we receive to deny eligibility, or suspend recipients' SSI payments. The respondents are SSI applicants and recipients, or representative payees of SSI applicants and recipients, who are reporting their status as a fugitive felon or probation or parole violator.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSI Claim System Screens	1,000	1	1	17

5. Identifying Information for Possible Direct Payment of Authorized Fees—0960–0730. SSA collects information from claimants' appointed representatives on Form SSA–1695 to: (1) Process and facilitate direct payment of authorized fees; (2) issue a Form 1099–MISC, if applicable; and (3) establish a link between each claim for benefits and the data we collect on the SSA–1699 for our appointed representative database. The respondents are attorneys and other individuals who represent claimants for benefits before SSA.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of respondents	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1695	10,000	40	400,000	10	66,667

Dated: March 28, 2018.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2018–06689 Filed 4–2–18; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–018]

Petition for Exemption; Summary of Petition Received; Neptune Aviation Transport Services, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 23, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0212 using any of the following methods:

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

a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Keira Jones, (202) 267–9677, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 28, 2018.

Dale Bouffiou,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0212.

Petitioner: Neptune Aviation Transport Services, Inc.

Section(s) of 14 CFR Affected: §§ 125.225(d)(1), and 125.226(a)(12),(13), and (14).

Description of Relief Sought: The petitioner seeks an exemption from §§ 125.225(d)(1), and 125.226(a)(12),(13), and (14) to allow Neptune Aviation Transport Services to operate an Avro RJ100A with a flight data recorder incapable of recording three of the mandatory 34 inputs required by regulation for a period not to exceed two years. The Avro RJ100A was recently purchased from a foreign entity and had previously operated under European Aviation Safety Agency (EASA) regulations until February 2018.

[FR Doc. 2018–06679 Filed 4–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Revised Approval of Information Collection: Aviation Maintenance Technician School

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 revise an information collection. The respondents to this information collection are certificate holders or applicants. The information collected determines compliance with applicant eligibility and ensures that certificated AMTSs meet the minimum requirements for procedures and curriculum set forth by the FAA. This revised filing accounts for the recent implementation of operation specifications, corrects the current enrollment figure cited in 2016, and adds sections that were not previously included in the burden assessment.

DATES: Written comments should be submitted by June 4, 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: 2120–0040.

Title: Aviation Maintenance Technician Schools.

Form Numbers: FAA Form 8310–6 Aviation Maintenance Technician School Certificate and Ratings Application.

Type of Review: This is a revision and correction of the information collection approved on September 30, 2016, supporting statement for part 147.

Background: The FAA program office for part 147, the General Aviation Branch of Flight Standards, Aircraft Maintenance Division recognizes there were some discrepancies in the 2016 filing. This revised information collection corrects the September 30, 2016, supporting statement approved for part 147. The information collection burden hours and costs will be noticeably higher than posted in the 2016 supporting statement for three primary reasons:

• First, due to program changes implemented by FAA Notice N 8900.278, dated November 21, 2014, operations specifications (OpSpecs) were introduced to Title 14 of the Code of Federal Regulations (14 CFR) part 147 AMTSs. OpSpecs must be issued to institutions with part 147 certificates by July 21, 2015. This correction includes the burden added by OpSpecs not addressed in the 2016 information collection.

• Second, the current enrollment figures cited in 2016 were 12,500 students but are now 17,800 students.

• Third, some sections of part 147 were not represented as collecting information and to correct the record, the FAA is including them in this revised report.

The respondents to this information collection are part 147 certificate holders or applicants. Currently, there are 177 FAA certificated AMTSs. The information collected determines compliance with applicant eligibility and ensures that certificated AMTSs meet the minimum requirements of part 147. The information collected is focused on an AMTS' initial curriculum, instructor's qualifications, maintenance of curriculum, facilities, instructional equipment, and change of location, if applicable. Recordkeeping requirements address student attendance, tests, grades, any instruction credited under section 147.31(c), and authenticated transcripts of student's grades when credit was given based on training from a previous school. An AMTS must also keep a current progress chart for each student showing practical projects completed or to be completed in each subject.

Respondents: Part 147 AMTS Certificate applicants and Certificate holders.

Frequency: Initial certification, on occasion if changes made by AMTS, and ongoing recordkeeping.

Estimated Average Burden per Response and Estimated Total Annual Burden:

TABLE I—SUMMARY TABLE OF ESTIMATED ANNUAL BURDEN

[177 AMTS, 17,800 students]

§ 147	Basis	Director @$56/hour	Instructor @$28/hour	Administrative @$23/hour
§ 147.5	Initial Certification	725	0	40
§ 147.5	Post Certification	93	0	8
§ 147.21	Initial Certification	1200	900	300
§ 147.23	Initial Certification	20	0	10
§ 147.23	Post Certification	90	0	45
§ 147.33(a)	Post Certification	0	35600	17800
§ 147.33(b)	Post Certification	0	17800	8900
§ 147.37	Post Certification	10	10	2
§ 147.38	Post Certification	672	168	84
§ 147.41	Post Certification	32	0	0
Total annual estimated part 147 burden	*Initial Cert hours*	1945	900	350
	Post Cert hours	897	53578	26839
	Total hours burden	2842	54478	27189

Issued in Fort Worth, TX, on March 21, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06747 Filed 4–2–18; 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: Special Awareness Training for the Washington DC Metropolitan Area

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. This collection of information is required of persons who must receive training and testing in order to fly within 60 nautical miles (NM) of the Washington, DC omni-directional range/distance measuring equipment (DCA VOR/DME).

DATES: Written comments should be submitted by June 4, 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: 2120–0734.

Title: Special Awareness Training for the Washington DC Metropolitan Area.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The final rule containing this information collection requirement was published on August 12, 2008 (73 FR 46797). The collection of information is solicited by the FAA in order to maintain a National database registry for those persons who are required to receive training and be tested for flying in the airspace that is within 60 NM of the DCA VOR/DME. This National database registry provides the FAA with information on how many persons and the names of those who have completed this training.

Respondents: Approximately 366 pilots.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden: 122 hours.

Issued in Fort Worth, TX, on March 26, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06749 Filed 4–2–18; 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: Air Taxi and Commercial Operator Airport Activity 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 for renewal of information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on

November 8, 2017. The collection involves requesting that small on-demand operators voluntarily provide the number of revenue passengers that boarded their aircraft at each airport annually. This information is used in determining an airport's category and eligibility for federal funding on an annual basis. It is not available through any other federal data source.

DATES: Written comments should be submitted by May 3, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

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 at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0067.

Title: Air Taxi and Commercial Operator Airport Activity Survey.

Form Numbers: FAA Form 1800–31.

Type of Review: Clearance of a renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 8, 2009 (74 FR 46292). The data collected through this survey is the only source of data for charter and nonscheduled passenger data by Part 135 operator (air taxis). The data received on the form (either paper or signed electronic copy) is then incorporated into the Air Carrier Activity Information System which is used to determine whether an airport is eligible for Airport Improvement Program funds and for calculating primary airport sponsor apportionment as specified by title 49 United Stated Code (U.S.C.), section 47114. The data collected on the form includes passenger enplanements by carrier and by airport. Passengers traveling on air taxis would be overlooked entirely if this passenger survey were not conducted. As a result, many airports would not receive their fair share of funds since there is currently no other source for this type of charter activity. In each of the last 3 years, approximately 150 operators have reported a total 1.1 million passengers. This data is important to those airports that struggle to meet the 2,500 and 10,000 passenger levels and could not do so without the reporting of the charter passengers.

Respondents: The voluntary survey is sent through the U.S. Postal Service to approximately 300 small on-demand operators (certificated under Federal Aviation Regulation Part 135) that have reported activity in the last three years. The form is also available on the FAA website.

Frequency: Annually.

Estimated Average Burden per Response: 1.5 hours per respondent.

Estimated Total Annual Burden: On average, approximately 150 respondents submit an annual response. The cumulative total annual burden is estimated to be 225 hours.

Issued in Washington, DC, on March 28, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–06751 Filed 4–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0020 (Notice No. 2018–08)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection pertaining to hazardous materials transportation for which PHMSA intends to request from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before June 4, 2018.

ADDRESSES: You may submit comments, identified by Docket No. PHMSA–2018–0020 (Notice No. 2018–08), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2018–0020) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information provided.

Requests for a copy of an information collection should be directed to Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Section 1320.8(d), title 5, Code of Federal Regulations (CFR) requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies a new information collect request that PHMSA will be submitting to the Office of Management and Budget (OMB). This information collection will be contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). PHMSA will revise burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published once the information collection is approved. The following information is provided for this information collection: (1) Title of the information collection; (2) summary of the information collection activity; (3) description of affected public; (4) estimate of total annual reporting and recordkeeping burden; and (5) frequency of collection. PHMSA will request a 3-year approval for this information collection activity and will publish a notice in the **Federal Register** upon OMB's approval.

PHMSA requests comments on the following information collection:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Department's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions, not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insight into customer or stakeholder perceptions, opinions, experiences and expectations, as well as an early warning of issues with service or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between PHMSA and customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback or information collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population.

The Department will submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are non-controversial and do not raise issues of concern to other Federal agencies.
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained.
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the Department (if released, the Department must indicate the qualitative nature of the information).

This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Type of Review: New.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Governments.

Annual Reporting and Recordkeeping Burden:

Estimated Number of Respondents: 6,000.

Estimated Annual Responses: 6,000.

Estimated Annual Burden Hours: 3,000 hours.

Frequency of Collection: One-time requirement.

Issued in Washington, DC, on March 28, 2018.

William S. Schoonover,

Associate Administrator of Hazard Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2018–06685 Filed 4–2–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection: Activity Under OMB Review: Report of Financial and Operating Statistics for Large Certificated Air Carriers

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for an extension of a currently approved collection. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 23, 2018 (83 FR 3256). There were three comments received. One from (c c) commenting on how wind turbines kill bats and the overall value of bats. One from (s s) commenting on the need for regulations on imported goods and trade violations. One from (v v) commenting the need to expand tariffs on rare earth elements in countries that exploit child labor. As none of the filed comments pertain to large certificated air carrier financial data and the need for such, the Department will not address these specific comments in this particular forum.

DATES: Written comments should be submitted by May 3, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34–414, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov.*

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW,

Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0013.

Title: Report of Financial and Operating Statistics for Large Certificated Air Carriers.

Form No.: BTS Form 41.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 60.

Estimated Time per Response: 4 hours per schedule, an average carrier may submit 90 schedules in one year.

Total Annual Burden: 13,910 hours.

Needs and Uses: Program uses for Form 41 data are as follows:

Mail Rates

The Department of Transportation sets and updates mainline Alaska mail rates based on carrier aircraft operating expense, traffic and operational data. Form 41 cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' ability to continue providing service.

Submission of U.S. Carrier Data to ICAO

As a party to the Convention on International Civil Aviation, the United States is obligated to provide the International Civil Aviation Organization with financial and statistical data on operations of U.S. air carriers. Over 99 percent of the data filed with ICAO is extracted from the carriers' Form 41 reports.

Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 41 for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

Form 41 reports, particularly balance sheet reports and cash flow statements, play a major role in the identification of vulnerable carriers. Data comparisons are made between current and past periods in order to assess the current financial position of the carrier. Financial trend lines are extended into the future to analyze the continued viability of the carrier. DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier is operating, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed as to all current and developing economic issues affecting the airline industry. In preparing financial conditions reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers may use the same information.

Administrative Issues

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note) requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 27, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–06725 Filed 4–2–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements; Information Collection Renewal; Comment Request; Release of Non-Public Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Release of Non-Public Information.''

DATES: You should submit written comments by June 4, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0200, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0200'' in your comment. In general, the OCC will publish them on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of

[1] Following the close of the 60-Day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0200'' or ''Release of Non-public Information.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

• *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Release of Non-Public Information.

OMB Control No.: 1557–0200.

Abstract: The information collection requirements require individuals who are requesting non-public OCC information to provide the OCC with information regarding the legal grounds for the request. The release of non-public OCC information to a requester without sufficient legal grounds to obtain the information would inhibit open consultation between a bank and the OCC, thereby impairing the OCC's supervisory and regulatory mission. The OCC is entitled, under statute and case law, to require requesters to demonstrate that they have sufficient legal grounds for the OCC to release non-public OCC information. The OCC needs to identify the requester's legal grounds to determine if it should release the requested non-public OCC information.

The information requirements in 12 CFR part 4, subpart C, are as follows:

(1) 12 CFR 4.33: Request for non-public OCC records or testimony.

(2) 12 CFR 4.35(b)(3): Third parties requesting testimony.

(3) 12 CFR 4.37(a)(2): OCC former employee notifying OCC of subpoena.

(4) 12 CFR 4.37(a) and (b): Prohibition on dissemination of released information.

(5) 12 CFR 4.38(a) and (b): Restrictions on dissemination of released information.

(6) 12 CFR 4.39(d): Request for authenticated records or certificate of nonexistence of records.

The OCC uses the information to process requests for non-public OCC information and to determine if sufficient grounds exist for the OCC to release the requested information or provide testimony that would include a discussion of non-public information. This information collection facilitates the processing of requests and expedites the OCC's release of non-public information and testimony to the requester, as appropriate.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Number of Respondents: 2.

Frequency of Response: On occasion.

Total Annual Burden: 6 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 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.

Dated: March 26, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–06585 Filed 4–2–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled ''Loans in Areas Having Special Flood Hazards.''

DATES: Comments must be received by June 4, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0326, 400 7th Street SW, Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy

comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Loans in Areas Having Special Flood Hazards.

OMB Control No.: 1557–0326.

Type of Review: Regular.

Description: This information collection is required to evidence compliance with the requirements of the federal flood insurance statutes with respect to lenders and servicers and set forth in OCC regulations at 12 CFR part 22. These provisions are required by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended.[1] The information collection requirements in part 22 are as follows:

- *12 CFR 22.5—Escrow Requirements*—With certain exceptions with respect to types of loans and size of institution, national banks and federal savings associations, and their servicers must escrow flood insurance premiums and fees for all loans secured by properties located in a Special Flood Hazard Area made, increased, extended, or renewed on or after January 1, 2016. Written notice must be provided informing the borrower that the institution is required to escrow all premiums and fees for required flood insurance.
- *12 CFR 22.6—Required Use of Standard Flood Hazard Determination Form*—A national bank or federal savings association must use the Standard Flood Hazard Determination Form developed by FEMA.
- *12 CFR 22.6(b)—Retention of Standard Flood Hazard Determination Form*—A national bank or federal savings association must retain a copy of the completed Standard Flood Hazard Determination Form for the period of time the bank or savings association owns the loan.
- *12 CFR 22.7—Notice of Forced Placement of Flood Insurance*—If a national bank, federal savings association, or its loan servicer determines during the period of time the bank or savings association owns the loan that the property securing the loan is not covered by adequate flood insurance, the national bank, federal savings association, or its loan servicer must notify the borrower that the borrower should obtain adequate flood insurance coverage (forced placement notice). The forced placement notice informs the borrower of the amount of flood insurance to purchase. If the borrower fails to purchase insurance, the bank, savings association, or its servicer must purchase insurance on the borrower's behalf and may charge the borrower for the premiums and fees. The insurance provider must be notified to terminate any insurance purchased by an institution or servicer within 30 days of receipt of confirmation of a borrower's existing flood insurance coverage.
- *12 CFR 22.9—Notice to Borrower and Servicer*—A national bank or federal savings association making, extending, increasing, or renewing a loan secured by property located in a special flood hazard area must provide a notice to the borrower and loan servicer (borrower notice). The borrower notice advises the borrower that the property securing the loan is located in a special flood hazard area and that flood insurance on the property securing the loan is required. Among other things, it includes a description of the flood insurance purchase requirements; and states that flood insurance is available under the National Flood Insurance Program, where applicable, that flood insurance may be available from private insurance companies, and that federal disaster relief assistance may be available in the event of a declared federal flood disaster.
- *12 CFR 22.9(d) and (e)—Record of Borrower and Servicer Receipt of Notice and Alternate Method of Notice*—A national bank or federal savings association must retain a record of the receipt of the borrower notice by the borrower and the loan servicer for the period of time the bank or savings association owns the loan. In lieu of providing the borrower notice, a national bank or federal savings association may obtain a satisfactory written assurance from a seller or lessor that, within a reasonable time before completion of the sale or lease transaction, the seller or lessor has provided such notice to the purchaser or lessee. The bank or savings association must retain a record of the written assurance from the seller or lessor for the period of time the bank or savings association owns the loan.
- *12 CFR 22.10—Notices to FEMA*—A national bank or federal savings association making, increasing, extending, renewing, selling, or transferring a loan secured by property located in a special flood hazard area must notify the Administrator of FEMA (or FEMA's designee) of the identity of the loan servicer (notice of servicer) and must notify the Administrator of FEMA of any change in the loan servicer (notice of servicer transfer) within 60 days of such change.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,550.

Estimated Total Annual Burden: 106,951.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

[1] 42 U.S.C. 4001–4129.

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Dated: March 26, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–06582 Filed 4–2–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Subordinated Debt Licensing Requirements

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Subordinated Debt Licensing Requirements.''

DATES: Comments must be submitted on or before June 4, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0320, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0320'' in your comment. In general, the OCC will publish them on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0320'' or ''Subordinated Debt Licensing Requirements.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- Viewing Comments Personally: You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

[1] Following the close of the 60-Day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Subordinated Debt Licensing Requirements.

OMB Control No.: 1557–0320.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Burden Estimates:

Prepayment of Subordinated Debt in Form of Call Option: 184 Respondents; 1.30 burden hours per respondent; 239 total burden hours.

Authority to Limit Distributions: 42 Respondents; 0.5 hours per respondent; 21 total burden hours.

Total Burden: 260 hours.

Description: The scope of this Information Collection Renewal is limited to the following: (1) The 12 CFR 5.47(g) and 12 CFR 5.56(b) requirements that national banks and federal savings associations (collectively, ''institutions'') apply for OCC approval prior to prepaying subordinated debt if the prepayment is in the form of a call option; and (2) the 12 CFR 5.47(d) requirement that national banks issuing subordinated debt disclose the OCC's authority under 12 CFR 3.11 to limit distributions.

National banks must receive prior OCC approval in order to prepay subordinated debt that is included in tier 2 capital, and certain banks must receive prior approval to prepay subordinated debt that is not included in tier 2 capital. If the prepayment is in the form of a call option, a national bank must submit the information required

for general prepayment requests under 12 CFR 5.47(g)(1)(ii)(A) and also comply with 12 CFR 5.47(g)(1)(ii)(B)(2), which requires a national bank to submit either: (1) A statement explaining why the bank believes that following the proposed prepayment the bank would continue to hold an amount of capital commensurate with its risk; or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

Federal savings associations must receive OCC approval prior to prepaying subordinated debt securities or mandatorily redeemable preferred stock included in tier 2 capital. If the prepayment is in the form of a call option, a federal savings association must submit the information required for general prepayment requests under 12 CFR 5.56(b)(2)(i) and also comply with 12 CFR 5.56(b)(2)(ii)(A), which requires a federal savings association to submit either: (1) A statement explaining why the federal savings association believes that following the proposed prepayment the savings association would continue to hold an amount of capital commensurate with its risk; or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance.

Pursuant to 12 CFR 5.47(d)(3)(ii)(C), a national bank issuing subordinated debt must disclose on the face of the note the OCC's authority under 12 CFR 3.11 to limit distributions, including interest payments on any tier 2 capital instrument if the national bank has full discretion to permanently or temporarily suspend such payments without triggering an event of default.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: March 27, 2018.

Karen Solomon,

Acting First Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2018–06583 Filed 4–2–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of six persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On February 9, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. YUSUF, Mohamed Mire Ali (a.k.a. ALI, Mohamed Mire; a.k.a. MIRE, Mohamed; a.k.a. MIRE, Mohamed Ali; a.k.a. MIRE, Muhammad), Puntland, Somalia; Dubai, United Arab Emirates; DOB 1975; alt. DOB 1974; alt. DOB 1976; nationality Somalia; Gender Male (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

2. SAKARYA, Yunus Emre (a.k.a. ''AL-ALMANI, Yunus''; a.k.a. ''AL-HAIEBI, Younes''), Al Mayadin, Syria; Turkey; DOB 22 Apr 1991; POB Bruhl, Germany; citizen Germany; alt. citizen Turkey; Gender Male; Passport C7480TP630 (Germany); National ID No. L749X688M2 (Germany); alt. National ID No. 523884049 (Germany) (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

3. ABUBAKAR, Abdulpatta Escalon (a.k.a. ABUBAKAR, Abdul Patta Escalon; a.k.a. ESCALON, Abdulpatta Abubakar; a.k.a. ''ABU BAKAR, Abdul Patta''), Philippines; Jeddah, Saudi Arabia; Daina, Saudi Arabia; DOB 03 Mar 1965; alt. DOB 01 Jan 1965; alt. DOB 11 Jan 1965; POB Tuburan, Basilan Province, Philippines; nationality Philippines; Gender Male; Passport EC6530802 (Philippines) expires 19 Jan 2021; alt. Passport EB2778599 (Philippines); National ID No. 2135314355 (Saudi Arabia); alt. National ID No. 202112421 (Saudi Arabia) (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

Entities

1. AL-MUTAFAQ COMMERCIAL COMPANY, Boosaaso, Somalia [SDGT] (Linked To: YUSUF, Mohamed Mire Ali).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23,

2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for being owned or controlled by YUSUF, MOHAMED MIRE ALI, an individual determined to be subject to E.O. 13224.

2. LIIBAAN TRADING (a.k.a. LIBAN TRADING; a.k.a. LIIBAN TRADING), Boosaaso, Somalia [SDGT] (Linked To: YUSUF, Mohamed Mire Ali).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for being owned or controlled by YUSUF, MOHAMED MIRE ALI, an individual determined to be subject to E.O. 13224.

3. PROFESYONELLER ELEKTRONIK (a.k.a. PROFESSIONALS ELECTRONIC TRADE IMPORT AND EXPORT LIMITED COMPANY; a.k.a. PROFESYONELLER ELEKTRONIK TICARET; a.k.a. ''PROFESYONELLER ELEKTRONIK TIC ITH VE IHR LTD. STI''), Kecioren, Ankara, Turkey [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT; Linked To: SAKARYA, Yunus Emre).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for being owned or controlled by SAKARYA, YUNUS EMRE, an individual determined to be subject to E.O. 13224.

Also designated pursuant to section 1(d)(i) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, an entity determined to be subject to E.O. 13224.

Dated: February 9, 2018.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–06693 Filed 4–2–18; 8:45 am]

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Part II

Department of Labor

Employee Benefits Security Administration

Exemptions from Certain Prohibited Transaction Restrictions; Notice

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: 2018–01, Health Management Associates, Inc. Retirement Savings Plan and The Mooresville Retirement Savings Plan, D–11929 and D–11930; 2018–02, Liberty Mutual Insurance Company, D–11869; 2018–03, Russell Investment Management, LLC (RIM), Russell Investments Capital, LLC (RiCap), and Their Affiliates, D–11916; 2018–04, Toledo Electrical Joint Apprenticeship & Training Fund, D–11867; 2018–05, EXCO Resources, Inc. 401(k) Plan, D–11821; 2018–06, The Grossberg, Yochelson, Fox & Beyda LLP Profit Sharing Plan, D–11895.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011) [1] and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

Health Management Associates, Inc. Retirement Savings Plan and The Mooresville Retirement Savings Plan (Together, the Plans) Located in Naples, FL

[Prohibited Transaction Exemption 2018–01; Exemption Application Nos. D–11929 and D–11930, respectively]

Written Comments

On June 28, 2017, the Department of Labor (the Department) published a notice of proposed exemption in the **Federal Register** at 82 FR 29340 for: (1) The acquisition by the Plans of contingent value rights (CVRs) received by the Plans in connection with the merger (the Merger Transaction) of FWCT–2 Acquisition Corporation, a wholly-owned subsidiary of Community Health Systems, Inc. (CHS), with and into Health Management Associates, Inc. (HMA), with HMA surviving as a wholly-owned subsidiary of CHS; and (2) the holding of the CVRs by the Plans, subject to certain conditions described herein.

The proposed exemption invited all interested persons, including current participants and beneficiaries of the Plans, to submit comments or requests for a hearing to the Department by August 28, 2017. During the comment period, the Department received one written comment from CHS that requested certain changes to the operative language and the Summary of Facts and Representations of the proposed exemption. CHS's comments and the Department's responses are discussed below.

Revisions to Operative Language

1. *Condition (k).* On page 29343 of the proposed exemption, Condition (k) of the operative language states that: ''The CVR Trustee will certify to the Department that the CVR Payment Amount has been properly calculated for each affected participant in the Plans.''

CHS requests that the Department revise this condition to read as follows:

''(k) CHS will exercise its option under Section 3.1(d) of the CVR Agreement to retain an Independent Advisor to assist with the calculation of the CVR Payment Amount. The Independent Advisor retained by CHS (and any successor) will be an advisor that: (1) Has the appropriate training, experience, and facilities to perform such calculation; (2) does not directly or indirectly control, is not controlled by and is not under common control with, CHS; (3) does not directly or indirectly receive any compensation or other consideration in connection with any transaction described in this exemption other than for acting as Independent Advisor in the manner described in the CVR Agreement, and provided that the compensation payable is not contingent upon, or in any way affected by, the Independent Advisor's ultimate determination of the CVR Payment Amount; and (4) does not receive annual gross revenue from CHS, during any year of its engagement, that exceeds three percent (3%) of such Independent Advisor's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year. CHS will deliver to the Department copies of the reports and calculations of such Independent Advisor used to determine the CVR Payment Amount.''

The Department concurs with the comment and has revised the condition, accordingly.

2. *Condition (l).* On page 29343 of the proposed exemption, Condition (l) states that: ''The CVR Trustee will certify to the Department that no excess portion of the CVR Payment Amount reverts to CHS, its successors, or their affiliates.'' CHS requests that the Department remove the reference to the CVR Trustee from this condition because CHS states that it has no way to require that the CVR Trustee provide such certification to the Department. Therefore, CHS requests that Condition (l) be modified to read as follows: ''(l) No excess portion of the CVR Payment Amount will revert to CHS, its successors, or their affiliates.''

CHS represents that since it neither holds nor intends to buy any CVRs, there is no circumstance under which it

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

will receive a reversion of any portion of the CVR Payment Amount. CHS represents that instead of engaging a third party to certify this result to the Department, CHS is willing to have the final exemption conditioned on CHS not receiving any such reversion.

After considering this comment, the Department has revised the condition in the manner requested by CHS.

Revisions to Summary of Facts and Representations

1. *Clarifications to Paragraph 1 of Representation 8.* On pages 29341 and 29342 of the proposed exemption, in the Summary of Facts and Representations, the first sentence of paragraph one of Representation 8, states (without the footnotes) that, ''Under the CVR Agreement, CHS is required to pay to the CVR Trustee, and the CVR Trustee is required to pay to the CVR holders, $1.00 per CVR (the CVR Payment Amount) promptly upon the final resolution (Final Resolution) of certain existing litigation (the Existing Litigation), subject to certain reductions.''

CHS requests that the Department clarify that the reference to ''certain reductions'' relates to fees and expenses associated with the Existing Litigation.

The Department concurs with CHS's comments and notes the foregoing revision to the first paragraph of Representation 8.

2. *Revisions to Paragraph 2 of Representation 8.* On pages 29341 and 29342 of the proposed exemption, in the Summary of Facts and Representations, the first sentence of the second paragraph of Representation 8 states: ''On a date established by CHS that is not later than thirty (30) days after the date on which Final Resolution of the Existing Litigation occurs, CHS will deliver the CVR Payment Amount to the CVR Trustee and provide notice of the calculation made to determine the CVR Payment Amount to the CVR holders.''

CHS requests that the Department revise this sentence to read as follows: ''On a date established by CHS that is not later than thirty (30) days after the date on which Final Resolution of the Existing Litigation occurs, CHS will deliver notice of the CVR Payment Amount to the CVR Trustee, in the form of a Payment Certificate, that will provide notice of the calculation made to determine the CVR Payment Amount.''

After consideration of CHS's comment, the Department notes the foregoing revisions to the second paragraph of Representation 8.

3. *Revisions to Footnote 12.* On page 39342 of the proposed exemption, in Summary of Facts and Representations, Footnote 12 reads as follows: ''The Applicants state that, pursuant to Section 3.1(e) of the CVR Agreement, if the CVR Payment Amount is greater than zero, CHS will deliver cash to the paying agent within sixty (60) days of the date on which Final Resolution occurs.''

CHS requests that Footnote 12 be revised to reflect the fact that under the CVR Agreement: (a) CHS is responsible calculating the CVR Payment Amount; (b) CHS has the option of selecting the Independent Advisor to assist it in calculating the CVR Payment Amount; (c) any reports and calculations of such Independent Advisor are binding on the third-party holders of the CVRs; and (d) that, pursuant to Section 3.1(e) of the CVR Agreement, if the CVR Payment Amount is greater than zero, the Payment Certificate will specify the date that CHS will deliver cash to the CVR Trustee, which will be within sixty (60) days of the date on which Final Resolution occurs.

After considering CHS's comment, the Department notes the foregoing revisions to Footnote 12.

4. *Revisions to Second Sentence of Paragraph 2 of Representation 8.* In the Summary of Facts and Representations, the second sentence of paragraph two of Representation 8 states that: ''The CVR Trustee, acting as the paying agent, will then pay to each CVR holder the amount in cash equal to the CVR Payment Amount multiplied by the number of CVRs held by such holder.'' CHS requests that the Department revise this sentence to read as follows: ''Once the CVR Payment Amount has been made, the CVR Trustee, acting as the paying agent, will then pay to each CVR holder the amount in cash equal to the CVR Payment Amount multiplied by the number of CVRs held by such holder.'' CHS explains that this revision is intended to clarify the actual process called for under the CVR Agreement for notice of the calculation of the CVR Payment Amounts and the subsequent delivery of the CVR Payment Amount to the CVR Trustee.

After considering CHS's comment, the Department notes this clarification to Representation 8.

5. *Deletion of Paragraph 4 of Representation 8.* In the Summary of Facts and Representations, the fourth paragraph of Representation 8 states that: ''In addition, the CVR Trustee will certify to the Department that the CVR Payment Amount has been properly calculated for each affected participant in the Plans. The CVR Trustee will also certify to the Department that no excess portion of the CVR Payment Amount reverts to CHS, its successors, or their affiliates.'' CHS requests that this sentence be deleted to correspond with requested revisions to Conditions (k) and (l) of the operative language, as discussed above.

After considering CHS's comment, the Department notes this clarification to Representation 8.

Accordingly, after giving full consideration to the entire record, including the CHS comment, the Department has determined to grant the exemption as modified herein.

For further information regarding the CHS comment and other matters discussed herein, interested persons are encouraged to obtain copies of the exemption application files (Exemption Application Nos. D–11929 and D–11930) the Department is maintaining in this case. The complete application files, as well as all supplemental submissions received by the Department, are made available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on June 28, 2017, at 82 FR 29340.

Exemption

The restrictions of sections 406(a)(1)(E), 406(a)(2) and 407(a)(1)(A) of the Act shall not apply, effective January 27, 2014, to: (1) The acquisition by the Plans of contingent value rights (CVRs) received by the Plans in connection with the merger (the Merger Transaction) of FWCT–2 Acquisition Corporation, a wholly-owned subsidiary of Community Health Systems, Inc. (CHS), with and into Health Management Associates, Inc. (HMA), with HMA surviving as a wholly owned subsidiary of CHS; and (2) the holding of the CVRs by the Plans.

This exemption is subject to the following conditions:

(a) The receipt of the CVRs by the Plans occurred in connection with the Merger Transaction, which was approved by ninety-nine percent (99%) of the shareholders of common stock of HMA (HMA Common Stock);

(b) For purposes of the Merger Transaction, all HMA Common Stock shareholders, including the Plans, were treated in the same manner;

(c) The acquisition of the CVRs by the Plans occurred on the same terms, and in the same manner, as the acquisition

of CVRs by all other shareholders of HMA Common Stock who acquired CVRs;

(d) The terms of the Merger Transaction were negotiated at arm's-length;

(e) No fees, commissions or other charges are paid by the Plans with respect to the acquisition and holding of the CVRs by the Plans;

(f) Morgan Stanley & Co. LLC, Lazard Frères & Co. LLC and UBS Securities LLC advised HMA that the consideration received by HMA shareholders, including participants of the Plans, in exchange for their Shares was ''fair,'' from a financial point of view;

(g) The Plans have not and will not acquire or hold CVRs other than those acquired in connection with the Merger Transaction;

(h) Participants in the Plans may direct the Plans' trustee to sell CVRs allocated to their respective participant accounts in the Plans, at any time;

(i) The Plans do not sell a CVR to CHS or any of its subsidiaries or affiliates, including HMA, in a non-''blind'' transaction;

(j) For so long as the CVRs remain a permissible investment for each Plan, the retention or disposition of CVRs allocated to a participant's account has been and will be administered in accordance with the provisions of each Plan that are in effect for individually-directed investments of participant accounts;

(k) CHS will exercise its option under Section 3.1(d) of the CVR Agreement to retain an independent advisor (the Independent Advisor) to assist with the calculation of the CVR Payment Amount. The Independent Advisor retained by CHS (and any successor) will be an advisor that: (1) Has the appropriate training, experience, and facilities to perform such calculation; (2) does not directly or indirectly control, is not controlled by and is not under common control with, CHS; (3) does not directly or indirectly receive any compensation or other consideration in connection with any transaction described in this exemption other than for acting as Independent Advisor in the manner described in the CVR Agreement, and provided that the compensation payable is not contingent upon, or in any way affected by, the Independent Advisor's ultimate determination of the CVR Payment Amount; and (4) does not receive annual gross revenue from CHS, during any year of its engagement, that exceeds three percent (3%) of such Independent Advisor's annual gross revenue from all sources (for federal income tax purposes) for its prior tax year. CHS will deliver to the Department copies of the reports and calculations of such Independent Advisor used to determine the CVR Payment Amount; and

(l) No excess portion of the CVR Payment Amount will revert to CHS, its successors, or their affiliates.

Effective Date: This exemption is effective as of January 27, 2014.

FOR FURTHER INFORMATION CONTACT: Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

Liberty Mutual Insurance Company (Liberty Mutual or the Applicant) Located in Boston, MA

[Prohibited Transaction Exemption 2018–02; Exemption Application No. D–11869]

Exemption

The Department is granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act) and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[2] The restrictions of sections 406(a)(1)(A), 406(a)(1)(B), and 406(a)(1)(D) of ERISA and the sanctions resulting from the application of sections 4975(a) and 4975(b) of the Code, by reason of sections 4975(c)(1)(A), 4975(c)(1)(B), and 4975(c)(1)(D) of the Code, shall not apply to a transaction between a party in interest with respect to an employee benefit plan sponsored by Liberty Mutual or its affiliates (the Liberty Mutual Plan) and such Liberty Mutual Plan, as described in Part I of Prohibited Transaction Exemption 96–23 (PTE 96–23),[3] provided that the in-house asset manager (INHAM) for the Liberty Mutual Plan has discretionary control with respect to plan assets involved in the transaction, and certain conditions are satisfied.

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption (the Notice), published on August 3, 2017, at 82 FR 36214. The Notice, along with an accompanying supplemental notice, was distributed: (1) By email to those interested persons who agreed to receive electronic communication regarding the Retirement Plan; and (2) by first-class mail to interested persons who had not agreed to receive electronic communications. Although all comments and requests for hearing were initially due by September 17, 2017, the Applicant advised the Department that due to a printer error, distribution of the Notice was delayed by three days past the distribution period set forth therein. Therefore, the Department extended the comment period by three calendar days, to September 20, 2017.

During the comment period, the Department received numerous telephone inquiries from Plan participants that generally concerned matters outside the scope of the exemption, and 27 written comments. The Department did not receive any requests for a public hearing from any of the commenters.

Of the written comments the Department received, many of the commenters expressed concern that the exemption might adversely affect the payment of their benefits. Therefore, they urged the Department not to approve the exemption and allow Liberty Mutual to engage in investments on behalf of the Plan that would not be in the best interests of Plan participants or could be motivated by conflicts of interest.

Many of the commenters also expressed confusion about the intent, scope, and/or impact of the proposed exemption.

In response to the commenters' concerns, the Applicant states that the proposed exemption imposes duties, obligations and conditions on the conduct of Liberty Mutual when acting as a discretionary fiduciary on behalf of the Plan. The Applicant states that the proposed exemption does not in any way authorize Liberty Mutual to make inappropriate investments, to commingle the Plan's assets with Liberty Mutual's own accounts, or to use Plan assets to finance Liberty Mutual's corporate transactions. The Applicant represents that the proposed exemption is intended to enable professional asset managers to effect transactions that they have concluded meet their fiduciary obligations to make investments prudently and in the best interests of Plan participants. Coupled with the generally applicable duties and responsibilities that ERISA imposes on fiduciaries, and the conditions and limitations contained in the proposed exemption to protect the interests of Plan participants, the Applicant states

[2] For purposes of this exemption, references to the provisions of section 406 of Title I of ERISA, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[3] 61 FR 15975 (April 10, 1996), as amended at 76 FR 18255 (April 1, 2011).

that adequate safeguards are in place to ensure that the Plan's assets are invested prudently and in the best interests of the Plan participants.

The Applicant acknowledges that many of the commenters noted their reliance on income from the Plan and fear of changes that could jeopardize their benefits, and represents that it understands these apprehensions. The Applicant states that it shares the commenters' views that the assets of the Plan need to be invested prudently and in a manner that will enable the Plan to meet its obligations to Plan participants. The Applicant further states that, without the benefit of the exemption, certain investments that would be made to protect or enhance the assets of the Plan might otherwise be prohibited or could only be made with greater expense and/or complexity due to reliance on third-party service providers.

Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Application No. D–11869), including all supplemental submissions received by the Department, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 3, 2017, at 82 FR 36214.

Final Exemption Operative Language

Section I. Covered Transactions

The restrictions of sections 406(a)(1)(A), 406(a)(1)(B), and 406(a)(1)(D) of ERISA and the sanctions resulting from the application of sections 4975(a) and 4975(b) of the Code, by reason of sections 4975(c)(1)(A), 4975(c)(1)(B), and 4975(c)(1)(D) of the Code, shall not apply to a transaction between a party in interest with respect to a Liberty Mutual Plan (as defined in Section II(h)) and such Liberty Mutual Plan, provided that the Liberty Mutual Asset Manager (as defined in Section II(a)) has discretionary authority or control with respect to the assets of the Liberty Mutual Plan involved in the transaction and the following conditions are satisfied:

(a) The terms of the transaction are negotiated on behalf of the Liberty Mutual Plan by, or under the authority and general direction of, the Liberty Mutual Asset Manager, and either the Liberty Mutual Asset Manager or, so long as the Liberty Mutual Asset Manager retains full fiduciary responsibility with respect to the transaction, a sub-adviser acting in accordance with written guidelines established and administered by the Liberty Mutual Asset Manager, makes the decision on behalf of the Plan to enter into the transaction;

(b) The transaction is not described in—

(1) Prohibited Transaction Exemption 2006–16 (71 FR 63786, October 31, 2006) (relating to securities lending arrangements) (as amended or superseded);

(2) Prohibited Transaction Exemption 83–1 (48 FR 895, January 7, 1983) (relating to acquisitions by plans of interests in mortgage pools) (as amended or superseded); or

(3) Prohibited Transaction Exemption 88–59 (53 FR 24811, June 30, 1988) (relating to certain mortgage financing arrangements) (as amended or superseded);

(c) The transaction is not part of an arrangement, agreement, or understanding designed to violate or evade compliance with ERISA or the Code;

(d) At the time the transaction is entered into, and at the time of any subsequent renewal or modification thereof that requires the consent of the Liberty Mutual Asset Manager, the terms of the transaction are at least as favorable to the Liberty Mutual Plan as the terms generally available in arm's length transactions between unrelated parties;

(e) The party in interest dealing with the Liberty Mutual Plan:

(1) Is a party in interest with respect to the Liberty Mutual Plan (including a fiduciary); either

(A) Solely by reason of providing services to the Liberty Mutual Plan, or solely by reason of a relationship to a service provider described in section 3(14)(F), (G), (H) or (I) of ERISA; or

(B) Solely by reason of being a 10-percent or more shareholder, partner or joint venturer, in a person, which is 50 percent or more owned by an employer of employees covered by the Liberty Mutual Plan (directly or indirectly in capital or profits), or the parent company of such an employer, provided that such person is not controlled by, controlling, or under common control with such employer; or

(C) By reason of both (A) and (B) only; and

(2) Does not have discretionary authority or control with respect to the investment of the Liberty Mutual Plan assets involved in the transaction and does not render investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets;

(f) The party in interest dealing with the Liberty Mutual Plan is neither the Liberty Mutual Asset Manager nor a person related to the Liberty Mutual Asset Manager (within the meaning of Section II(d));

(g) The Liberty Mutual Asset Manager adopts, maintains, and follows written policies and procedures (the Policies) that:

(1) Are designed to assure compliance with the conditions of the exemption and its fiduciary responsibilities and avoid any conflicts of interest or risk exposure, including an investment allocation policy and best execution policy, and ensure that the Liberty Mutual Asset Manager and its personnel operate within an impartial conduct standard in accordance with a duty of loyalty and prudence pursuant to section 404 of the Act with respect to the Liberty Mutual Plan when conducting business with, or on behalf of, the applicable Liberty Mutual Plan;

(2) Describe the objective requirements of the exemption, and describe the steps adopted by the Liberty Mutual Asset Manager to assure compliance with each of these requirements:

(A) The requirements of Section I of the exemption, including Section I(a) regarding the discretionary authority or control of the Liberty Mutual Asset Manager with respect to the plan assets involved in the transaction, in negotiating the terms of the transaction, and with regard to the decision on behalf of the Liberty Mutual Plan to enter into the transaction;

(B) That any procedure for approval or veto of the transaction meets the requirements of Section I(a);

(C) For a transaction described in Section I:

(i) That the transaction is not entered into with any person who is excluded from relief under Section I(e)(1), Section I(e)(2), or Section I(f); and

(ii) That the transaction is not described in any of the class exemptions listed in Section I(b);

(3) Are reasonably designed to prevent the Liberty Mutual Asset Manager or its personnel from violating ERISA or other federal or state laws or regulations applicable with respect to the investment of the assets of the applicable Liberty Mutual Plan (Applicable Law);

(4) Cover, at a minimum, the following areas to the extent applicable to the Liberty Mutual Asset Manager:

(A) Portfolio management processes, including allocation of investment opportunities among any Liberty Mutual Plan and Liberty Mutual's proprietary investments, taking into account the investment objectives of the applicable Liberty Mutual Plan and any restrictions under Applicable Law;

(B) Trading practices, including procedures by which the Liberty Mutual Asset Manager satisfies its best execution obligation, and allocates aggregated trades among all Liberty Mutual Plans and/or Liberty Mutual proprietary accounts for which it provides investment management services;

(C) Personal trading activities of any employee of Liberty Mutual and its subsidiaries who has personal involvement and responsibility for investment decisions regarding the investment of the assets of the applicable Liberty Mutual Plan (an LM Advisory Employee);

(D) The Liberty Mutual Asset Manager's policies regulating conflicts of interest;

(E) The accuracy of disclosures, including account statements, made to the trustee(s) or fiduciaries of any Liberty Mutual Plan or to any regulators;

(F) Safeguarding of Liberty Mutual Plan assets from conversion or inappropriate use by any LM Advisory Employee;

(G) The accurate creation of required records and their maintenance in a manner that secures them from unauthorized alteration or use and protects them from untimely destruction;

(H) Processes to value holdings of any Liberty Mutual Plan, to the extent, if any, that such valuation is within the control of the Liberty Mutual Asset Manager;

(I) Safeguards for the privacy protection of records and information pertaining to each Liberty Mutual Plan; and

(J) Business continuity plans; and

(5) Any violations of or failure to comply with items (1) through (4) above are corrected promptly upon discovery and any such violations or compliance failures not promptly corrected are reported, upon discovering the failure to promptly correct, in writing to appropriate corporate officers, the Chief Compliance Officer (as described below in Section I(j)) of the Liberty Mutual Asset Manager, and the independent auditor described in Section I(h) below, and a fiduciary of the relevant Liberty Mutual Plan; the Liberty Mutual Asset Manager will not be treated as having failed to adopt, maintain, or follow the Policies, provided that it corrects any instances of noncompliance promptly when discovered or when they reasonably should have known of the noncompliance (whichever is earlier), and provided that it adheres to the reporting requirements set forth in this item (5);

(h)(1) The Liberty Mutual Asset Manager submits to an audit conducted annually by an independent auditor, who has been prudently selected and who has the appropriate technical training or experience and proficiency with ERISA's fiduciary responsibility provisions and applicable securities laws to evaluate the adequacy of, and compliance with, the Policies described herein, and compliance with the requirements of the exemption, and so represents in writing. Upon the Department's request, the auditor must demonstrate its qualifications as required by this paragraph and its independence from Liberty Mutual. The audit must be incorporated into the Policies and cover a consecutive twelve-month period beginning on the effective date of the exemption. Each annual audit must be completed within six months following the end of the twelve-month period to which the audit relates;

(2) To the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions for relief described herein, and as permitted by law, the Liberty Mutual Asset Manager and, if applicable, Liberty Mutual, will grant the auditor unconditional access to its business, including, but not limited to: its computer systems, business records, transactional data, workplace locations, training materials, and personnel;

(3) The auditor's engagement must specifically require the auditor to determine whether the Liberty Mutual Asset Manager has complied with the conditions for the exemption, including the requirement to adopt, maintain, and follow Policies in Section I(g);

(4) The auditor's engagement shall specifically require the auditor to test the Liberty Mutual Asset Manager's operational compliance with the exemption, including the Policies in Section I(g). In this regard, the auditor must test a sample of the Liberty Mutual Asset Manager's transactions involving the Liberty Mutual Plan sufficient in size and nature to afford the auditor a reasonable basis to determine the operational compliance with the Policies;

(5) For each audit, the auditor shall issue a written report (the Audit Report) to Liberty Mutual and the Liberty Mutual Asset Manager that describes the procedures performed by the auditor during the course of its examination, to be completed within six months following the end of the twelve-month period to which the audit relates. The Audit Report shall include the auditor's specific determinations regarding the compliance with the conditions for the exemption; the adequacy of, and compliance with, the Policies; the auditor's recommendations (if any) with respect to strengthening such Policies; and any instances of noncompliance with the conditions for the exemption or the Policies described in paragraph (g) above. Any determinations made by the auditor regarding the adequacy of the Policies and the auditor's recommendations (if any) with respect to strengthening the Policies shall be promptly addressed by the Liberty Mutual Asset Manager, and any actions taken by the Liberty Mutual Asset Manager to address such recommendations shall be included in an addendum to the Audit Report. Any determinations by the auditor that the Liberty Mutual Asset Manager has adopted, maintained, and followed sufficient Policies shall not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that the Liberty Mutual Asset Manager has complied with the requirements under this subsection must be based on evidence that demonstrates the Liberty Mutual Asset Manager has actually adopted, maintained, and followed the Policies required by this exemption;

(6) The auditor shall notify the Liberty Mutual Asset Manager and Liberty Mutual of any instances of noncompliance with the conditions for the exemption or the Policies identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

(7) With respect to each Audit Report, the General Counsel or the Chief Compliance Officer (described in Section I(j)) of the Liberty Mutual Asset Manager certifies in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; addressed, corrected, or remedied any inadequacies identified in the Audit Report; and determined that the Policies in effect at the time of signing are adequate to ensure compliance with the conditions of this exemption and with the applicable provisions of ERISA and the Code;

(8) A senior executive officer with a direct reporting line to the highest ranking compliance officer of Liberty Mutual reviews the Audit Report and certifies in writing, under penalty of

perjury, that such officer has reviewed each Audit Report; and

(9) The Liberty Mutual Asset Manager makes its Audit Report unconditionally available for examination by any duly authorized employee or representative of the Department, other relevant regulators, and any participant in a Liberty Mutual Plan;

(i) The Liberty Mutual Asset Manager will prepare and make available to all participants of, and beneficiaries entitled to receive benefits under, the Liberty Mutual Plans (the Eligible Recipients) a plain English, narrative brochure (the Brochure) that contains all substantive information, comparable to that required by Part 2A of Form ADV filed under the Investment Advisers Act of 1940, but modified such that the disclosure is relevant to Eligible Recipients with respect to the management of the applicable Liberty Mutual Plan;

(1) The Brochure shall include, among other things:

(A) The Liberty Mutual Asset Manager's investment strategy with respect to the applicable Liberty Mutual Plan;

(B) The Liberty Mutual Asset Manager's policies regarding conflicts of interest;

(C) Any disciplinary information related to employees of the Liberty Mutual Asset Manager; and

(D) A prominent statement that the Eligible Recipients may request a copy of the Policies, with instructions on how to make such request and receive such copy;

(2) The Liberty Mutual Asset Manager must make the Brochure available to the Eligible Recipients: (1) With respect to any Liberty Mutual Plan for which Liberty Mutual or its affiliate is then acting as an investment manager, within 90 days of the effective date of this exemption; and (2) with respect to any other Liberty Mutual Plan for which any Liberty Mutual Asset Manager thereafter becomes an investment manager, within ten (10) business days of the date that the applicable Investment Management Agreement or Sub-Adviser Agreement with a Liberty Mutual Plan becomes effective;

(3) Liberty Mutual annually updates such brochure (the Updated Brochure), containing or accompanied by a summary of material changes. Each Updated Brochure that is made available following the completion of the first audit required with respect to any Liberty Mutual Asset Manager in accordance with this exemption must include a prominently displayed statement indicating that the Liberty Mutual Asset Manager has completed the required audit, and must also provide clear instructions for obtaining a copy of the audit;

(4) The Liberty Mutual Asset Manager will be deemed to have met the requirements pertaining to the provision of the Brochure and the Updated Brochure if it makes such documents available to the Eligible Recipients through a prominently displayed link on a website (the Plan Benefits website) where it makes available information to the Eligible Recipients about their benefits and rights under the applicable Liberty Mutual Plan (Plan Information), and contact information for an appropriate representative of Liberty Mutual to direct inquiries from the Eligible Recipients, which is readily available to such Eligible Recipients. Notwithstanding the above, the Liberty Mutual Asset Manager will not be deemed to have met the requirements of this subparagraph unless it provides notice of the Plan Benefits website, and the link to the Brochure and Updated Brochure at least once annually, to all Eligible Recipients;

(5) For any such Eligible Recipient to whom Liberty Mutual makes Plan Information available by hard copy or other means (Supplemental Delivery), the Brochure and the Updated Brochure must be provided to such Eligible Recipient at the same time and by the same means that Plan Information is provided;

(6) The Liberty Mutual Asset Manager will also provide supplements to the Brochure (each, a Brochure Supplement) that contain information about any LM Advisory Employee, including the LM Advisory Employee's educational background, business experience, other business activities, and disciplinary history;

(7) Each Brochure Supplement must be made available in the same manner as the Brochure, and must be posted to the Plan Benefits website, not later than 90 days following the date that any such LM Advisory Employee begins to provide advisory services to that Liberty Mutual Plan. Such Brochure Supplement must be included with the next Updated Brochure included in the material provided to any Eligible Recipient receiving such Updated Brochure by Supplemental Delivery;

(8) With respect to any individuals who become Eligible Recipients with respect to any Liberty Mutual Plan for which Liberty Mutual or its affiliate is then acting as an investment manager (the New Eligible Recipients) after the delivery of the Brochure to the Eligible Recipients with respect to the Liberty Mutual Plan, the Liberty Mutual Asset Manager will provide a copy of the Brochure as well as the most recent Updated Brochure, if applicable, and any Brochure Supplements related to LM Advisory Employees employed by the Liberty Mutual Asset Manager at the time the New Eligible Recipients became Eligible Recipients, within 90 days of the New Eligible Recipients becoming Eligible Recipients with respect to the Liberty Mutual Plan. The Liberty Mutual Asset Manager will be deemed to have met the disclosure requirements pertaining to the New Eligible Recipients if it makes the applicable documents available to the New Eligible Recipients through a prominently displayed link on the Plan Benefits website described in section I(i)(4) of this exemption. Notwithstanding the above, the Liberty Mutual Asset Manager will not be deemed to have met the requirements of this subparagraph unless it provides notice of the Plan Benefits website, and the link to the Brochure, Updated Brochure, and Brochure Supplements to all New Eligible Recipients. For any such New Eligible Recipient to whom Liberty Mutual makes Plan Information available by Supplemental Delivery, the Brochure and the Updated Brochure must be provided to such New Eligible Recipient at the same time and by the same means that Plan Information is provided;

(j) Each Liberty Mutual Asset Manager must establish an internal compliance program that addresses the Liberty Mutual Asset Manager's performance of its fiduciary and substantive obligations under ERISA (the Compliance Program);

(1) Each Liberty Mutual Asset Manager must designate a Chief Compliance Officer (the CCO), who must be knowledgeable about ERISA and have the authority to develop and enforce appropriate compliance policies and procedures for the Liberty Mutual Asset Manager;

(2) As part of the Compliance Program, each Liberty Mutual Asset Manager must adopt and enforce a written code of ethics that, among other things, will reflect the Liberty Mutual Asset Manager's fiduciary duties to the Liberty Mutual Plans. At a minimum, the Liberty Mutual Asset Manager's code of ethics must:

(A) Set forth a minimum standard of conduct for all LM Advisory Employees and any other employees of the Liberty Mutual Asset Manager whose responsibilities include assisting the LM Advisory Employees in managing the investments of any Liberty Mutual Plan (the LM Facilitating Employees);

(B) Require LM Advisory Employees and LM Facilitating Employees to comply with Applicable Law in

fulfilling their investment management duties to the Liberty Mutual Plans;

(C) Require each LM Advisory Employee to report his or her securities holdings at the later of the time that the person becomes an LM Advisory Employee or within 90 days after this exemption becomes effective and at least once annually thereafter and to make a report at least once quarterly of all personal securities transactions in reportable securities to the Liberty Mutual Asset Manager's CCO or other designated person;

(D) Require the CCO or other designated persons to pre-approve investments by any LM Advisory Employee in IPOs or limited offerings;

(E) Require each LM Advisory Employee or LM Facilitating Employees to promptly report any violation of Applicable Law to the Liberty Mutual Asset Manager's CCO or other designated person;

(F) Require the Liberty Mutual Asset Manager to provide training on applicable law and to obtain a written acknowledgment from each LM Advisory Employee documenting his/her agreement to abide by the code of ethics, the Policies, and applicable law; and

(G) Require the Liberty Mutual Asset Manager to keep records of any violations of applicable law and of any actions taken against the violators;

(k) The Liberty Mutual Asset Manager must act in the Best Interest of the Liberty Mutual Plan at the time of the transaction. For purposes of this paragraph, a Liberty Mutual Asset Manager acts in the ''Best Interest'' of the Liberty Mutual Plan when the Liberty Mutual Asset Manager acts with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, based on the investment objectives, risk tolerance, financial circumstances, and needs of the Liberty Mutual Plan, without regard to the financial or other interests of the Liberty Mutual Asset Manager, any affiliate or other party;

(l) The Liberty Mutual Asset Manager's statements about material conflicts of interest and any other matters relevant to the Liberty Mutual Asset Manager's relationship with the Liberty Mutual Plan, are not materially misleading at the time they are made. For purposes of this paragraph, a ''material conflict of interest'' exists when a Liberty Mutual Asset Manager has a financial interest that a reasonable person would conclude could affect the exercise of its best judgment as a Liberty Mutual Asset Manager; and

(m) The Liberty Mutual Asset Manager will not charge any asset management fees or receive any fee in connection with transactions covered by this exemption.

Section II. Definitions

(a) The term ''Liberty Mutual Asset Manager'' means Liberty Mutual or any organization that is either a direct or indirect 80 percent or more owned subsidiary of Liberty Mutual, or a direct or indirect 80 percent more owned subsidiary of a parent organization of Liberty Mutual, provided that such Liberty Mutual Asset Manager:

(1) Is an insurance company which is qualified under the laws of more than one State to manage, acquire, or dispose of any assets of a plan, which company has, as of the last day of its most recent fiscal year, net worth (capital, paid-in and contributed surplus, unassigned surplus, contingency reserves, group contingency reserves, and special reserves) in excess of $1,000,000;

(2) Is subject to supervision and examination by a State authority having supervision over insurance companies and is subject to periodic audits by applicable State insurance regulators in accordance with the requirements of applicable state law, which, under current law, would be no less than once every five years;

(3) Has any arrangements between it and any Liberty Mutual Plan reviewed by the applicable State insurance regulators, including any investment management agreements (or revisions thereto) with the Liberty Mutual Plan and sub-advisor agreements with any other Liberty Mutual Asset Managers, the results of which will be made available without limitation to the independent auditor conducting the audit required under Section I(i);

(4) As of the last day of its most recent fiscal year, has under its management and control total assets in excess of $1 billion; and

(5) Together with its affiliates, maintains Liberty Mutual Plans holding aggregate assets of at least $500 million as of the last day of each Liberty Mutual Plan's reporting year;

(b) For purposes of Sections II(a) and II(h), an ''affiliate'' of a Liberty Mutual Asset Manager means a member of either (1) a controlled group of corporations (as defined in section 414(b) of the Code) of which the Liberty Mutual Asset Manager is a member, or (2) a group of trades or businesses under common control (as defined in section 414(c) of the Code) of which the Liberty Mutual Asset Manager is a member; provided that ''50 percent'' shall be substituted for ''80 percent'' wherever ''80 percent'' appears in section 414(b) or 414(c) of the Code or the rules thereunder;

(c) The term ''party in interest'' means a person described in section 3(14) of ERISA and includes a ''disqualified person'' as defined in section 4975(e)(2) of the Code;

(d) A Liberty Mutual Asset Manager is ''related'' to a party in interest for purposes of Section I(f) of this exemption, if, as of the last day of its most recent calendar quarter: (i) The Liberty Mutual Asset Manager (or a person controlling, or controlled by, the Liberty Mutual Asset Manager) owns a ten percent or more interest in the party in interest; or (ii) the party in interest (or a person controlling, or controlled by, the party in interest) owns a 10 percent or more interest in the Liberty Mutual Asset Manager.

For purposes of this definition:

(1) The term ''interest'' means with respect to ownership of an entity—

(A) The combined voting power of all classes of stock entitled to vote or the total value of the shares of all classes of stock of the entity if the entity is a corporation,

(B) The capital interest or the profits interest of the entity if the entity is a partnership, or

(C) The beneficial interest of the entity if the entity is a trust or unincorporated enterprise; and

(2) A person is considered to own an interest if, other than in a fiduciary capacity, the person has or shares the authority—

(A) To exercise any voting rights or to direct some other person to exercise the voting rights relating to such interest, or

(B) To dispose or to direct the disposition of such interest; and

(3) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual;

(e) For purposes of this exemption, the time as of which any transaction occurs is the date upon which the transaction is entered into. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. Nothing in this paragraph shall be construed as exempting a transaction entered into by a plan which becomes a transaction described in section 406 of ERISA or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become

prohibited but for this exemption. In determining compliance with the conditions of the exemption at the time that the transaction was entered into for purposes of the preceding sentence, Section I(e) will be deemed satisfied if the transaction was entered into between a Liberty Mutual Plan and a person who was not then a party in interest;

(f) The term ''LMGAMI'' means Liberty Mutual Group Asset Management Inc., a separate investment management subsidiary of Liberty Mutual;

(g) The term ''Liberty Mutual'' means Liberty Mutual Insurance Company; and

(h) The term ''Liberty Mutual Plan'' means the Liberty Mutual Retirement Benefit Plan and any other employee benefit plan subject to the fiduciary responsibility provisions of Part IV of Title I of ERISA maintained by Liberty Mutual or an affiliate of Liberty Mutual, and covering the employees of such entities.

Effective Date: This exemption is effective as of the date that a final notice of granted exemption is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Scott Ness of the Department, telephone (202) 693–8561. (This is not a toll-free number.)

Russell Investment Management, LLC (RIM), Russell Investments Capital, LLC (RiCap), and Their Affiliates (Collectively, Russell Investments or the Applicants) Located in Seattle, WA

[Prohibited Transaction Exemption 2018–03; Exemption Application No. D–11916]

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption, published on August 3, 2017, at 82 FR 36224. All comments and requests for public hearing were due by September 18, 2017.

Subsequent to the publication of the proposed exemption, the Applicants informed the Department, in a memorandum dated October 26, 2017, that there were no interested persons to whom notice of the proposed exemption could be provided. Therefore, this final exemption is now effective as of the date this grant notice is published in the **Federal Register**. The Department has also clarified subparagraphs (j)(1)(3)(ii), (k)(3), and (l)(2) of Section II to more clearly express the requirement that negative consent will not occur until at least thirty days have passed from the date that Russell Investments provides certain required notices or information to the Second Fiduciary.

Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Application No. D–11916), including all supplemental submissions received by the Department, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 3, 2017, at 82 FR 36224.

Exemption

Section I: Covered Transactions

The restrictions of sections 406(a)(1)(D) and 406(b) of the Act (or ERISA) and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(D) through (F) of the Code,[4] shall not apply to: (a) The receipt of a fee by Russell Investments, from an open-end investment company or open-end investment companies (Affiliated Fund(s)), in connection with the direct investment in shares of any such Affiliated Fund, by an employee benefit plan or by employee benefit plans (Client Plan(s)), where Russell Investments serves as a fiduciary with respect to such Client Plan, and where Russell Investments: (1) Provides investment advisory services, or similar services to any such Affiliated Fund; and (2) provides to any such Affiliated Fund other services (Secondary Service(s)); and (b) In connection with the indirect investment by a Client Plan in shares of an Affiliated Fund through investment in a pooled investment vehicle or pooled investment vehicles (Collective Fund(s)), where Russell Investments serves as a fiduciary with respect to such Client Plan, the receipt of fees by Russell Investments from: (1) An Affiliated Fund for the provision of investment advisory services, or similar services by Russell Investments to any such Affiliated Fund; and (2) an Affiliated Fund for the provision of Secondary Services by Russell Investments to any such Affiliated Fund.

[4] For purposes of this exemption reference to specific provisions of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of the Code.

Section II: Specific Conditions

(a)(1) Each Client Plan which is invested directly in shares of an Affiliated Fund either:

(i) Does not pay to Russell Investments, for the entire period of such investment, any investment management fee, any investment advisory fee, or any similar fee at the plan-level (the Plan-Level Management Fee), as defined below in Section IV(m), with respect to any of the assets of such Client Plan which are invested directly in shares of such Affiliated Fund; or

(ii) Pays to Russell Investments a Plan-Level Management Fee, based on total assets of such Client Plan under management by Russell Investments at the plan-level, from which a credit has been subtracted from such Plan-Level Management Fee, where the amount subtracted represents such Client Plan's pro rata share of any investment advisory fee and any similar fee (the Affiliated Fund Level Advisory Fee), as defined below in Section IV(o), paid by such Affiliated Fund to Russell Investments.

If, during any fee period, in the case of a Client Plan invested directly in shares of an Affiliated Fund, such Client Plan has prepaid its Plan Level Management Fee, and such Client Plan purchases shares of an Affiliated Fund directly, the requirement of this Section II(a)(1)(ii) shall be deemed met with respect to such prepaid Plan-Level Management Fee, if, by a method reasonably designed to accomplish the same, the amount of the prepaid Plan-Level Management Fee that constitutes the fee with respect to the assets of such Client Plan invested directly in shares of an Affiliated Fund:

(A) Is anticipated and subtracted from the prepaid Plan-Level Management Fee at the time of the payment of such fee; or

(B) Is returned to such Client Plan, no later than during the immediately following fee period; or

(C) Is offset against the Plan-Level Management Fee for the immediately following fee period or for the fee period immediately following thereafter.

For purposes of Section II(a)(1)(ii), a Plan-Level Management Fee shall be deemed to be prepaid for any fee period, if the amount of such Plan-Level Management Fee is calculated as of a date not later than the first day of such period.

(2) Each Client Plan invested in a Collective Fund the assets of which are not invested in shares of an Affiliated Fund:

(i) Does not pay to Russell Investments for the entire period of such

investment any Plan-Level Management Fee with respect to any assets of such Client Plan invested in such Collective Fund.

The requirements of this Section II(a)(2)(i) do not preclude the payment of a Collective Fund-Level Management Fee by such Collective Fund to Russell Investments, based on the assets of such Client Plan invested in such Collective Fund; or

(ii) Does not pay to Russell Investments for the entire period of such investment any Collective Fund-Level Management Fee with respect to any assets of such Client Plan invested in such Collective Fund.

The requirements of this Section II(a)(2)(ii) do not preclude the payment of a Plan-Level Management Fee by such Client Plan to Russell Investments, based on total assets of such Client Plan under management by Russell Investments at the plan-level; or

(iii) Such Client Plan pays to Russell Investments a Plan-Level Management Fee, based on total assets of such Client Plan under management by Russell Investments at the plan-level, from which a credit has been subtracted from such Plan-Level Management Fee (the ''Net'' Plan-Level Management Fee), where the amount subtracted represents such Client Plan's pro rata share of any Collective Fund-Level Management Fee paid by such Collective Fund to Russell Investments.

The requirements of this Section II(a)(2)(iii) do not preclude the payment of a Collective Fund-Level Management Fee by such Collective Fund to Russell Investments, based on the assets of such Client Plan invested in such Collective Fund.

(3) Each Client Plan invested in a Collective Fund, the assets of which are invested in shares of an Affiliated Fund:

(i) Does not pay to Russell Investments for the entire period of such investment any Plan-Level Management Fee (including any ''Net'' Plan-Level Management Fee, as described, above, in Section II(a)(2)(ii)), and does not pay directly to Russell Investments or indirectly to Russell Investments through the Collective Fund for the entire period of such investment any Collective Fund-Level Management Fee with respect to the assets of such Client Plan which are invested in such Affiliated Fund; or

(ii) Pays indirectly to Russell Investments a Collective Fund-Level Management Fee, in accordance with Section II(a)(2)(i) above, based on the total assets of such Client Plan invested in such Collective Fund, from which a credit has been subtracted from such Collective Fund-Level Management Fee, where the amount subtracted represents such Client Plan's pro rata share of any Affiliated Fund-Level Advisory Fee paid to Russell Investments by such Affiliated Fund; and does not pay to Russell Investments for the entire period of such investment any Plan-Level Management Fee with respect to any assets of such Client Plan invested in such Collective Fund; or

(iii) Pays to Russell Investments a Plan-Level Management Fee, in accordance with Section II(a)(2)(ii) above, based on the total assets of such Client Plan under management by Russell Investments at the plan-level, from which a credit has been subtracted from such Plan-Level Management Fee, where the amount subtracted represents such Client Plan's pro rata share of any Affiliated Fund-Level Advisory Fee paid to Russell Investments by such Affiliated Fund; and does not pay directly to Russell Investments or indirectly to Russell Investments through the Collective Fund for the entire period of such investment any Collective Fund-Level Management Fee with respect to any assets of such Client Plan invested in such Collective Fund; or

(iv) Pays to Russell Investments a ''Net'' Plan-Level Management Fee, in accordance with Section II(a)(2)(iii) above, from which a further credit has been subtracted from such ''Net'' Plan-Level Management Fee, where the amount of such further credit which is subtracted represents such Client Plan's pro rata share of any Affiliated Fund-Level Advisory Fee paid to Russell Investments by such Affiliated Fund.

Provided that the conditions of this proposed exemption are satisfied, the requirements of Section II(a)(1)(i)–(ii) and Section II(a)(3)(i)–(iv) do not preclude the payment of an Affiliated Fund-Level Advisory Fee by an Affiliated Fund to Russell Investments under the terms of an investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940 (the Investment Company Act). Further, the requirements of Section II(a)(1)(i)–(ii) and Section II(a)(3)(i)–(iv) do not preclude the payment of a fee by an Affiliated Fund to Russell Investments for the provision by Russell Investments of Secondary Services to such Affiliated Fund under the terms of a duly adopted agreement between Russell Investments and such Affiliated Fund.

For the purpose of Section II(a)(1)(ii) and Section II(a)(3)(ii)–(iv), in calculating a Client Plan's pro rata share of an Affiliated Fund-Level Advisory Fee, Russell Investments must use an amount representing the ''gross'' advisory fee paid to Russell Investments by such Affiliated Fund. For purposes of this paragraph, the ''gross'' advisory fee is the amount paid to Russell Investments by such Affiliated Fund, including the amount paid by such Affiliated Fund to sub-advisers.

(b) The purchase price paid and the sales price received by a Client Plan for shares in an Affiliated Fund purchased or sold directly, and the purchase price paid and the sales price received by a Client Plan for shares in an Affiliated Fund purchased or sold indirectly through a Collective Fund, is the net asset value per share (NAV), as defined below in Section IV(f), at the time of the transaction, and is the same purchase price that would have been paid and the same sales price that would have been received for such shares by any other shareholder of the same class of shares in such Affiliated Fund at that time.[5]

(c) Russell Investments, including any officer and any director of Russell Investments, does not purchase any shares of an Affiliated Fund from, and does not sell any shares of an Affiliated Fund to, any Client Plan which invests directly in such Affiliated Fund, and Russell Investments, including any officer and director of Russell Investments, does not purchase any shares of any Affiliated Fund from, and does not sell any shares of an Affiliated Fund to, any Collective Fund in which a Client Plan invests indirectly in shares of such Affiliated Fund.

(d) No sales commissions, no redemption fees, and no other similar fees are paid in connection with any purchase and in connection with any sale by a Client Plan directly in shares of an Affiliated Fund, and no sales commissions, no redemption fees, and no other similar fees are paid by a Collective Fund in connection with any purchase, and in connection with any sale, of shares in an Affiliated Fund by a Client Plan indirectly through such Collective Fund. However, this Section II(d) does not prohibit the payment of a redemption fee, if:

(1) Such redemption fee is paid only to an Affiliated Fund; and

(2) The existence of such redemption fee is disclosed in the summary prospectus for such Affiliated Fund in effect both at the time of any purchase of shares in such Affiliated Fund and at the time of any sale of such shares.

(e) The combined total of all fees received by Russell Investments is not in excess of reasonable compensation

[5] The selection of a particular class of shares of an Affiliated Fund as an investment for a Client Plan indirectly through a Collective Fund is a fiduciary decision that must be made in accordance with the provisions of section 404(a) of the Act.

within the meaning of section 408(b)(2) of the Act, for services provided:

(1) By Russell Investments to each Client Plan;

(2) By Russell Investments to each Collective Fund in which a Client Plan invests;

(3) By Russell Investments to each Affiliated Fund in which a Client Plan invests directly in shares of such Affiliated Fund; and

(4) By Russell Investments to each Affiliated Fund in which a Client Plan invests indirectly in shares of such Affiliated Fund through a Collective Fund.

(f) Russell Investments does not receive any fees payable pursuant to Rule 12b–1 under the Investment Company Act in connection with the transactions covered by this proposed exemption;

(g) No Client Plan is an employee benefit plan sponsored or maintained by Russell Investments.

(h)(1) In the case of a Client Plan investing directly in shares of an Affiliated Fund, a second fiduciary (the Second Fiduciary), as defined below in Section IV(h), acting on behalf of such Client Plan, receives, in writing, in advance of any investment by such Client Plan directly in shares of such Affiliated Fund, a full and detailed disclosure via first class mail or via personal delivery of (or, if the Second Fiduciary consents to such means of delivery, through electronic email, in accordance with Section II(q), as set forth below) information concerning such Affiliated Fund, including but not limited to the items listed below:

(i) A current summary prospectus issued by each such Affiliated Fund;

(ii) A statement describing the fees, including the nature and extent of any differential between the rates of such fees for:

(A) Investment advisory and similar services to be paid to Russell Investments by each Affiliated Fund;

(B) Secondary Services to be paid to Russell Investments by each such Affiliated Fund; and

(C) All other fees to be charged by Russell Investments to such Client Plan and to each such Affiliated Fund and all other fees to be paid to Russell Investments by each such Client Plan and by each such Affiliated Fund;

(iii) The reasons why Russell Investments may consider investment directly in shares of such Affiliated Fund by such Client Plan to be appropriate for such Client Plan;

(iv) A statement describing whether there are any limitations applicable to Russell Investments with respect to which assets of such Client Plan may be invested directly in shares of such Affiliated Fund, and if so, the nature of such limitations; and

(v) Upon the request of the Second Fiduciary acting on behalf of such Client Plan, a copy of the notice of proposed exemption, a copy of the final exemption, if granted, and any other reasonably available information regarding the transactions which are the subject of this proposed exemption.

(2) In the case of a Client Plan whose assets are proposed to be invested in a Collective Fund after such Collective Fund has begun investing in shares of an Affiliated Fund, a Second Fiduciary, acting on behalf of such Client Plan, receives, in writing, in advance of any investment by such Client Plan in such Collective Fund, a full and detailed disclosure via first class mail or via personal delivery (or, if the Second Fiduciary consents to such means of delivery, through electronic email, in accordance with Section II(q), as set forth below) of information concerning such Collective Fund and information concerning each such Affiliated Fund in which such Collective Fund is invested, including but not limited to the items listed, below:

(i) A current summary prospectus issued by each such Affiliated Fund;

(ii) A statement describing the fees, including the nature and extent of any differential between the rates of such fees for:

(A) Investment advisory and similar services to be paid to Russell Investments by each Affiliated Fund;

(B) Secondary Services to be paid to Russell Investments by each such Affiliated Fund; and

(C) All other fees to be charged by Russell Investments to such Client Plan, to such Collective Fund, and to each such Affiliated Fund and all other fees to be paid to Russell Investments by such Client Plan, by such Collective Fund, and by each such Affiliated Fund;

(iii) The reasons why Russell Investments may consider investment by such Client Plan in shares of each such Affiliated Fund indirectly through such Collective Fund to be appropriate for such Client Plan;

(iv) A statement describing whether there are any limitations applicable to Russell Investments with respect to which assets of such Client Plan may be invested indirectly in shares of each such Affiliated Fund through such Collective Fund, and if so, the nature of such limitations;

(v) Upon the request of the Second Fiduciary, acting on behalf of such Client Plan, a copy of the Notice, a copy of the final exemption, if granted, and any other reasonably available information regarding the transactions which are the subject of this proposed exemption; and

(vi) A copy of the organizational documents of such Collective Fund which expressly provide for the addition of one or more Affiliated Funds to the portfolio of such Collective Fund.

(3) In the case of a Client Plan whose assets are proposed to be invested in a Collective Fund before such Collective Fund has begun investing in shares of any Affiliated Fund, a Second Fiduciary, acting on behalf of such Client Plan, receives, in writing, in advance of any investment by such Client Plan in such Collective Fund, a full and detailed disclosure via first class mail or via personal delivery (or, if the Second Fiduciary consents to such means of delivery through electronic email, in accordance with Section II(q), as set forth below) of information, concerning such Collective Fund, including but not limited to, the items listed below:

(i) A statement describing the fees, including the nature and extent of any differential between the rates of such fees for all fees to be charged by Russell Investments to such Client Plan and to such Collective Fund and all other fees to be paid to Russell Investments by such Client Plan, and by such Collective Fund;

(ii) Upon the request of the Second Fiduciary, acting on behalf of such Client Plan, a copy of the Notice, a copy of the final exemption, if granted, and any other reasonably available information regarding the transactions which are the subject of this proposed exemption; and

(iii) A copy of the organizational documents of such Collective Fund which expressly provide for the addition of one or more Affiliated Funds to the portfolio of such Collective Fund.

(i) On the basis of the information, described above in Section II(h), a Second Fiduciary, acting on behalf of a Client Plan:

(1) Authorizes in writing the investment of the assets of such Client Plan, as applicable:

(i) Directly in shares of an Affiliated Fund;

(ii) Indirectly in shares of an Affiliated Fund through a Collective Fund where such Collective Fund has already invested in shares of an Affiliated Fund; and

(iii) In a Collective Fund which is not yet invested in shares of an Affiliated Fund but whose organizational document expressly provides for the addition of one or more Affiliated Funds to the portfolio of such Collective Fund; and

(2) Authorizes in writing, as applicable:

(i) The Affiliated Fund-Level Advisory Fee received by Russell Investments for investment advisory services and similar services provided by Russell Investments to such Affiliated Fund;

(ii) The fee received by Russell Investments for Secondary Services provided by Russell Investments to such Affiliated Fund;

(iii) The Collective Fund-Level Management Fee received by Russell Investments for investment management, investment advisory, and similar services provided by Russell Investments to such Collective Fund in which such Client Plan invests;

(iv) The Plan-Level Management Fee received by Russell Investments for investment management and similar services provided by Russell Investments to such Client Plan at the plan-level; and

(v) The selection by Russell Investments of the applicable fee method, as described above in Section II(a)(1)–(3).

All authorizations made by a Second Fiduciary pursuant to this Section II(i) must be consistent with the responsibilities, obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act;

(j)(1) Any authorization, described above in Section II(i), and any authorization made pursuant to negative consent, as described below in Section II(k) and in Section II(l), made by a Second Fiduciary, acting on behalf of a Client Plan, shall be terminable at will by such Second Fiduciary, without penalty to such Client Plan (including any fee or charge related to such penalty), upon receipt by Russell Investments via first class mail, via personal delivery, or via electronic email of a written notification of the intent of such Second Fiduciary to terminate any such authorization;

(2) A form (the Termination Form), expressly providing an election to terminate any authorization, described above in Section II(i), or to terminate any authorization made pursuant to negative consent, as described below in Section II(k) and in Section II(l), with instructions on the use of such Termination Form, must be provided to such Second Fiduciary at least annually, either in writing via first class mail or via personal delivery (or if such Second Fiduciary consents to such means of delivery through electronic email, in accordance with Section II(q), as set forth below). However, if a Termination Form has been provided to such Second Fiduciary pursuant to Section II(k) or pursuant to Section II(l) below, then a Termination Form need not be provided pursuant to this Section II(j), until at least six (6) months, but no more than twelve (12) months, have elapsed, since the prior Termination Form was provided;

(3) The instructions for the Termination Form must include the following statements:

(i) Any authorization, described above in Section II(i), and any authorization made pursuant to negative consent, as described below in Section II(k) or in Section II(l), is terminable at will by a Second Fiduciary, acting on behalf of a Client Plan, without penalty to such Client Plan, upon receipt by Russell Investments via first class mail or via personal delivery or via electronic email of the Termination Form, or some other written notification of the intent of such Second Fiduciary to terminate such authorization;

(ii) As of the date that is at least thirty (30) days from the date that Russell Investments sends the Termination Form to such Second Fiduciary, the failure by such Second Fiduciary to return such Termination Form or the failure by such Second Fiduciary to provide some other written notification of the Client Plan's intent to terminate any authorization, described in Section II(i), or intent to terminate any authorization made pursuant to negative consent, as described below in Section II(k) or in Section II(l), will be deemed to be an approval by such Second Fiduciary;

(4) In the event that a Second Fiduciary, acting on behalf of a Client Plan, at any time returns a Termination Form or returns some other written notification of intent to terminate any authorization, as described above in Section II(i), or intent to terminate any authorization made pursuant to negative consent, as described below in Section II(k) or in Section II(l);

(i)(A) In the case of a Client Plan which invests directly in shares of an Affiliated Fund, the termination will be implemented by the withdrawal of all investments made by such Client Plan in the affected Affiliated Fund, and such withdrawal will be effected by Russell Investments within one (1) business day of the date that Russell Investments receives such Termination Form or receives from the Second Fiduciary, acting on behalf of such Client Plan, some other written notification of intent to terminate any such authorization;

(B) From the date a Second Fiduciary, acting on behalf of a Client Plan that invests directly in shares of an Affiliated Fund, returns a Termination Form or returns some other written notification of intent to terminate such Client Plan's investment in such Affiliated Fund, such Client Plan will not be subject to pay a pro rata share of any Affiliated Fund-Level Advisory Fee and will not be subject to pay any fees for Secondary Services paid to Russell Investments by such Affiliated Fund, or any other fees or charges;

(ii)(A) In the case of a Client Plan which invests in a Collective Fund, the termination will be implemented by the withdrawal of such Client Plan from all investments in such affected Collective, and such withdrawal will be implemented by Russell Investments within such time as may be necessary for withdrawal in an orderly manner that is equitable to the affected withdrawing Client Plan and to all non-withdrawing Client Plans, but in no event shall such withdrawal be implemented by Russell Investments more than five business (5) days after the day Russell Investments receives from the Second Fiduciary, acting on behalf of such withdrawing Client Plan, a Termination Form or receives some other written notification of intent to terminate the investment of such Client Plan in such Collective Fund, unless such withdrawal is otherwise prohibited by a governmental entity with jurisdiction over the Collective Fund, or the Second Fiduciary fails to instruct Russell Investments as to where to reinvest or send the withdrawal proceeds; and

(B) From the date Russell Investments receives from a Second Fiduciary, acting on behalf of a Client Plan, that invests in a Collective Fund, a Termination Form or receives some other written notification of intent to terminate such Client Plan's investment in such Collective Fund, such Client Plan will not be subject to pay a pro rata share of any fees arising from the investment by such Client Plan in such Collective Fund, including any Collective Fund-Level Management Fee, nor will such Client Plan be subject to any other charges to the portfolio of such Collective Fund, including a pro rata share of any Affiliated Fund-Level Advisory Fee and any fee for Secondary Services arising from the investment by such Collective Fund in an Affiliated Fund.

(k)(1) Russell Investments, at least thirty (30) days in advance of the implementation of each fee increase (Fee Increase(s)), as defined below in Section IV(l), must provide in writing via first class mail or via personal delivery (or if the Second Fiduciary consents to such means of delivery through electronic email, in accordance with Section II(q), as set forth below), a

notice of change in fees (the Notice of Change in Fees) (which may take the form of a proxy statement, letter, or similar communication which is separate from the summary prospectus of such Affiliated Fund) and which explains the nature and the amount of such Fee Increase to the Second Fiduciary of each affected Client Plan. Such Notice of Change in Fees shall be accompanied by a Termination Form and by instructions on the use of such Termination Form, as described above in Section II(j)(3);

(2) Subject to the crediting, interest-payback, and other requirements below, for each Client Plan affected by a Fee Increase, Russell Investments may implement such Fee Increase without waiting for the expiration of the 30-day period, described above in Section II(k)(1), provided Russell Investments does not begin implementation of such Fee Increase before the first day of the 30-day period, described above in Section II(k)(1), and provided further that the following conditions are satisfied:

(i) Russell Investments delivers, in the manner described in Section II(k)(1), to the Second Fiduciary for each affected Client Plan, the Notice of Change of Fees, as described in Section II(k)(1), accompanied by the Termination Form and by instructions on the use of such Termination Form, as described above in Section II(j)(3);

(ii) Each affected Client Plan receives from Russell Investments a credit in cash equal to each such Client Plan's pro rata share of such Fee Increase to be received by Russell Investments for the period from the date of the implementation of such Fee Increase to the earlier of:

(A) The date when an affected Client Plan, pursuant to Section II(j), terminates any authorization, as described above in Section II(i), or terminates any negative consent authorization, as described in Section II(k) or in Section II(l); or

(B) The 30th day after the day that Russell Investments delivers to the Second Fiduciary of each affected Client Plan the Notice of Change of Fees, described in Section II(k)(1), accompanied by the Termination Form and by the instructions on the use of such Termination Form, as described above in Section II(j)(3).

(iii) Russell Investments pays to each affected Client Plan the cash credit, as described above in Section II(k)(2)(ii), with interest thereon, no later than five (5) business days following the earlier of:

(A) The date such affected Client Plan, pursuant to Section II(j), terminates any authorization, as described above in Section II(i), or terminates, any negative consent authorization, as described in Section II(k) or in Section II(l); or

(B) The 30th day after the day that Russell Investments delivers to the Second Fiduciary of each affected Client Plan, the Notice of Change of Fees, described in Section II(k)(1), accompanied by the Termination Form and instructions on the use of such Termination Form, as described above in Section II(j)(3);

(iv) Interest on the credit in cash is calculated at the prevailing Federal funds rate plus two percent (2%) for the period from the day Russell Investments first implements the Fee Increase to the date Russell Investments pays such credit in cash, with interest thereon, to each affected Client Plan;

(v) An independent accounting firm (the Auditor) at least annually audits the payments made by Russell Investments to each affected Client Plan, audits the amount of each cash credit, plus the interest thereon, paid to each affected Client Plan, and verifies that each affected Client Plan received the correct amount of cash credit and the correct amount of interest thereon;

(vi) Such Auditor issues an audit report of its findings no later than six (6) months after the period to which such audit report relates, and provides a copy of such audit report to the Second Fiduciary of each affected Client Plan; and

(3) As of the date that is at least thirty (30) days from the date that Russell Investments sends to the Second Fiduciary of each affected Client Plan the Notice of Change of Fees and the Termination Form, the failure by such Second Fiduciary to return such Termination Form and the failure by such Second Fiduciary to provide some other written notification of the Client Plan's intent to terminate the authorization, described in Section II(i), or to terminate the negative consent authorization, as described in Section II(k) or in Section II(l), will be deemed to be an approval by such Second Fiduciary of such Fee Increase.

(l) Effective upon the date that the final exemption is granted, in the case of (a) a Client Plan which has received the disclosures detailed in Section II(h)(2)(i), II(h)(2)(ii)(A), II(h)(2)(ii)(B), II(h)(2)(ii)(C), II(h)(2)(iii), II(h)(2)(iv), II(h)(2)(v), and II(h)(2)(vi), and which has authorized the investment by such Client Plan in a Collective Fund in accordance with Section II(i)(1)(ii) above, and (b) a Client Plan which has received the disclosures detailed in Section II(h)(3)(i), II(h)(3)(ii), and II(h)(3)(iii), and which has authorized investment by such Client Plan in a Collective Fund, in accordance with Section II(i)(1)(iii) above, the authorization pursuant to negative consent in accordance with this Section II(l), applies to:

(1) The purchase, as an addition to the portfolio of such Collective Fund, of shares of an Affiliated Fund (a New Affiliated Fund) where such New Affiliated Fund has not been previously authorized pursuant to Section II(i)(1)(ii), or, as applicable, Section II(i)(1)(iii), and such Collective Fund may commence investing in such New Affiliated Fund without further written authorization from the Second Fiduciary of each Client Plan invested in such Collective Fund, provided that:

(i) The organizational documents of such Collective Fund expressly provide for the addition of one or more Affiliated Funds to the portfolio of such Collective Fund, and such documents were disclosed in writing via first class mail or via personal delivery (or, if the Second Fiduciary consents to such means of delivery, through electronic email, in accordance with Section II(q)) to the Second Fiduciary of each such Client Plan invested in such Collective Fund, in advance of any investment by such Client Plan in such Collective Fund;

(ii) At least thirty (30) days in advance of the purchase by a Client Plan of shares of such New Affiliated Fund indirectly through a Collective Fund, Russell Investments provides, either in writing via first class or via personal delivery (or if the Second Fiduciary consents to such means of delivery through electronic email, in accordance with Section II(q)) to the Second Fiduciary of each Client Plan having an interest in such Collective Fund, full and detailed disclosures about such New Affiliated Fund, including but not limited to:

(A) A notice of Russell Investments' intent to add a New Affiliated Fund to the portfolio of such Collective Fund, where such notice may take the form of a proxy statement, letter, or similar communication that is separate from the summary prospectus of such New Affiliated Fund to the Second Fiduciary of each affected Client Plan;

(B) Such notice of Russell Investments' intent to add a New Affiliated Fund to the portfolio of such Collective Fund shall be accompanied by the information described in Section II(h)(2)(i), II(h)(2)(ii)(A), II(h)(2)(ii)(B), II(h)(2)(ii)(C), II(h)(2)(iii), II(h)(2)(iv), and II(2)(v) with respect to each such New Affiliated Fund proposed to be

added to the portfolio of such Collective Fund; and

(C) A Termination Form and instructions on the use of such Termination Form, as described in Section II(j)(3); and

(2) As of the date that is at least thirty (30) days from the date that Russell Investments sends to the Second Fiduciary of each affected Client Plan the information described above in Section II(l)(1)(ii), the failure by such Second Fiduciary to return the Termination Form or to provide some other written notification of the Client Plan's intent to terminate the authorization described in Section II(i)(1)(ii), or, as appropriate, to terminate the authorization, described in Section II(i)(1)(iii), or to terminate any authorization, pursuant to negative consent, as described in this Section II(l), will be deemed to be an approval by such Second Fiduciary of the addition of a New Affiliated Fund to the portfolio of such Collective Fund in which such Client Plan invests, and will result in the continuation of the authorization of Russell Investments to engage in the transactions which are the subject of this proposed exemption with respect to such New Affiliated Fund.

(m) Russell Investments is subject to the requirement to provide within a reasonable period of time any reasonably available information regarding the covered transactions that the Second Fiduciary of such Client Plan requests Russell Investments to provide.

(n) All dealings between a Client Plan and an Affiliated Fund, including all such dealings when such Client Plan is invested directly in shares of such Affiliated Fund and when such Client Plan is invested indirectly in such shares of such Affiliated Fund through a Collective Fund, are on a basis no less favorable to such Client Plan, than dealings between such Affiliated Fund and other shareholders of the same class of shares in such Affiliated Fund.

(o) In the event a Client Plan invests directly in shares of an Affiliated Fund, and, as applicable, in the event a Client Plan invests indirectly in shares of an Affiliated Fund through a Collective Fund, if such Affiliated Fund places brokerage transactions with Russell Investments, Russell Investments will provide to the Second Fiduciary of each such Client Plan, so invested, at least annually a statement specifying:

(1) The total, expressed in dollars, of brokerage commissions that are paid to Russell Investments by each such Affiliated Fund;

(2) The total, expressed in dollars, of brokerage commissions that are paid by each such Affiliated Fund to brokerage firms unrelated to Russell Investments;

(3) The average brokerage commissions per share, expressed as cents per share, paid to Russell Investments I by each such Affiliated Fund; and

(4) The average brokerage commissions per share, expressed as cents per share, paid by each such Affiliated Fund to brokerage firms unrelated to Russell Investments;

(p)(1) Russell Investments provides to the Second Fiduciary of each Client Plan invested directly in shares of an Affiliated Fund with the disclosures, as set forth below, and at the times set forth below in Section II(p)(1)(i), II(p)(1)(ii), II(p)(1)(iii), II(p)(1)(iv), and II(p)(1)(v), either in writing via first class mail or via personal delivery (or if the Second Fiduciary consents to such means of delivery, through electronic email, in accordance with Section II(q) as set forth below):

(i) Annually, with a copy of the current summary prospectus for each Affiliated Fund in which such Client Plan invests directly in shares of such Affiliated Fund;

(ii) Upon the request of such Second Fiduciary, a copy of the statement of additional information for each Affiliated Fund in which such Client Plan invests directly in shares of such Affiliated Fund which contains a description of all fees paid by such Affiliated Fund to Russell Investments;

(iii) With regard to any Fee Increase received by Russell Investments pursuant to Section II(k)(2), a copy of the audit report referred to in Section II(k)(2)(v) within sixty (60) days of the completion of such audit report;

(iv) Oral or written responses to the inquiries posed by the Second Fiduciary of such Client Plan, as such inquiries arise; and

(v) Annually, with a Termination form, as described in Section II(j)(1), and instructions on the use of such form, as described in Section II(j)(3), except that if a Termination Form has been provided to such Second Fiduciary, pursuant to Section II(k) or pursuant to Section II(l), then a Termination Form need not be provided again pursuant to this Section II(p)(1)(v) until at least six (6) months but no more than twelve (12) months have elapsed since a Termination Form was provided.

(2) Russell Investments provides to the Second Fiduciary of each Client Plan invested in a Collective Fund, with the disclosures, as set forth below, and at the times set forth below in Section II(p)(2)(i), II(p)(2)(ii), II(p)(2)(iii), II(p)(2)(iv), II(p)(2)(v), II(p)(2)(vi), II(p)(2)(vii), and II(p)(2)(viii), either in writing via first class mail or via personal delivery (or if the Second Fiduciary consents to such means of delivery, through electronic email, in accordance with Section II(q), as set forth below:

(i) Annually, with a copy of the current summary prospectus for each Affiliated Fund in which such Client Plan invests indirectly in shares of such Affiliated Fund through each such Collective Fund;

(ii) Upon the request of such Second Fiduciary, a copy of the statement of additional information for each Affiliated Fund in which such Client Plan invests indirectly in shares of such Affiliated Fund through each such Collective Fund which contains a description of all fees paid by such Affiliated Fund to Russell Investments;

(iii) Annually, with a statement of the Collective Fund-Level Management Fee for investment management, investment advisory or similar services paid to Russell Investments by each such Collective Fund, regardless of whether such Client Plan invests in shares of an Affiliated Fund through such Collective Fund;

(iv) A copy of the annual financial statement of each such Collective Fund in which such Client Plan invests, regardless of whether such Client Plan invests in shares of an Affiliated Fund through such Collective Fund, within sixty (60) days of the completion of such financial statement;

(v) With regard to any Fee Increase received by Russell Investments pursuant to Section II(k)(2), a copy of the audit report referred to in Section II(k)(2)(v) within sixty (60) days of the completion of such audit report;

(vi) Oral or written responses to the inquiries posed by the Second Fiduciary of such Client Plan as such inquiries arise;

(vii) For each Client Plan invested indirectly in shares of an Affiliated Fund through a Collective Fund, a statement of the approximate percentage (which may be in the form of a range) on an annual basis of the assets of such Collective Fund that was invested in Affiliated Funds during the applicable year; and

(viii) Annually, with a Termination Form, as described in Section II(j)(1), and instructions on the use of such form, as described in Section II(j)(3), except that if a Termination Form has been provided to such Second Fiduciary, pursuant to Section II(k) or pursuant to Section II(l), then a Termination Form need not be provided again pursuant to this Section II(p)(2)(viii) until at least six (6) months but no more than twelve (12) months

have elapsed since a Termination Form was provided.

(q) Any disclosure required herein to be made by Russell Investments to a Second Fiduciary may be delivered by electronic email containing direct hyperlinks to the location of each such document required to be disclosed, which are maintained on a website by Russell Investments, provided:

(1) Russell Investments obtains from such Second Fiduciary prior consent in writing to the receipt by such Second Fiduciary of such disclosure via electronic email;

(2) Such Second Fiduciary has provided to Russell Investments a valid email address; and

(3) The delivery of such electronic email to such Second Fiduciary is provided by Russell Investments in a manner consistent with the relevant provisions of the Department's regulations at 29 CFR 2520.104b-1(c) (substituting the word ''Russell Investments'' for the word ''administrator'' as set forth therein, and substituting the phrase ''Second Fiduciary'' for the phrase ''the participant, beneficiary or other individual'' as set forth therein).

(r) The authorizations described in Sections II(k) or II(l) may be made affirmatively, in writing, by a Second Fiduciary, in a manner that is otherwise consistent with the requirements of those sections.

(s) All of the conditions of PTE 77–4, as amended and/or restated, are met. Notwithstanding this, if PTE 77–4 is amended and/or restated, the requirements of paragraph (e) therein will be deemed to be met with respect to authorizations described in Section II(l) above, but only to the extent the requirements of Section II(l) are met. Similarly, if PTE 77–4 is amended and/or restated, the requirements of paragraph (f) therein will be deemed to be met with respect to authorizations described in Section II(k) above, if the requirements of Section II(k) are met.

(t) *Standards of Impartial Conduct.* If Russell Investments is a fiduciary within the meaning of section 3(21)(A)(i) or (ii) of the Act, or section 4975(e)(3)(A) or (B) of the Code, with respect to the assets of a Client Plan involved in the transaction, Russell Investments must comply with the following conditions with respect to the transaction: (1) Russell Investments acts in the Best Interest (as defined below, in Section IV(q)) of the Client Plan, at the time of the Transaction; (2) all compensation received by Russell Investments in connection with the transaction in relation to the total services the fiduciary provides to the Client Plan does not exceed reasonable compensation within the meaning of section 408(b)(2) of the Act; and (3) Russell Investments' statements about recommended investments, fees, material conflicts of interest,[6] and any other matters relevant to a Client Plan's investment decisions are not materially misleading at the time they are made.

For purposes of this section, Russell Investments acts in the ''Best Interest'' of the Client Plan when Russell Investments acts with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person would exercise based on the investment objectives, risk tolerance, financial circumstances, and needs of the plan or IRA, without regard to the financial or other interests of the fiduciary, any affiliate or other party.

Section III. General Conditions

(a) Russell Investments maintains for a period of six (6) years the records necessary to enable the persons, described below in Section III(b), to determine whether the conditions of this proposed exemption have been met, except that:

(1) A prohibited transaction will not be considered to have occurred, if solely because of circumstances beyond the control of Russell Investments, the records are lost or destroyed prior to the end of the six-year period; and

(2) No party in interest other than Russell Investments shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained or are not available for examination, as required below by Section III(b).

(b)(1) Except as provided in Section III(b)(2) and notwithstanding any provisions of section 504(a)(2) of the Act, the records referred to in Section III(a) are unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service, or the Securities & Exchange Commission;

(ii) Any fiduciary of a Client Plan invested directly in shares of an Affiliated Fund, any fiduciary of a Client Plan who has the authority to acquire or to dispose of the interest in a Collective Fund in which a Client Plan invests, any fiduciary of a Client Plan invested indirectly in an Affiliated Fund through a Collective Fund where such fiduciary has the authority to acquire or to dispose of the interest in such Collective Fund, and any duly authorized employee or representative of such fiduciary; and

(iii) Any participant or beneficiary of a Client Plan invested directly in shares of an Affiliated Fund or invested in a Collective Fund, and any participant or beneficiary of a Client Plan invested indirectly in shares of an Affiliated Fund through a Collective Fund, and any representative of such participant or beneficiary; and

(2) None of the persons described in Section III(b)(1)(ii) and (iii) shall be authorized to examine trade secrets of Russell Investments, or commercial or financial information which is privileged or confidential.

Section IV. Definitions

For purposes of this exemption:

(a) The term ''Russell Investments'' means RIM (f/k/a Russell Investment Management Company), RICap, and any affiliate thereof, as defined below, in Section IV(c).

(b) The term ''Client Plan(s)'' means a 401(k) plan(s), an individual retirement account(s), other tax-qualified plan(s), and other plan(s) as defined in the Act and Code, but does not include any employee benefit plan sponsored or maintained by Russell Investments, as defined above in Section IV(a).

(c) An ''affiliate'' of a person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(d) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(e) The term ''Affiliated Fund(s)'' means Russell Investment Company, a series of mutual funds managed by RIM, and any other diversified open-end investment company or companies registered with the Securities and Exchange Commission under the Investment Company Act, as amended, established and maintained by Russell Investments now or in the future for

[6] A ''material conflict of interest'' exists when a fiduciary has a financial interest that could affect the exercise of its best judgment as a fiduciary in rendering advice to a Client Plan. For this purpose, the failure of Russell Investments to disclose a material conflict of interest relevant to the services it is providing to a Client Plan, or other actions it is taking in relation to a Client Plan's investment decisions, is deemed to be a misleading statement.

which Russell Investments serves as an investment adviser.

(f) The term ''net asset value per share'' and the term ''NAV'' mean the amount for purposes of pricing all purchases and sales of shares of an Affiliated Fund, calculated by dividing the value of all securities, determined by a method as set forth in the summary prospectus for such Affiliated Fund and in the statement of additional information, and other assets belonging to such Affiliated Fund or portfolio of such Affiliated Fund, less the liabilities charged to each such portfolio or each such Affiliated Fund, by the number of outstanding shares.

(g) The term ''relative'' means a relative as that term is defined in section 3(15) of the Act (or a member of the family as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(h) The term ''Second Fiduciary'' means the fiduciary of a Client Plan who is independent of and unrelated to Russell Investments. For purposes of this proposed exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to Russell Investments if:

(1) Such Second Fiduciary, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with Russell Investments;

(2) Such Second Fiduciary, or any officer, director, partner, employee, or relative of such Second Fiduciary, is an officer, director, partner, or employee of Russell Investments (or is a relative of such person); or

(3) Such Second Fiduciary, directly or indirectly, receives any compensation or other consideration for his or her personal account in connection with any transaction described in this proposed exemption.

If an officer, director, partner, or employee of Russell Investments (or relative of such person) is a director of such Second Fiduciary, and if he or she abstains from participation in:

(i) The decision of a Client Plan to invest in and to remain invested in shares of an Affiliated Fund directly, the decision of a Client Plan to invest in shares of an Affiliated Fund indirectly through a Collective Fund, and the decision of a Client Plan to invest in a Collective Fund that may in the future invest in shares of an Affiliated Fund;

(ii) Any authorization in accordance with Section II(i), and any authorization, pursuant to negative consent, as described in Section II(k) or in Section II(l); and

(iii) The choice of such Client Plan's investment adviser, then Section IV(h)(2) above shall not apply.

(i) The term ''Secondary Service(s)'' means a service or services other than an investment management service, investment advisory service, and any similar service which is provided by Russell Investments to an Affiliated Fund, including, but not limited to, custodial, accounting, administrative services, and brokerage services. Russell Investments may also serve as a dividend disbursing agent, shareholder servicing agent, transfer agent, fund accountant, or provider of some other Secondary Service, as defined in this Section IV(i).

(j) The term ''Collective Fund(s)'' means a separate account of an insurance company, as defined in section 2510.3–101(h)(1)(iii) of the Department's plan assets regulations,[7] maintained by Russell Investments, and a bank-maintained common or collective investment trust maintained by Russell Investments.

(k) The term ''business day'' means any day that:

(1) Russell Investments is open for conducting all or substantially all of its business; and

(2) The New York Stock Exchange (or any successor exchange) is open for trading.

(l) The term ''Fee Increase(s)'' includes any increase by Russell Investments in a rate of a fee previously authorized in writing by the Second Fiduciary of each affected Client Plan pursuant to Section II(i)(2)(i)–(iv) above, and in addition includes, but is not limited to:

(1) Any increase in any fee that results from the addition of a service for which a fee is charged;

(2) Any increase in any fee that results from a decrease in the number of services and any increase in any fee that results from a decrease in the kind of service(s) performed by Russell Investments for such fee over an existing rate of fee for each such service previously authorized by the Second Fiduciary, in accordance with Section II(i)(2)(i)–(iv) above; and

(3) Any increase in any fee that results from Russell Investments changing from one of the fee methods, as described above in Section II(a)(1)–(3), to using another of the fee methods, as described above in Section II(a)(1)–(3).

(m) The term ''Plan-Level Management Fee'' includes any investment management fee, investment advisory fee, and any similar fee paid by a Client Plan to Russell Investments for any investment management services, investment advisory services, and similar services provided by Russell Investments to such Client Plan at the plan-level. The term ''Plan-Level Management Fee'' does not include a separate fee paid by a Client Plan to Russell Investments for asset allocation service(s) (Asset Allocation Service(s)), as defined below in Section IV(p), provided by Russell Investments to such Client Plan at the plan-level.

(n) The term ''Collective Fund-Level Management Fee'' includes any investment management fee, investment advisory fee, and any similar fee paid by a Collective Fund to Russell Investments for any investment management services, investment advisory services, and any similar services provided by Russell Investments to such Collective Fund at the collective fund level.

(o) The term ''Affiliated Fund-Level Advisory Fee'' includes any investment advisory fee and any similar fee paid by an Affiliated Fund to Russell Investments under the terms of an investment advisory agreement adopted in accordance with section 15 of the Investment Company Act.

(p) The term ''Asset Allocation Service(s)'' means a service or services to a Client Plan relating to the selection of appropriate asset classes or target-date ''glidepath'' and the allocation or reallocation (including rebalancing) of the assets of a Client Plan among the selected asset classes. Such services do not include the management of the underlying assets of a Client Plan, the selection of specific funds or manager, and the management of the selected Affiliated Funds or Collective Funds.

(q) The term ''Best Interest'' means acting with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, based on the investment objectives, risk tolerance, financial circumstances, and needs of the plan or IRA, without regard to the financial or other interests of Russell Investments, any affiliate or other party.

Effective Date: This exemption is effective as of the date the notice granting the final exemption is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department, telephone (202) 693–8456. (This is not a toll-free number.)

[7] 51 FR 41262 (November 13, 1986).

Toledo Electrical Joint Apprenticeship & Training Fund (the Training Plan or the Applicant) Located in Rossford, Ohio

[Prohibited Transaction Exemption 2018–04; Exemption Application No. L–11867]

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption, published on June 28, 2017, at 82 FR 29336. All comments and requests for hearing were due by August 14, 2017. During the comment period, the Department received no written comments and no requests for a public hearing.

Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Application No. L–11867), including all supplemental submissions received by the Department, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice of Proposed Exemption published on June 28, 2017, at 82 FR 29336.

Exemption

Section I: Covered Transaction

The restrictions of sections 406(a)(1)(A), 406(a)(1)(D), and 406(b)(1) and 406(b)(2) of the Act (or ERISA) shall not apply to the Purchase (the Purchase) by the Training Plan of certain unimproved real property (the Property) from the International Brotherhood of Electrical Workers Local Union No. 8 Building Corporation (the Building Corporation), a party in interest with respect to the Training Plan, provided that the conditions set forth below in Section II are satisfied.

Section II: Conditions

(a) The Purchase is a one-time transaction for cash;

(b) The purchase price paid by the Training Plan to the Building Corporation is equal to the fair market value of the Property, as determined by a qualified independent fiduciary (the Independent Fiduciary), based upon an appraisal of the Property (the Appraisal Report) by a qualified independent appraiser (the Independent Appraiser) on the date of the Purchase, *less* the total fees paid by the Training Plan for: (i) Independent Fiduciary services; (ii) Independent Appraiser services; (iii) environmental assessments of the Property; (iv) feasibility studies of the Property; (v) closing costs associated with the Purchase; and (vi) attorney's fees.

(c) The Training Plan trustees, appointed by Local Union No. 8 of the International Union of Electrical Workers (the Union), recuse themselves from all aspects relating to the decision to purchase the Property on behalf of the Training Plan;

(d) With respect to the Purchase, the Independent Fiduciary undertakes the following duties on behalf of the Training Plan:

(1) Determines whether the Purchase is in the interests of, and protective of the Training Plan and the Training Plan participants;

(2) Reviews, negotiates, and approves the terms and conditions of the Purchase;

(3) Reviews and approves the methodology used by the Independent Appraiser in the Appraisal Report to ensure such methodology is consistent with sound principles of valuation, prior to the consummation of the Purchase;

(4) Ensures that the appraisal methodology is properly applied by the Independent Appraiser in determining the fair market value of the Property on the date of the Purchase, and determines whether it is prudent to proceed with such transaction;

(5) Represents the Training Plan's interests for all purposes with respect to the Purchase; and

(6) Not later than 90 days after the Purchase is completed, submits a written statement to the Department demonstrating that the Purchase has satisfied the requirements of Section II(b), above;

(e) The Training Plan does not incur any fees, costs, commissions or other charges as a result of the Purchase, with the exception of the fees reimbursed by the Building Corporation, as set forth in Section II(b), above;

(f) The Purchase is not part of an agreement, arrangement, or understanding designed to benefit the Union; and

(g) The terms and conditions of the Purchase are at least as favorable to the Training Plan as those obtainable in an arm's-length transaction with an unrelated party.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department, telephone (202) 693–8456. (This is not a toll-free number.)

EXCO Resources, Inc. 401(k) Plan (the Plan) Located in Dallas, TX

[Prohibited Transaction Exemption 2018–05; Exemption Application No. D–11821]

Written Comments

In the Notice of Proposed Exemption published in the **Federal Register** on December 30, 2014 at 79 FR 78489 (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing within forty-five (45) days of the date of the publication. All comments and requests for a hearing were due by February 13, 2015.

During the comment period, the Department received one comment letter, dated February 10, 2015, and no requests for a public hearing. The comment letter was submitted by EXCO (the Applicant). In the letter, the Applicant requests certain clarifications and corrections to the operative language and the Summary of Facts and Representations (the Summary) of the Notice. The Department concurs with all of the Applicant's clarifications and corrections, which are discussed below.

1. *Modification of the Operative Language.* Section II(h) of the operative language states that the Applicant did not *influence* any Invested Participant's election with respect to the Rights.'' In its letter, the Applicant states that, while it understands the purpose of this language, it believes that the term ''influence'' can be read too broadly without any qualifiers as to its scope and breadth. The Applicant believes a more narrowly tailored representation is more appropriate, and proposes the following revised Section II(h): ''(h) EXCO did not direct or advise any Invested Participant with respect to such Invested Participant's election with respect to the Rights.''

The Department agrees with this comment and has revised Section II(h) of the operative by substituting the word ''regarding'' for the second reference to the phrase ''with respect to.'' Therefore, the revised condition reads as follows: ''(h) EXCO did not direct or advise any Invested Participant regarding such Invested Participant's election with respect to the Rights.''

2. *Record Date.* Representation 6 of the Summary includes footnote 16, which states, ''[i]t is represented that there was no material impact to the Accounts of Invested Participants as a result of the Record Date being set two (2) days after the commencement of the Offering.'' The Applicant clarifies that it believes there was no material impact.

3. *Stock Price as of the Commencement Date of the Offering.*

Representation 7 of the Summary states that, on the Commencement Date of the Offering, the Common Stock was trading on the NYSE at $4.83 per share. The Applicant explains that due to a scrivener's error with respect to this representation, the correct price should be $4.88 per share.

4. *Shares Purchased and Gross Proceeds.* The last paragraph of Representation 8 of the Summary states, ''It is represented that there were valid exercises to purchase an aggregate of 28,248,049 shares of Common Stock, pursuant to directions from holders of the Rights. The exercise of the Rights resulted in gross proceeds for EXCO of approximately $141.2 million.'' The Applicant asserts that a technical correction is needed to this portion of Representation 8, because the amount of shares of Common Stock purchased and the gross proceeds listed in these sentences actually exclude the number of shares purchased by and the gross proceeds received from the Investors (i.e WL Ross & Co., LLC and its affiliates and Hamblin Watson Investment Counsel Ltd. and its affiliates, as referred to in Representation 5 and Footnote 16 of the Summary). Therefore, the Applicant suggests that Representation 8 should be clarified as follows: ''It is represented that there were valid exercises to purchase an aggregate of 28,248,049 shares of Common Stock, pursuant to directions from holders of the Rights (other than the Investors). The exercise of the Rights (by holders other than the Investors) resulted in gross proceeds for EXCO of approximately $141.2 million.''

5. *Processing Time for Invested Participants.* The Applicant states that, with regard to Representation 9, the Department omitted a representation which the Applicant had provided in its submission, relating to the process by which Invested Participants elected to exercise their Rights, and which clarifies that an extra three days of processing time was necessary for Invested Participants (which otherwise did not apply to individual shareholders (*i.e.,* non-Plan participants)).

6. *Exercise Price.* The first sentence of the third paragraph of Representation 11 states, ''the Rights held by these accounts were all exercised on January 7, 2014, at an exercise price of $5.07 per share.'' The Applicant notes that the Rights were exercised at a subscription price (*i.e.,* the exercise price) of $5.00 per share on January 7, 2014, while the fair market value of such shares was $5.07 per share.

The Make Whole Payment

To ensure that the Rights Offering was in the interests of the Plan, the Applicant has agreed to contribute $6,359.87 to the Plan on behalf of three Invested Participants who exercised their rights to purchase shares of EXCO Common Stock in connection with the Rights Offering. The Invested Participants collectively exercised a total of 9,952 Rights to acquire a total of 2,970 shares of EXCO Common Stock at a subscription price of $5.00 per share. The Invested Participants subsequently sold their acquired shares of the EXCO Common Stock and sustained investment losses. To make the Invested Participants ''whole,'' as if they had sold their Rights during the Rights Offering and had not incurred any loss on such sale, EXCO will contribute, within 30 days of the granting of this exemption, a total of $6,359.87 to the Plan. The Make Whole Payment will be equal to: (1) The amount of the investment loss incurred by the Invested Participant on the sale of EXCO Common Stock acquired, plus (2) the amount the Invested Participant would have received had their Rights been sold during the Rights Offering.

Accordingly, after full consideration and review of the entire record, including the comment letter filed by the Applicant, the Department has determined to grant the exemption, as set forth above. The Applicant's comment letter has been included as part of the public record of the exemption application. The complete application file (D–11821) is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW, Washington DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on November 26, 2014, at 79 FR 78489.

Exemption

Section I: Transactions

Effective for the period beginning December 17, 2013, and ending on January 9, 2014, the restrictions of sections 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2), and 407(a)(1)(A) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) of the Code,[8] shall not apply:

(a) To the acquisition of certain transferable subscription right(s) (the Right or Rights) by the individually-directed account(s) (the Account or Accounts) of certain participant(s), (the Invested Participant(s)) in the Plan, in connection with an offering (the Offering) of shares of the common stock (the Common Stock) of EXCO Resources, Inc. (EXCO) by EXCO, the plan sponsor (the Plan Sponsor) and a party in interest with respect to the Plan; and

(b) To the holding of the Rights received by the Accounts during the subscription period of the Offering; provided that the conditions set forth in Section II of this exemption were satisfied for the duration of the acquisition and holding of such Rights.

Section II: Conditions

(a) The acquisition of the Rights by the Accounts of the Invested Participants occurred in connection with the Offering, and the Rights were made available by EXCO on the same material terms to all shareholders of record of the Common Stock of EXCO, including the Accounts of Invested Participants;

(b) The acquisition of the Rights by the Accounts of Invested Participants resulted from an independent corporate act of EXCO;

(c) Each shareholder of the Common Stock of EXCO, including each of the Accounts of Invested Participants, received the same proportionate number of Rights, and this proportionate number of Rights was based on the number of shares of Common Stock held by each such shareholder, as of 5:00 p.m. New York City time, on December 19, 2013 (the Record Date);

(d) The Rights were acquired pursuant to, and in accordance with, provisions under the Plan for individually-directed investment of the Accounts by the Invested Participants, all of whose Accounts in the Plan held the Common Stock;

(e) The decision with regard to the holding and the disposition of the Rights by an Account was made by the Invested Participant whose Account received the Rights;

(f) If any of the Invested Participants failed to give instructions as to the exercise of the Rights received in the Offering, or gave instructions to the Plan trustee to sell the Rights, such Rights were automatically sold in blind transactions on the New York Stock Exchange and the proceeds from such sales were distributed *pro-rata* to the

[8] For purposes of this proposed exemption, references to specific provisions of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of the Code.

Accounts in the Plan of such Invested Participants whose Rights were sold;

(g) No brokerage fees, no commissions, no subscription fees, and no other charges were paid by the Plan or by the Accounts of Invested Participants with respect to the acquisition and holding of the Rights, and no commissions, no fees, and no expenses were paid by the Plan or by the Accounts of Invested Participants to any related broker in connection with the sale or exercise of any of the Rights, or with regard to the acquisition of the Common Stock through the exercise of such Rights;

(h) EXCO did not direct or advise any Invested Participant regarding such Invested Participant's election with respect to the Rights;

(i) The terms of the Offering were described to the Invested Participants in clearly written communications, including, but not limited to, the prospectus for the Rights Offering; and

(j) Within 30 days of the granting of the exemption, EXCO contributes a make whole payment (the Make Whole Payment) to the Plan totaling $6,359.87 on behalf of three Invested Participants who exercised their rights to purchase EXCO Common Stock in connection with the Rights Offering but sustained losses in connection with the sale of their shares of EXCO Common Stock. The Make Whole Payment will be equal to:

(1) The amount of the investment loss incurred by the Invested Participants on the sale of EXCO Common Stock acquired, plus

(2) The amount the Invested Participants would have received had their Rights been sold during the Rights Offering.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department, telephone (202) 693–8456. (This is not a toll-free number.)

The Grossberg, Yochelson, Fox & Beyda LLP Profit Sharing Plan (the Plan or Applicant) Located in Washington, DC

[Prohibited Transaction Exemption 2018–06; Exemption Application No. D–11895]

Written Comments

In the notice of proposed exemption (the Notice), the Department invited all interested persons to submit written comments and/or requests for a public hearing within 40 days of the publication, on June 28, 2017, of the Notice in the **Federal Register**. All comments were due by August 7, 2017. During the comment period, the Department received no comments or hearing requests from interested persons.

Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Exemption Application No. D–11895), including all supplemental submissions received by the Department, is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice published in the **Federal Register** on June 28, 2017 at 82 FR 29334.

Exemption

The restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (b)(2) of the Act, and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code,[9] will not apply to the sale (the Sale) by the Plan of a limited liability company interest (the LLC Interest) to GYFB-Commons, LLC (GYFB-Commons), an entity that will be owned by the current partners of the law firm, Grossberg, Yochelson, Fox & Beyda, LLP (the Plan Sponsor); provided that the following conditions are satisfied:

(a) The Sale of the LLC Interest is a one-time transaction for cash;

(b) The Sale price for the LLC Interest is the greater of: $518,400; or the fair market value of the LLC Interest as determined by a qualified independent appraiser (the Independent Appraiser) in an updated appraisal on the date of the Sale. The updated appraisal must be submitted to the Department within 30 days of the Sale and will be included as part of the record developed under D–11895;

(c) The terms and conditions of the Sale are no less favorable to the Plan than the terms the Plan would receive under similar circumstances in an arm's-length transaction with an unrelated third party; and

(d) The Plan pays no commissions, fees, or other costs or expenses associated with the Sale, including the fees of the Independent Appraiser and the costs of obtaining the exemption.

FOR FURTHER INFORMATION CONTACT: Blessed Chuksorji-Keefe of the Department, telephone (202) 693–8567. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 29th day of March, 2018.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2018–06755 Filed 4–2–18; 8:45 am]

BILLING CODE 4510–29–P

[9] For purposes of this exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

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Part III

The President

Proclamation 9713—Cancer Control Month, 2018
Proclamation 9714—National Child Abuse Prevention Month, 2018
Proclamation 9715—National Donate Life Month, 2018

Federal Register
Vol. 83, No. 64
Tuesday, April 3, 2018

Presidential Documents

Title 3—

The President

Proclamation 9713 of March 29, 2018

Cancer Control Month, 2018

By the President of the United States of America

A Proclamation

During National Cancer Control Month, we remember the loved ones we have lost to cancer and recommit our support for the courageous individuals who are fighting this terrible disease. We also pause to thank the devoted healthcare professionals, scientists, and researchers who work tirelessly to discover a cure for cancer and whose combined efforts have contributed to an encouraging decline in the overall rate of deaths from cancer over the past two decades.

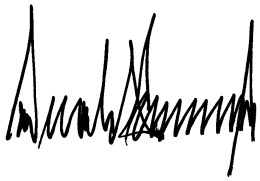
American innovators and entrepreneurs have made many incredible scientific breakthroughs during the past century. In the field of medicine, American scientists have been at the forefront of world-class research that has developed increasingly effective cancer prevention strategies and treatments. Through public- and private-sector partnerships, Americans have made critical advances to support and expand precision medicine and immunotherapy approaches to cancer. These innovations have given us greater ability to prevent, detect, and treat cancer and have helped more than 15 million Americans beat this disease.

Despite these tremendous strides, we recognize the staggering number of Americans who have lost their battles with cancer. Last year alone, cancer took the lives of approximately 600,000 adults and 2,000 children in the United States, making it the second leading cause of death in our Nation. According to the National Cancer Institute, nearly 40 percent of all Americans will be diagnosed with cancer in their lifetime. Together, we must take action to prevent and combat cancer, including maintaining healthy diets and weight and making physical activity a part of each day. Regular screenings and physicals, as well as knowledge of family medical history, are also crucial to catching cancers in earlier, more treatable stages.

As we observe National Cancer Control Month, let us raise awareness of the measures we can take to prevent cancer and strengthen our resolve to find a cure for this horrible disease, which continues to cause so many families such great pain. Let us also honor the determination, courage, and strength of our cancer survivors. Their stories are an inspiration to all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as Cancer Control Month. I call upon the people of the United States to speak with their doctors and healthcare providers to learn more about preventative measures that can save lives. I encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Cancer Control Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–06921
Filed 4–2–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9714 of March 29, 2018

National Child Abuse Prevention Month, 2018

By the President of the United States of America

A Proclamation

Every child is a precious and unique gift who deserves the security of a loving and nurturing home. When supported by encouraging families and safe, strong communities, all children have the chance to reach their full potential and access the unlimited opportunities that our great Nation has to offer. To realize this truth, we must dedicate ourselves to the noble cause of protecting and caring for our children.

National Child Abuse Prevention Month is an annual reminder that not every home is a haven of acceptance and unconditional love. Too often, childhood is marred with pain, violence, neglect, and abuse, which can have lifelong psychological, emotional, and physical consequences. At no fault of their own, some children are subjected to the most depraved forms of child abuse and neglect, without reprieve and, sometimes, without any knowledge that they are being maltreated. The statistics are shocking: a quarter of all children experience some form of child abuse or neglect in their lifetime. The financial consequences of this depravity are dire. By some estimates, the lifetime cost of child abuse and neglect is $124 billion per year. The human cost—measured in lost development, potential, and flourishing—is incalculable.

To improve the statistics and the well-being of our Nation's children, we must become more aware of the signs and symptoms of child abuse and take action as necessary. We should not allow pride or discomfort to prevent us from helping a child who is truly suffering. We must be a Nation committed to taking action in the face of adversity and uncertainty, particularly when done to enhance the safety or security of children.

The Child Welfare Information Gateway (CWIG) notes that children who show sudden changes in behavior, who have not received treatment for physical or medical problems brought to their parents' attention, or who are always watchful, as if preparing for something bad to happen, may be exhibiting signs of child abuse. Though the presence of one or some of these signs alone does not necessarily mean that a child has been the victim of child abuse or neglect, it is vital that we understand and remain vigilant for these indicators. As Americans we must do all that we can.

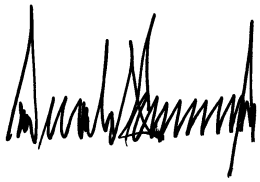
This month, we honor the professionals, volunteers, and organizations who work tirelessly to protect at-risk children and care for those who have experienced abuse or neglect. This difficult work is critical to ensuring the safety and protection of our children, to strengthening our communities, and to stopping cycles of violence harm. There are no substitutes for caring parents and guardians. But we recognize that friends, neighbors, educators, and places of worship have important roles to play in fostering the well-being of children. We are especially grateful to foster and adoptive parents, who open their lives to children in need of loving and caring homes. We can and should continue to work together to help provide healthy, happy, and safe environments for all children.

We must always remember that all children are blessings from our Creator. They are endowed from conception with value, purpose, and human dignity. They are a source of unmatched joy, and they represent our Nation's future.

It is thus our civic and moral responsibility to help every child experience a childhood free from abuse and mistreatment, guiding them toward a future full of hope and promise. I encourage all Americans to nurture the children in their lives and to extend a hand to those in need of love, protection, or even just attention. Only together can we put an end to the tragedy of child abuse and neglect. I am confident that our combined efforts in combatting these evils will help create a world that is more tender, compassionate, and inviting to our children for centuries to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as National Child Abuse Prevention Month. I call upon all Americans to invest in the lives of our Nation's children, to be aware of their safety and well-being, and to support efforts that promote their psychological, physical, and emotional development.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–06922
Filed 4–2–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9715 of March 29, 2018

National Donate Life Month, 2018

By the President of the United States of America

A Proclamation

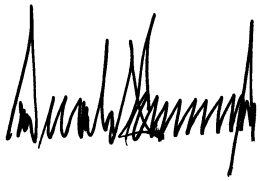
Americans celebrate the blessing of life in many ways, but perhaps none is more transformative than their choice to donate organs or tissue to family members, friends, or to people they may not ever meet. During National Donate Life Month, we honor our Nation's organ and tissue donors for their decision to give the precious gift of life to someone in need. We also give thanks to the many remarkable medical professionals, scientists, and researchers who have dedicated themselves to improving the health of others.

My Administration supports efforts to raise awareness about the life-saving power of organ donation. The Organ Procurement and Transplantation Network reports that, in 2017, there were nearly 35,000 transplants performed, a 3.4 percent increase from 2016, and the fifth consecutive record-setting year for transplants in the United States. Last year, more than 16,000 living and deceased individuals donated the gift of life to someone in need through an organ or tissue donation.

Every person, regardless of gender, age, race, ethnicity, or economic status, has the power and the potential to transform a life through organ and tissue donation. Despite record setting years, we are still working to overcome a gap between the availability of organs and people in need of an organ donation. Today, nearly 115,000 Americans are awaiting a lifesaving transplant, and a new name appears on the national transplant waiting list every 10 minutes. Amazingly, 1 donor can save up to 8 lives through organ donation and enhance the lives of up to 50 people through tissue donation. This month, I encourage all Americans to consider participating in the gift of life by becoming organ and tissue donors.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as National Donate Life Month. I call upon health professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



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