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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS–NOP–17–0085; NOP–17–05]

National Organic Program: USDA Organic Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notification of 2018 Sunset Review.

SUMMARY: This document announces the renewal of 17 substances on the National List of Allowed and Prohibited Substances (National List) within the U.S. Department of Agriculture's (USDA) organic regulations. This document reflects the outcome of the 2018 sunset review process and addresses the recommendations submitted to the Secretary of Agriculture (Secretary), through the USDA's Agricultural Marketing Service (AMS), by the National Organic Standards Board (NOSB).

DATES: This document is effective May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Ph.D., Director, Standards Division, *Telephone:* (202) 720–3252; *Fax:* (202) 260–9151.

SUPPLEMENTARY INFORMATION:

I. Background

The USDA AMS administers the National Organic Program (NOP) under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501–6524). The regulations implementing the NOP, also referred to as the USDA organic regulations (7 CFR part 205), were published on December 21, 2000 (65 FR 80548) and became effective on October 21, 2002. Through these regulations, AMS oversees national organic standards for the production, handling, and labeling of organically produced agricultural products.

Since October 2002, the USDA organic regulations have been frequently amended, mostly for changes to the National List in 7 CFR 205.601–205.606. The National List identifies synthetic substances that may be used and the nonsynthetic substances that must not be used in organic production. The National List also identifies synthetic, nonsynthetic nonagricultural, and nonorganic agricultural substances that may be used in organic handling. The OFPA and USDA organic regulations specifically prohibit the use of any synthetic substance in organic production and handling unless the synthetic substance is on the National List. Section 205.105 of the USDA organic regulations also requires that any nonorganic agricultural substance and any nonsynthetic nonagricultural substance used in organic handling appear on the National List.

The OFPA authorizes the NOSB, operating in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2 *et seq.*), to assist in the evaluation of substances to be allowed or prohibited for organic production and handling and to advise the Secretary on the USDA organic regulations. The OFPA also requires a review of all substances included on the National List within five years of their addition to or renewal on the list. During this sunset review, the NOSB considers any new information pertaining to a substance's impact on human health and the environment, its necessity due to the unavailability of wholly natural substances, and its consistency with organic production and handling. If a listed substance is not reviewed by the NOSB and renewed by the USDA within the five-year period, its allowance or prohibition on the National List is no longer in effect.

AMS published a revision of the sunset review process in the **Federal Register** on September 16, 2013 (78 FR 56811). This revised process provides public notice on the renewal of National List substances. This renewal occurs after the NOSB review.

In accordance with the sunset review process, AMS published two notices in the **Federal Register** announcing the NOSB meetings and inviting public comments pertinent to this renewal notification: March 16, 2016 (81 FR 14079) and August 1, 2016 (81 FR 50460). The NOSB also conducted two public webinars (April 19, 2016 and November 3, 2016), to provide opportunities for public comment. The NOSB received additional public comment during the face-to-face meetings on April 25–27, 2016 and November 16–18, 2016.

At these public meetings, the NOSB reviewed 17 substances with a 2018 sunset date. Table 1 shows the current listings for these substances. The NOSB recommended removing one substance, carrageenan, and completed its sunset review for the 16 other substances. The NOSB recommended removing carrageenan because they determined that alternative materials, such as gellan gum, guar gum, or xanthan gum, are available for use in organic products.

AMS has reviewed NOSB's sunset review document and decided to renew all 17 substances, including carrageenan. AMS found sufficient evidence in public comments to the NOSB that carrageenan continues to be necessary for handling agricultural products because of the unavailability of wholly natural substitutes (§ 6517(c)(1)(ii)). Carrageenan has specific uses in an array of agricultural products, and public comments reported that potential substitutes do not adequately replicate the functions of carrageenan across the broad scope of use. Therefore, carrageenan continues to meet the OFPA criteria for inclusion on the National List. The renewal of these 17 substances will avoid potential disruptions to the organic industry and the public that may otherwise result from their removal from the National List.

Table 1 lists the 17 synthetic and nonsynthetic substances on the National List that are being renewed. These substances continue to be included on the National List with a new sunset date of May 29, 2023.

TABLE 1—SUBSTANCES RENEWED IN 2018 SUNSET REVIEW

National list section	Substance listing
§ 205.601 Synthetic substances allowed for use in organic crop production.	
(a)	As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.
(3)	Copper Sulfate—for use as an algicide in aquatic rice systems, is limited to one application per field during any 24-month period. Application rates are limited to those which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.
(5)	Ozone gas—for use as an irrigation system cleaner only.
(6)	Peracetic acid—for use in disinfecting equipment, seed, and asexually propagated planting material. Also permitted in hydrogen peroxide formulations as allowed in § 205.601(a) at concentration of no more than 6% as indicated on the pesticide product label.
(e)	As insecticides (including acaricides or mite control).
(4)	Copper Sulfate—for use as tadpole shrimp control in aquatic rice production, is limited to one application per field during any 24-month period. Application rates are limited to levels which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.
(i)	As plant disease control.
(8)	Peracetic acid—for use to control fire blight bacteria. Also permitted in hydrogen peroxide formulations as allowed in § 205.601(i) at concentration of no more than 6% as indicated on the pesticide product label.
(m)	As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.
(2)	EPA List 3—Inerts of unknown toxicity—for use only in passive pheromone dispensers.
§ 205.602 Nonsynthetic substances prohibited for use in organic crop production.	
(c)	Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.
§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s)).''	
(a)	Nonsynthetics allowed: Agar-agar. Animal enzymes—(Rennet-animals derived; Catalase-bovine liver; Animal lipase; Pancreatin; Pepsin; and Trypsin). Calcium sulfate—mined. Carrageenan. Glucono delta-lactone—production by the oxidation of D-glucose with bromine water is prohibited. Tartaric acid—made from grape wine.
(b)	Synthetics allowed: Cellulose—for use in regenerative casings, as an anti-caking agent (non-chlorine bleached) and filtering aid. Potassium hydroxide—prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches. Silicon dioxide—Permitted as a defoamer. Allowed for other uses when organic rice hulls are not commercially available.
§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic."	
Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled as "organic," only in accordance with any restrictions specified in this section, and only when the product is not commercially available in organic form.	
(c)	Colors derived from agricultural products—Must not be produced using synthetic solvents and carrier systems or any artificial preservative.
(2)	Beta-carotene extract color—derived from carrots or algae (pigment CAS# 7235–40–7).

Authority: 7 U.S.C. 6501–6524.

Dated: March 30, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06867 Filed 4–3–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AMS–SC–17–0064; SC17–905–2 FIR]

Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida; Change in Size Requirements for Oranges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture adopts as final without change, an interim rule implementing a recommendation from the Citrus Administrative Committee (Committee) to relax the minimum size requirements currently prescribed under the Marketing Order for oranges, grapefruit, tangerines, and pummelos grown in Florida (Order). This final rule also continues in effect administrative revisions to the subpart heading to bring the language into conformance with the Office of Federal Register requirements.

DATES: Effective April 5, 2018.

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, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This 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 production area and one public member.

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

The handling of oranges, grapefruit, tangerines, and pummelos grown in Florida is regulated by 7 CFR part 905. Prior to this change, the minimum size requirement for oranges was 2 8/16 inches. The reduction in size requirement to 2 4/16 inches in diameter was established to meet both a market demand for small-sized oranges, as well as a general market shortage of citrus. Losses of citrus production in Florida due to citrus greening and damage caused by Hurricane Irma have resulted in an overall market shortage of citrus fruit. Therefore, this rule continues in effect the rule that relaxed the minimum size requirement for oranges from 2 8/16 inches to 2 4/16 inches in diameter.

In an interim rule published in the **Federal Register** on November 16, 2017, and effective on November 17, 2017, (82 FR 53397, Doc. No. AMS–SC–17–0064; SC17–905–2 IR), § 905.306 was amended by changing the minimum diameter for oranges from 2 8/16 inches to 2 4/16 inches in diameter. The relaxation in the size requirements would allow more oranges into the market and help maximize shipments.

Final 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 action on small entities. Accordingly, AMS has prepared this final 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 20 handlers of Florida Citrus who are subject to regulation under the Order and approximately 500 citrus producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the industry, and the Committee, the average f.o.b. price for Florida oranges during the 2016–17 season was $31.90 per box, and total fresh orange shipments were approximately 2.1 million boxes. Using the average f.o.b. price and shipment data, the majority of Florida orange handlers could be considered small businesses under SBA's definition ($31.90 times 2.1 million boxes equals $66.99 million divided by 20 handlers equals $3,349,500 per handler). In addition, based on the NASS data, the average grower price for the 2016–2017 season was $17.51 per box. Based on grower price, shipment data, and the total number of Florida citrus growers, the average annual grower revenue is below $750,000 ($17.51 times 2.1 million boxes equals $36,771,000 divided by 500 growers equals $73,542 per grower). Thus, the majority of handlers and producers of oranges may be classified as small entities.

This rule continues in effect the interim rule that relaxed the minimum size requirements for oranges covered under the Order from 2 8/16 inches to 2 4/16 inches in diameter. This change is expected to maximize shipments by allowing more oranges to be shipped to the fresh market and will help reduce the losses sustained by the orange industry as a result of citrus greening and the September 2017 hurricane in Florida. This rule amends the provisions of § 905.306. Authority for this change is provided in § 905.52 of the Order.

This action is not expected to increase costs associated with the Order requirements. Rather, this action will have a beneficial impact. Reducing the size requirements makes additional fruit available for shipment to the fresh market, provides an outlet for fruit that may otherwise go unharvested, and affords more opportunity to meet consumer demand. This change provides additional fruit to fill the shortage cause by citrus greening and by Hurricane Irma. Further, by maximizing shipments, this action will help provide additional returns to growers and handlers as they work to recover from the losses stemming from the hurricane.

This action may also help reduce harvesting costs. By reducing the minimum size, more fruit can be harvested immediately. This may eliminate the need to leave fruit on the tree to increase in size, which requires follow-up picking later in the season. Given the amount of fruit loss, this could help reduce picking costs substantially. The benefits of this rule are expected to be equally available to all fresh orange growers and handlers, regardless of their size.

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. 0581–0189, ''Generic Fruit Crops.'' No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large orange 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. USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meetings were widely publicized throughout the Florida citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the June 29, 2017, and September 28, 2017, meetings were public meetings and all entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before January 16, 2018. Four comments were received during the comment period in response to the proposal. The commenters included three in favor and one raising concerns not applicable to the interim rule.

The three commenters in support of the interim rule indicated relaxing the minimum size requirement for domestic shipments from 2 8/16 inches to 2 4/16 inches in diameter would maximize shipments and reduce the financial burden on industry and consumers. In addition, they stated the reduction in size would mitigate the impact on consumers by allowing more inventory to enter the market.

Two commenters mentioned that Florida citrus growers face a financial burden due to decreases in production. One commenter noted that there has been a constant decline in production. Another commenter noted that Hurricane Irma resulted in nearly $760 million in damages to the citrus industry and that growers have reported as high as 70 percent crop loss.

Accordingly, no changes will be made to the interim rule based on the comments received.

To view the interim rule, go to: *https://www.regulations.gov/document?D=AMS-SC-17-0064-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, 13563, and 13771; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (82 FR 53397, November, 16, 2017) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 905

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

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

Accordingly, the interim rule that amended 7 CFR part 905, which was published at 82 FR 53399 on November 16, 2017, is adopted as final, without change.

Dated: March 30, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06874 Filed 4–3–18; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Doc. No. AMS–SC–17–0061; SC17–929–2 FR]

Cranberries Grown in States of Massachusetts, et al.; Free and Restricted Percentages for the 2017–18 Crop Year for Cranberries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation to establish free and restricted percentages for the 2017–18 crop year under the marketing order for cranberries grown in the production area (Order). This action establishes the proportion of cranberries from the 2017–18 crop which may be handled and allows for the disposal of 2017–18 processed cranberry products. It also establishes a minimum quantity exemption and an exemption for handlers with no carryover inventory, exempts organically grown cranberries, and defines outlets for restricted fruit. This action adjusts supply to more closely meet market demand, improves grower and handler returns and reduces inventory. This final rule also contains formatting changes to subpart references to bring the language into conformance with the Office of the Federal Register requirements.

DATES: Effective May 4, 2018.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, 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: *Doris.Jamieson@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 final rule, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Agreement and Order No. 929, as amended (7 CFR part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Part 929 (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 Cranberry Marketing Committee (Committee) locally administers the Order and is comprised of growers and handlers of cranberries operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. Order provisions provide that the Committee may recommend and implement, subject to USDA approval, volume control regulation that would decrease the available supply of cranberries, whenever the Secretary finds that ''such regulation will tend to effectuate the declared policy of the Act.'' Accordingly, this rule establishes free and restricted percentages for cranberries for the 2017–18 crop year, beginning September 1, 2017, through August 31, 2018.

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. A 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.

This final rule establishes free and restricted percentages for the 2017–18 crop year. This rule establishes the proportion of cranberries from the 2017–18 crop that may be handled at 85 percent free and 15 percent restricted. This action also allows for the disposal of 2017–18 processed cranberry products to meet up to 50 percent of a handler's restriction. It also establishes a minimum quantity exemption, exempts handlers with no carryout inventory, exempts organically grown cranberries, and defines outlets for restricted fruit. This action adjusts supply to more closely meet market demand, improves grower returns, and helps reduce inventory.

The Committee met on August 4, 2017, and August 31, 2017, and recommended establishing these free and restricted percentages for the 2017–18 season, providing handlers with the option to divert processed cranberry products to meet up to 50 percent of their restricted percentage, and designating outlets for restricted fruit. The Committee also recommended establishing a minimum exemption of 125,000 barrels for each handler. After much consideration, USDA determined the minimum exemption portion of the recommendation should be revised. Consequently, this rule only exempts small handlers who process less than 125,000 barrels or handlers who will not have carryover inventory at the end of the 2017–18 fiscal year from the restriction. The 125,000 barrel exemption does not apply to handlers who do not meet these criteria. The Committee met again on January 17, 2018, to discuss the proposed rule following its publication in the **Federal Register**. The Committee recommended that USDA consider reducing the restricted percentage from 15 percent to 5 percent. After considering the recommendation and the data available, USDA determined the restricted percentage should remain at 15 percent.

Sections 929.52 and 929.54 authorize the Secretary of Agriculture (Secretary) to control volume by designating free and restricted percentages for cranberries acquired by handlers in a given crop year. Section 929.52 provides that the Secretary shall control the handling of cranberries whenever the Secretary finds, from the recommendations and information submitted by the Committee, or from other such information, that such volume control will tend to effectuate the declared policy of the Act. Free percentage volume may be shipped to any market, while restricted percentage volume must be diverted or used for noncompetitive purposes as prescribed in § 929.57. Section 929.51 requires the Committee to consider certain conditions, including supply and demand, prior to recommending a handler withholding program, and that any recommendation to do so be made by August 31.

Section 929.58(a) provides the authority to exempt from any or all requirements the handling of cranberries in such minimum quantities as the Committee, with the approval of the Secretary, may prescribe. Section 929.58(b) provides, in part, the authority to exempt from any or all requirements the handling of cranberries of such forms or types, including organic cranberries, as the Committee, with the approval of the Secretary, may prescribe.

Domestic cranberry production has been increasing over the past few years, up from 8.0 million barrels in 2012 to 9.6 million barrels in 2016. During the last few years, demand has remained relatively flat, and has not kept pace with the increases in supply. This has led to increasing levels of inventories. Ending inventory levels have increased from 5.8 million barrels in 2012 to 9.7 million barrels in 2016.

Demand for cranberries is inelastic, meaning changes in consumer price have a minimal effect on total sales volume. However, grower prices are very sensitive to changes in supply. As such, higher inventory levels place downward pressure on grower prices for cranberries and reduce grower returns. Data reviewed by the Committee indicates that the price per barrel received by some growers has fallen from $30 a barrel in 2011 to $10 a barrel in 2016. With the cost of production estimated at approximately $35 a barrel, for many growers returns have fallen below the cost of production.

On August 4, 2017, and again on August 31, 2017, the Committee met to discuss the levels of supply and demand and how market conditions were impacting the industry. The Committee discussed the approximate levels of production for the 2017–18 season, forecasting production at approximately 9.1 million barrels. Carry-in inventory was estimated at approximately 9.9 million barrels and foreign acquired cranberries are expected to provide an additional 2.1 million barrels, for a total available supply of approximately 21.1 million barrels for the year. After accounting for shrinkage, the Committee agreed on an adjusted supply of 20.4 million barrels for the 2017–18 season.

The Committee also reviewed anticipated sales for the upcoming season. Sales for fresh fruit were estimated at 333,000 barrels and processed fruit sales were estimated at 9.2 million barrels. Based on these expectations, inventory at the end of the 2017–18 crop year was anticipated to be roughly 10.9 million barrels, a 10 percent increase from the previous year. Using these numbers, end of year inventories would be approximately 115 percent of average annual sales.

After calculating the anticipated level of surplus for the 2017–18 season, the Committee agreed the industry is faced with a large inventory that continues to build. In its discussions of how to address this issue, the Committee considered several options. During the discussion of regulating the volume for the 2017–18 season, some members preferred establishing a producer allotment for the 2018–19 season over implementing a handler withholding for the current season. However, other members stated that if no action was taken to control supply for the 2017–18 season, another million barrels of cranberries would be added to the surplus inventory. In addition, not regulating the 2017–18 crop would require greater levels of restriction on the 2018–19 crop, and grower returns may decline further.

The Committee discussed various levels of restriction, being sensitive to the impact volume control could have on small handlers. Some small handlers are able to sell all their production each year and do not maintain an inventory. Several Committee members stated a large restriction would place a hardship on these small handlers.

The Committee also recognized a small restriction would not immediately balance supply with demand. However, even a small restriction would remove a portion of the volume from the market and help prevent an additional increase in inventory. Therefore, based on these

discussions, the Committee recommended establishing free and restricted percentages at 85 percent free and 15 percent restricted.

The Committee also recommended an allowance for the diversion of 2017–18 processed cranberry products to meet up to 50 percent of a handler's restriction. The Committee made this recommendation recognizing that processing fresh fruit to produce one of its top-selling items, sweetened dried cranberries (SDC), results in juice concentrate as a by-product. A significant amount of current carryover inventory is in the form of juice concentrate. By allowing for the diversion of processed cranberry products, such as juice concentrate, to meet a portion of a handler's restriction, the Committee believes this will help prevent additional build-up of carryover inventory. The ability to use cranberry processed products in addition to fresh berries to meet diversion requirements may also help handlers who find they need to divert additional volume late in the year when the availability of fresh berries may be limited.

To ensure the disposal of processed products in lieu of fresh berries is correctly accounted for under the restriction, the Committee also recommended including a conversion table, Table 1, in the regulations. The table recognizes different conversion equivalencies of berries to processed product based on the volume of Brix concentrate.

Brix is the method for measuring the amount of sugar contained in the cranberry products, and the industry average is 50 Brix per concentrate. The Committee acknowledged that the Brix level can vary depending on the growing region and farming practices. This table assists in ensuring that the disposal of processed product in lieu of fresh berries is applied equitably among all handlers.

TABLE 1—CONVERSION TABLE

Region	Brix average	Concentrate yield for one barrel of cranberries
Oregon	9.8	1.91 gallons 50 Brix concentrate.
Washington	9.3	1.81 gallons 50 Brix concentrate.
New Jersey	8.8	1.72 gallons 50 Brix concentrate.
Wisconsin	8.7	1.70 gallons 50 Brix concentrate.
Massachusetts	8.4	1.64 gallons 50 Brix concentrate.
All others	8.7	1.70 gallons 50 Brix concentrate.

For example, using the conversion table above, handlers could determine the amount of cranberry concentrate they would need to divert, in lieu of fresh berries, to cover any restricted percentage. Juice concentrate should comprise the vast majority of processed product used for diversion. Should requests be made to use other processed products for diversion, conversion rates for those products will be provided by the Committee based on information provided by the requesting handler. The means for approving and appealing those conversion rates will be provided in a separate rulemaking action.

For example, a handler covered under the restriction whose acquired volume is 1,000,000 barrels would have 1,000,000 barrels in regulated volume with 850,000 barrels of free use cranberries (1,000,000 × .85) and 150,000 barrels of restricted use cranberries (1,000,000 × .15) for the 2017–18 season. Under this rule, the handler could divert fresh fruit to outlets for restricted cranberries as prescribed in the Order, or divert up to 50 percent of the restriction, or a 75,000 barrel equivalent (150,000 barrels ÷ 2) in processed products from the 2017–18 harvest, with the remaining amount fulfilled using fresh berries. For cranberries produced in Wisconsin, this would equate to 127,500 gallons of concentrate (75,000 barrels × 1.7 gallons) that would need to be diverted to outlets for restricted cranberries.

Section 929.57 states that cranberries withheld from handling may only be diverted through such outlets as the Committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries. The Committee discussed various outlets and recommended the following: Foreign countries, except Canada; charitable institutions; any nonhuman food use; and, research and development projects approved by the Committee dealing with the development of foreign and domestic markets, including, but not limited to dehydration, radiation, freeze drying, or freezing of cranberries as outlets for withheld cranberries. They further recommended that cranberries may not be converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process prior to diversion to foreign countries. These outlets for restricted cranberries will be added to the rules and regulations under the Order by creating a new § 929.108.

The Committee also recommended organically grown cranberries be exempt from this regulation as they serve a niche market and represent a very small portion of the total crop. All other cranberry production, including fresh cranberries, is subject to regulation under the handler withhold volume regulation.

To address the burden the volume regulation would have on small handlers, the Committee also recommended providing a minimum quantity exemption of 125,000 barrels. Under the Committee's recommendation, the exemption would be given to handlers of record for the 2016–17 (previous) crop year and the 125,000 barrels would be subtracted from the handler's 2017–18 acquired volume before the restricted percentage would be applied. Small handlers whose acquired volume is 125,000 barrels or less would be exempt from the volume regulation, and handlers with slightly larger volumes would face minimal restrictions.

After much consideration, USDA determined the minimum exemption recommendation should be revised under this rule. Rather than provide an exemption of 125,000 barrels for each handler, this action exempts small handlers who process less than 125,000 barrels from the 15 percent restriction. Further, only handlers who have carryover inventory that is not sold or under contract at the end of the 2017–18 fiscal year are subject to the 15 percent restriction. These changes reflect the Committee's goal of reducing the burden on small handlers, and allow handlers that have matched their production with market demand to continue to serve their customer base and protect their market share. Handlers subject to the restriction should be able to meet any market shortfalls by utilizing cranberries or cranberry products they have in inventory.

With this change, only those handlers carrying inventory will be subject to the restriction. In reviewing the Committee's recommendation and other available industry information, it is the existing inventories in excess of 9 million barrels that are putting the most downward pressure on returns to both growers and handlers. Consequently, this change will put more focus on reducing the volume in inventory.

The Committee met again on January 17, 2018, to discuss the proposed rule on this action as published in the **Federal Register** on January 2, 2018 (83 FR 72). At the meeting, members discussed current market conditions. When the Committee had recommended the 15 percent restriction in August 2017, domestic production had been estimated at 9.14 million barrels. Since that time, Committee members stated that weather conditions had impacted production and that domestic production would actually be closer to 8 million barrels. Based on the reduced crop estimate, in a vote of 12 in favor, one against, and one abstention, the Committee voted to recommend reducing the restricted percentage from 15 percent to 5 percent. Members stated that the reduction in the crop, in combination with the reduced restriction, would still combine to remove a similar amount of fruit from the market as was originally projected under the 15 percent restriction.

USDA reviewed the recommendation made by the Committee to reduce the restricted percentage from 15 percent to 5 percent. Based on a revised 2017 domestic production of 8.085 million barrels, down from an estimated 9.14 million barrels, revising the restricted percentage to 5 percent, and considering exempt production, would remove approximately 366,000 barrels of cranberries from the market, leaving inventory as a percentage of sales at approximately 90.5 percent. Keeping the restricted percentage at 15 percent would remove approximately 1.1 million barrels of cranberries from the market, resulting in inventory as a percentage of sales of 82.9 percent. In addition, as some handlers may be exempt from the regulation as they are not carrying cranberries in inventory, the actual volume of cranberries removed from the market may be less. Given that the purpose of the volume regulation is to help reduce the existing levels of inventory, USDA has determined that the restricted percentage should remain at 15 percent.

Accordingly, this rule establishes free and restricted percentages of 85 percent and 15 percent, respectively, for the 2017–18 season, provides handlers with the option to divert processed cranberry products to meet up to 50 percent of their restricted percentage, and defines outlets for restricted fruit. This rule also exempts small handlers who process less than 125,000 barrels from the restriction, as well as handlers with no carryover inventory.

Final 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 action on small entities. Accordingly, AMS has prepared this final 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 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 1,100 cranberry growers in the regulated area and approximately 65 cranberry handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of 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 industry and Committee data, the average grower price for cranberries during the 2016–17 season was $23.50 per barrel and total sales were approximately 9.5 million barrels. The value for cranberries that year totaled $223,250,000 ($23.50 per barrel multiplied by 9.5 million barrels). Taking the total value of production for cranberries and dividing it by the total number of cranberry growers provides an average return per grower of $202,955. Using the average price and utilization information, and assuming a normal distribution, the majority of cranberry growers receive less than $750,000 annually.

According to USDA's Market News report, the average free on board (f.o.b.) price for cranberries was approximately $30.00 per barrel. Multiplying the f.o.b. price by total utilization of 9.5 million barrels results in an estimated handler-level cranberry value of $285 million. Dividing this figure by the number of handlers (65) yields an estimated average annual handler receipt of $4.3 million, which is below the SBA threshold for small agricultural service firms. Therefore, the majority of producers and handlers of cranberries may be classified as small entities.

While cranberry production has continued to rise, demand has failed to keep pace, and inventories have been increasing. In an industry such as cranberries, product can be stored in inventory for long periods of time. Large inventories are costly to maintain, difficult to market, and have a price-depressing effect. When supply outpaces demand resulting in high levels of inventories, grower and handler returns can be negatively impacted.

Demand for cranberries is inelastic, meaning changes in consumer price have a minimal effect on total sales. However, grower prices are very sensitive to changes in supply. With an inelastic demand, even a small shift in supply can affect grower prices. Setting free and restricted percentages will more closely align supply with demand. Free percentage cranberries can be marketed by handlers to any outlet, while restricted percentage volume can only be used for noncompetitive purposes. Establishing free and restricted percentages results in a decrease in supply, as handlers can only deliver a certain portion of their cranberries into the competitive marketplace. Therefore, using volume regulation to reduce supply should increase grower and handler prices and revenues.

This final rule controls the supply of cranberries by establishing free and restricted percentages at 85 percent free and 15 percent restricted for the 2017–18 crop year. It also allows for the diversion of 2017–18 processed cranberry products to meet up to 50 percent of a handler's restriction. In addition, this rule establishes a minimum quantity exemption, exempts handlers with no carryout inventory, exempts organically grown cranberries, and defines outlets for restricted fruit. These actions are designed to help stabilize market conditions, reduce burdensome inventories, and improve grower and handler returns. This rule establishes new §§ 929.107, 929.108 and 929.252. The authority for these actions is provided for in §§ 929.51, 929.52, 929.54, 929.57, and 929.58. These changes are based on Committee recommendations from meetings on August 4 and August 31, 2017.

While these actions could result in some additional costs to the industry, the benefits are expected to outweigh them. The purpose of establishing free and restricted percentages is to address oversupply conditions and to stabilize

grower prices. The industry has a significant volume in inventory, and this has had a negative impact on grower and handler returns. Without volume control, inventories would likely continue to increase, further lowering returns.

Inventories have more than doubled since 2011. In 2011, existing inventories were around 4.6 million barrels. By the end of the 2016–17 season, inventories are anticipated to be approximately 9.9 million barrels. Inventories as a percentage of total sales have also been increasing from approximately 50 percent in 2010 to approximately 103 percent in 2016, and will reach an anticipated 115 percent after the 2017–18 season if volume control is not implemented. These inventories have had a depressing effect on grower prices, which for many has fallen below their cost of production.

Retail demand for cranberries is highly inelastic, which indicates changes in consumer price do not result in significant changes in the quantity demanded. Consumer prices largely do not reflect small changes in cranberry supplies. Therefore, this action should have little or no effect on consumer prices and should not result in a reduction in retail sales. However, even a small shift in supply can increase grower and handler returns. The use of free and restricted percentages will likely have a positive impact on grower and handler returns for this crop year.

This final rule will result in some fruit being taken off the market. However, a sufficient amount of fruit will still be available to supply all aspects of the market. In addition, allowing handlers the option to divert 2017–18 processed cranberry products to meet up to 50 percent of their restriction provides handlers some additional flexibility and may help reduce inventories of juice concentrate, one of the largest segments of existing inventory.

This action also exempts small handlers who process less than 125,000 barrels from the restriction. Consequently, small handlers whose acquired volume is 125,000 barrels or less are exempt from the volume restriction. This reduces the burden the volume restriction has on small handlers and their growers.

In addition, only handlers who have carryover inventory that is not sold or under contract at the end of the 2017–18 fiscal year are subject to the 15 percent restriction. This allows handlers that have matched their production with market demand to continue to serve their customer base and protect their market share. Handlers subject to the restriction should be able to meet any shortfalls by utilizing cranberries or cranberry products they have in inventory.

There are also secondary uses available for restricted fruit, including foreign markets except Canada, charitable institutions, nonhuman food use, and research and development projects. While these alternatives may provide different levels of return than sales to primary markets, they play an important role for the industry. In addition, if demand is greater than anticipated, there are significant amounts of fruit in inventory that could be utilized to meet demand.

As the restriction represents a percentage of a handler's volume, the costs, when applicable, are proportionate and should not place an extra burden on small entities as compared to large entities. Likewise, growers and handlers, regardless of size, benefit from the stabilizing effects of this restriction.

One alternative considered was not to impose volume restrictions during the 2017–18 crop year. However, Committee members believed that inventory levels were such that some form of volume control was necessary to help stabilize marketing conditions.

The Committee also considered other levels of free and restricted percentages. However, some members were concerned that setting a restriction that was too high could negatively impact small handlers. The Committee also considered not recommending a provision to allow the disposal of 2017–18 processed cranberry products to meet up to 50-percent of a handler's restriction. However, the Committee determined allowing the diversion of cranberry products to meet up to 50 percent of the restriction allows large handlers to reduce inventory and not add additional volumes of juice concentrate to the existing inventory levels. Therefore, for the reasons mentioned above, these alternatives were rejected by the Committee.

However, the Committee later recommended an alternative to USDA. After its January 17, 2018 meeting, the Committee recommended reducing its previously requested 15 percent restriction to 5 percent. USDA determined that lowering the restricted percentage by this amount would not sufficiently reduce carryover inventory, and thus would not relieve the downward pressure on grower prices.

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 OMB and assigned OMB No. 0581–0189, Generic Fruit Crops.

This final rule establishes free and restricted percentages and handler diversion options under the Order. On February 15, 2018, USDA published a proposed rule in the **Federal Register** (83 FR 6800) seeking comment on new information requirements and Committee forms to support diversion procedures when volume regulation is established. The impact of the new requirements will be addressed in that rulemaking. 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.

As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, the Committee's meetings were widely publicized throughout the cranberry industry and all interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the August 4 and August 31, 2017, and January 17, 2018, meetings were public meetings and all entities, both large and small, were able to express views on these issues.

A proposed rule concerning this action was published in the **Federal Register** on January 2, 2018 (83 FR 72). Copies of the proposed rule were sent via email to Committee members and cranberry handlers. Finally, the proposed rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending February 1, 2018, was provided to allow interested persons to respond to the proposal.

During the comment period, 174 comments were received in response to the proposal. Of the comments received, 13 were in support of the proposed regulation, 123 comments supported regulation with some changes to the proposal (101 of these comments were from growers affiliated with the major industry cooperative), 37 were opposed to the proposed regulation, and 1 took no position.

Four of the comments in support of the rule stated USDA should maintain the restricted percentage at 15 percent even with the reduction in the size of

the 2017–18 crop. Three commenters stated a five percent restriction would do little to support the industry, especially as the decrease in the 2017–18 crop could be offset by an increase in the 2018–19 crop. One commenter stated that maintaining the higher percentage, along with the reduction in the 2017–18 crop, would have an even greater impact on inventories. Another commenter stated that keeping the restricted percentage at 15 percent sends a message that the oversupply will be dealt with. One commenter stated full support for the proposed regulation as a way to keep the industry healthy and profitable. Another commenter recognized that the industry has enough cranberries in inventory to supply the next 12 months. One commenter also indicated they thought the percentage of restricted cranberries could have been even higher. Support of the exemption for organic cranberries was voiced by one commenter, who stated that a restriction on this sector would inhibit future market growth.

In the comments that supported volume regulation, but with changes from what was included in the proposed rule, 107 commenters stated that they supported volume regulation as a way to reduce the volume of cranberries available in the marketplace and help increase returns. Of these, 106 commenters indicated that oversupply conditions had reached such levels that some action needed to be taken, and 104 commenters also referenced the positive impact of previous volume regulations established for the 2000 and 2001 seasons. Three commenters also indicated that the decrease in the 2017–18 crop size has already had a positive impact on price, and that the proposed regulation has also had a positive effect.

Three other commenters requesting adjustments to the proposal stated their support for maintaining the restricted percentage at 15 percent. One of those commenters stated that dropping the restriction to five percent would be too low to effectively impact the oversupply. Another commenter stated that a timely reduction in supply is essential. Another comment stated that the industry should hold the restriction at 15 percent and take advantage of the short crop as a bonus.

Of those commenters requesting a change to the proposed rule, 119 commenters supported reducing the restricted percentage from 15 percent to 5 percent. Of these, 112 referenced the decrease in the volume of the 2017–18 crop as rationale for reducing the restricted percentage.

As stated above, USDA reviewed the Committee's recommendation to reduce the restricted percentage from 15 percent to five percent based on an approximate 10 percent reduction in the 2017–18 crop. The industry began the year with approximately 9.7 million barrels in inventory, an amount greater than estimated total sales for the 2017–18 season. Using the revised 2017–18 domestic production estimate of 8.085 million barrels, revising the restricted percentage to five percent would remove approximately 366,000 barrels of cranberries from the market, leaving inventory as a percentage of sales at around 90.5 percent.

Maintaining the restricted percentage at 15 percent would remove approximately 1.1 million barrels of cranberries from the market, resulting in inventory as a percentage of sales of 82.9 percent. Further, since handlers with no carryover inventory are exempt from the regulation, the actual volume of cranberries removed from the market may be less than calculated with either a 15 or 5 percentage restriction. In addition, handlers have already been establishing plans to comply with a 15 percent restriction. Given that the purpose of the volume regulation is to help reduce supply and inventory, USDA has determined that the restricted percentage should remain at 15 percent.

Another 103 commenters requested that the final rule clarify that processed products may be used for charitable purposes as an outlet for restricted cranberries. This final rule adds § 929.108, which specifies the outlets for restricted cranberries. As stated above, the Committee recommended that cranberries may not be converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process prior to diversion to foreign countries. The limitation is written specifically into § 929.108(a). However, this restriction of whole fruit only does not apply to diversion to charitable institutions, any nonhuman food use, or research and development projects approved by the Committee dealing with the development of foreign and domestic markets, including as processed fruit.

In addition, these same commenters also asked that processed products sent to outlets for restricted cranberries, specifically for charity, not count toward the diversion of 2017–18 processed cranberry products to meet up to 50 percent of a handler's restriction. When free and restricted percentages are established, restricted percentage volume must be diverted or used in noncompetitive outlets. The restricted percentage is applied to each individual handler's volume to establish the volume of cranberries that need to be diverted. Under the final rule, 50 percent of this amount can be met using 2017–18 processed cranberry products. Consequently, regardless of how the handler is diverting processed products into noncompetitive outlets, 2017–18 processed products can only be used to meet 50 percent of the handler's restriction. Restriction aside, handlers are always able, and encouraged, to donate as much whole fruit or processed products to charity as they can.

Thirteen commenters indicated the exemption added by USDA for handlers that have no inventory after August 31, 2018, is problematic and should be changed. Two of these commenters indicated that inventory is not clearly defined for the purposes of this exemption, and that some handlers need inventory beyond that date in order to operate. Two comments also expressed concern about how the Committee would be able to track compliance with this change. One commenter said this provision should be removed.

Another 11 commenters also expressed concerns regarding the change USDA made to the 125,000 barrel exemption recommended by the Committee. Five commenters stated this would adversely affect midsize handlers. Three commenters indicated the exemption for the first 125,000 barrels for each handler as recommended by the Committee was fair, but with this change it is no longer equitable. One commenter stated this change would cost growers money in extra charges from the handlers.

In reviewing the Committee's recommendation and other available industry information, USDA has determined that the existing inventories in excess of 9 million barrels are putting the most downward pressure on returns to both growers and handlers. Rather than provide an exemption of 125,000 barrels for each handler, this action exempts small handlers who process less than 125,000 barrels from the 15 percent restriction. Small handlers processing less than 125,000 barrels make up nearly 88 percent of all handlers, yet combined only account for less than 10 percent of the total volume.

Further, only handlers who have carryover inventory at the end of the 2017–18 fiscal year are subject to the 15 percent restriction. These changes further reduce the burden on small handlers and provide an exemption to handlers that have matched their production with market demand allowing them to continue to serve their customer base and protect their market share. With this change, only those handlers carrying inventory would be subject to the restriction.

As stated above, inventory is product that is not sold or under contract at the end of the 2017–18 fiscal year. If a handler is carrying inventory from the 2017–18 season, and/or previous seasons, at the end of the 2017–18 fiscal year (August 31, 2018) the handler will be subject to the restriction. In regards to compliance, the Committee has hired additional support to assist with this volume regulation. Further, handlers maintain information on inventory and should be able to supply the paperwork necessary to demonstrate if they qualify for the inventory exemption.

Three commenters stated that the rule should be changed to allow handlers to meet 100 percent of their restriction using processed product. Four others stated handlers should not be allowed to substitute byproduct concentrate to meet 50 percent of the restriction. While a significant portion of existing inventory is concentrate, not all handlers produce concentrate or concentrate as a byproduct of SDC production. Allowing the use of 50 percent of 2017–18 cranberry products to meet the required restriction represents a compromise that recognizes the need to reduce the inventory volume of cranberry concentrate, while also acknowledging the overall oversupply facing the industry.

Some of the comments from those in opposition to the proposed rule echo the comments made by those requesting changes to the proposal. Twelve commenters in opposition to the proposed rule stated the weather had taken care of the problem of oversupply for the current season, negating the need for establishing the restriction. Five commenters referenced the change to the 125,000 barrel exemption, and another four commenters referenced the exemption for handlers with no inventory at the end of the 2017–18 fiscal year as reasons for opposing the regulation. Comments similar to these are addressed above.

Seven commenters opposed the proposal, citing the oversupply of concentrate as the cause of the industry's problems. Two additional commenters opposed the proposed regulation because handlers could divert 50 percent of 2017–18 products to meet their restriction. While concentrate does represent a large portion of the existing inventory, the level of frozen berries is even higher. Industry data shows that at the end of the 2016–17 fiscal year, of the estimated 9.7 million barrels in inventory, approximately 4.2 million barrels were frozen berries, while approximately 3.7 million barrels were from concentrate. Consequently, the rule provides for the diversion of product to meet 50 percent of the restriction as a way to reduce the inventory of concentrate. However, reducing overall supply, including whole fruit, is also important in addressing the current level of inventory.

Twelve comments stated that the proposed regulation would negatively impact growers by reducing their returns. Seven commenters stated the proposed regulation originated from the major cooperative. Another six commenters stated that if finalized this regulation would adversely affect midsize handlers. While these actions could result in some additional costs to the industry, the benefits are expected to outweigh them. The purpose of establishing free and restricted percentages is to address oversupply conditions and to stabilize grower prices. The industry has a significant volume in inventory, and this has had a negative impact on grower and handler returns. Growers and handlers, both large and small, should benefit from this regulation. It is estimated that approximately 1.1 million barrels of cranberries will be removed from inventories are a result of this rule. Lowering inventory levels is expected to result in positive returns for the entire industry.

Four commenters opposed the regulation because the restriction does not apply to Canada or other foreign production. These commenters stated that without it being restricted, foreign product could be used to offset the domestic product being restricted. USDA has not made any revisions as a result of these comments because, as an initial matter, the Order cannot regulate imported volume. Moreover, for this argument to be relevant, the 15 percent restriction would need to cause a market shortfall in the production area. However, given that the production area market entered the 2017–18 season with more cranberries and product in inventory than anticipated sales, and on top of that had an additional 8.1 million barrels of production, USDA has determined there is ample domestic supply to meet sales requirements and there is no risk of an impending market shortfall.

Four comments in opposition to the proposal also stated that it would be implemented too late to have benefit, as growers have already incurred the cost of producing their full crop. In discussing this issue, the Committee recognized that utilizing a producer allotment allowed growers to make adjustments to reduce their costs, they determined that the situation with the oversupply was such that something needed to be done for the 2017–18 season. Committee members were concerned that delaying action would only result in higher inventories for the 2018–19 season and the need for an even larger volume regulation in the future. Despite the timing, the Committee anticipates that use of handler free and restricted percentages will likely have a positive impact on grower and handler returns for the current crop year.

Finally, three commenters stated that nothing should be done and that the market be allowed to dictate what happens with industry. Under the Order, the Committee has the authority to recommend volume regulation to the Secretary to help manage supply and demand. The Committee chose to utilize this authority to address the current oversupply situation and to help industry returns.

Additional comments were received that addressed issues outside the scope of the proposed rule.

For the reasons discussed above, no changes will be made to the rule as proposed, based on the comments received.

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.

After consideration of all relevant matter presented, including the information and recommendation of the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

■ 1. The authority citation for part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate ''Subpart—Order Regulating Handling'' as ''Subpart A—Order Regulating Handling''.

[Subpart Redesignated as Subpart B and Amended]

■ 3. Redesignate ''Subpart—Rules and Regulations'' as subpart B and revise the heading to read as follows:

Subpart B—Administrative Requirements

■ 4. Add § 929.107 to read as follows:

§ 929.107 Conversion.

During a year of volume regulation, cranberry concentrate and other processed products made from excess or restricted cranberries harvested in that year may be diverted according to the provisions of this part. Any handler disposing of concentrate or other processed products must report the whole-berry equivalent to the Committee so that all excess or restricted cranberries are accounted for and reported per rules and regulations in effect. Table 1-Conversion Table provides a conversion rate for concentrate to barrels of whole berries based on Brix average by production region. Should requests be made to use other processed products for diversion, conversion rates for those products would be provided by the Committee based on information provided by the requesting handler.

TABLE 1 TO § 929.107—CONVERSION TABLE

Region	Brix average	Concentrate yield for one barrel of cranberries
Oregon	9.8	1.91 gallons 50 Brix concentrate.
Washington	9.3	1.81 gallons 50 Brix concentrate.
New Jersey	8.8	1.72 gallons 50 Brix concentrate.
Wisconsin	8.7	1.70 gallons 50 Brix concentrate.
Massachusetts	8.4	1.64 gallons 50 Brix concentrate.
All others	8.7	1.70 gallons 50 Brix concentrate.

■ 5. Add § 929.108 to read as follows:

§ 929.108 Outlets for restricted cranberries.

In accordance with § 929.57, restricted cranberries may be diverted only to the following noncommercial or noncompetitive outlets:

(a) Foreign countries, except Canada, provided that restricted cranberries diverted under this provision may not be converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process, prior to diversion;

(b) Charitable institutions;

(c) Any nonhuman food use, or;

(d) Research and development projects approved by the Committee dealing with the development of foreign and domestic markets, including, but not limited to dehydration radiation, freeze drying, or freezing of cranberries.

[Subpart Redesignated as Subpart C]

■ 6. Redesignate ''Subpart—Assessment Rate'' as ''Subpart C—Assessment Rate''.

■ 7. Add § 929.252 to read as follows:

§ 929.252 Free and restricted percentages for the 2017–18 crop year.

(a) The percentages for cranberries handled by handlers during the crop year beginning on September 1, 2017, which shall be free and restricted, respectively are designated as follows: Free percentage, 85 percent and restricted percentage, 15 percent.

(b) Handlers have the option to process restricted cranberries into dehydrated cranberries or other processed products. Handlers also have the option to divert concentrate or other processed products as provided in § 929.107 to account for up to 50 percent of their restriction.

(c) Organically grown fruit shall be exempt from the volume regulation requirements of this section. Small handlers who process less than 125,000 barrels during the 2017–18 fiscal year are exempt from the restriction. Any handlers who do not have carryover inventory at the end of the 2017–18 fiscal year are also exempt.

Dated: March 30, 2018.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06875 Filed 4–3–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Doc. No. AMS–SC–17–0051; SC17–966–1 FR]

Tomatoes Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Florida Tomato Committee (Committee) for a decrease of the assessment rate established for the 2017–18 and subsequent fiscal periods for tomatoes grown in Florida, handled under the Marketing Order. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated. This rule also makes administrative revisions to the subpart headings to bring the language into conformance with the Office of Federal Register requirements.

DATES: Effective May 4, 2018.

FOR FURTHER INFORMATION CONTACT: Steven W. Kauffman, 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: *Steven.Kauffman@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, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement No. 125 and Order No. 966, as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida. Part 966, (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 producers of tomatoes operating within the area of production.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This 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 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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, Florida tomato handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable tomatoes beginning on August 1, 2017, 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.

This rule decreases the assessment rate established for the 2017–18 and subsequent fiscal periods from $0.035 to $0.025 per 25-pound container or equivalent of tomatoes handled.

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 of the Committee are producers of Florida tomatoes. They are familiar with the Committee's needs and with the costs for 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.

For the 2016–17 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on August 22, 2017, and unanimously recommended 2017–18 expenditures of $1,494,600 and an assessment rate of $0.025 per 25-pound container or equivalent of tomatoes. Last year's budgeted expenditures were also $1,494,600. The assessment rate of $0.025 is $0.010 lower than the rate currently in effect. The Committee recommended decreasing the assessment rate to reduce the assessment burden on handlers and utilize funds from the authorized reserve to help cover Committee expenses.

The major expenditures recommended by the Committee for the 2017–18 year include $450,000 for staff salaries, $400,000 for research, and $400,000 for education and promotion. Budgeted expenses for these items in 2016–17 were the same.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of Florida tomatoes, and the level of funds in the authorized reserve. Tomato shipments for the year are estimated at 33 million 25-pound containers, which should provide $825,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses. Funds in the reserve (currently $979,410) will be kept within the maximum permitted by the Order (approximately one fiscal period's expenses as stated in § 966.44).

The assessment rate established in this rule will 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 will be effective for an indefinite period, the Committee will 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 will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2017–18 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final 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 rule on small entities. Accordingly, AMS has prepared this final 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 80 producers of Florida tomatoes in the production area and 47 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 industry and Committee data, the average annual price for fresh Florida tomatoes during the 2016–17 season was approximately $8.00 per 25-pound container, and total fresh shipments were 32.8 million containers. Using the average price and shipment information, the number of handlers, and assuming a normal distribution, the majority of handlers have average annual receipts of less than $7,500,000. Based on production data, an estimated producer price of $3.00 per 25-pound container, and the number of Florida tomato producers, the average annual producer revenue is above $750,000. Thus, a majority of the handlers of Florida tomatoes may be classified as small entities, while a majority of the

producers may be classified as large entities.

This rule decreases the assessment rate established for the 2017–18 and subsequent fiscal periods from $0.035 to $0.025 per 25-pound container or equivalent of Florida tomatoes. The Committee unanimously recommended 2017–18 expenditures of $1,494,600 and an assessment rate of $0.025 per 25-pound container or equivalent handled. The assessment rate of $0.025 is $0.010 lower than the 2016–17 rate. The quantity of assessable Florida tomatoes for the 2017–18 fiscal period is estimated at 33 million 25-pound containers or equivalent. Thus, the $0.025 rate should provide $825,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, should be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2017–18 year include $450,000 for staff salaries, $400,000 for research, and $400,000 for education and promotion. Budgeted expenses for these items in 2016–17 were also $450,000, $400,000, and $400,000, respectively.

The Committee recommended decreasing the assessment rate to reduce the assessment burden on handlers and utilize funds from the authorized reserve to help cover Committee expenses.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources, such as the Committee's Budget and Finance Subcommittee, Education and Promotion Subcommittee, and the Research Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various activities to the Florida tomato industry. The Committee ultimately determined the assessment revenue, along with interest income and funds from authorized reserves should 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 period indicates that the average producer price for the 2017–18 season could be about $6.50 per 25-pound container or equivalent of Florida tomatoes. Therefore, the estimated assessment revenue for the 2017–18 crop year as a percentage of total producer revenue should be around 0.4 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 22, 2017, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue.

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 OMB and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato 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. As mentioned in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on December 11, 2017 (82 FR 58133). Copies of the proposed rule were also mailed or sent via facsimile to all Florida tomato handlers. Finally, the proposal was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending January 10, 2018, was provided for interested persons to respond to the proposal. No comments on the proposed assessment rate or the administrative revisions were received.

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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

■ 1. The authority citation for part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate ''Subpart—Order Regulating Handling'' as ''Subpart A—Order Regulating Handling''.

[Subpart Redesignated as Subpart B and Amended]

■ 3. Redesignate ''Subpart—Rules and Regulations'' as Subpart B and revise the heading to read as follows:

Subpart B—Administrative Requirements

[Subpart Redesignated as Subpart C]

■ 4. Redesignate ''Subpart—Assessment Rates'' as ''Subpart C—Assessment Rates''.

■ 5. Section 966.234 is revised to read as follows:

§ 966.234 Assessment rate.

On and after August 1, 2017, an assessment rate of $0.025 per 25-pound container is established for Florida tomatoes.

[Subpart Redesignated as Subpart D and Amended]

■ 6. Redesignate ''Subpart—Handling Regulations'' as Subpart D and revise the heading to read as follows:

Subpart D—Handling Requirements

Dated: March 30, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06883 Filed 4–3–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0011; Special Conditions No. 25–722–SC]

Special Conditions: SWS Certification Services, Ltd., Boeing Model 747–8 Airplanes; Installation of an Overhead Passenger-Sleeping Compartment in the Main Deck

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 747–8 airplane. This airplane, as modified by SWS Certification Services, Ltd. (SWS), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of an overhead passenger-sleeping compartment in the main deck. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective April 4, 2018.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 2200 S. 216th St., Des Moines, Washington 98198–6547; telephone 206–231–3215.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2016, SWS applied for a supplemental type certificate for the installation of overhead passenger-sleeping compartments in the main deck of Boeing Model 747–8 airplanes. The Model 747–8 airplane is a wide-body airplane equipped with four turbofan engines. This airplane has a maximum seating capacity of 605 passengers and 12 cabin crewmembers, and has a maximum takeoff weight of 987,000 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, SWS must show that the Boeing Model 747–8 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A20WE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The regulations listed in the type certificate are commonly referred to as the ''type certification basis.'' The certification basis for the Model 747–8 is part 25, as amended by amendment 25–1 through amendment 25–120, with exceptions permitted by § 21.101.

In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 747–8 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 747–8 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Boeing Model 747–8 airplane, as modified by SWS, will incorporate the following novel or unusual design feature: Overhead passenger-sleeping compartments in the main deck.

Discussion

SWS, located in the United Kingdom, will install an Aeroloft™ Overhead Passenger Sleeping/Rest Compartment (OPSC) in the crown area of the Boeing Model 747–8 airplane, in front of the Overhead Flight Attendant Rest (OFAR) Compartment. The operation of this airplane is limited for private use only, not for hire, not for common carriage. The OPSC is similar in function and design to the OFAR but will be for passenger use. Specifically, the OPSC consists of eight passenger-sleeping compartments, with single occupancy for each compartment. The OPSC includes a station for a trained flight attendant, and is intended for in-flight use only; not during taxi, takeoff, or landing. The size of the installation is similar to the OFAR and will have a separate staircase for access in the front of the compartment, in the main deck near the door 4 area. The OPSC is open for passengers only when a flight attendant is present in the OPSC. This dedicated flight attendant is allocated for passenger briefing on emergency procedures, evacuation, and for the use of emergency equipment and systems within the OPSC.

These special conditions establish seating, communication, lighting, personal safety, and evacuation requirements for the OPSC compartment. In addition, passenger information signs and placards, supplemental oxygen, and a seat or berth for each occupant of the OPSC compartment are required. These items are necessary because of turbulence or decompression. When applicable, the requirements parallel the existing requirements for an overhead service compartment, and provide an equivalent level of safety to that provided for main-deck occupants.

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

Discussion of Comments

Notice of Proposed Special Conditions No. 25–18–01–SC, for the Boeing Model 747–8 airplane, was published in the **Federal Register** on February 22, 2018 (83 FR 7638). The FAA received two comments. One commenter is in support of these special conditions. The other commenter suggested general applicability regulations on the subject matter of these special conditions. The FAA suggests that the substance of this comment may be better addressed as a petition for rulemaking under 14 CFR part 11.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 747–8 airplane as modified by SWS. Should SWS apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A20WE, to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**. However, as the certification date for the Boeing Model 747–8 airplane, as modified by SWS, is imminent, the FAA finds that good cause exists to make these special conditions effective upon publication.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 747–8 airplanes modified by SWS Certification Services, Ltd.

(1) During flight, occupancy of the Overhead Passenger Sleeping/Rest Compartment is limited to the total number of installed bunks in the compartment that are approved to the maximum flight-loading conditions. Therefore, the OPSC is limited to a maximum of eight occupants for in-flight use only.

(a) Occupancy of the OPSC is for passengers only when a dedicated flight attendant is present in the OPSC.

(b) The OPSC design must include appropriate placards located inside and outside each entrance to the OPSC to indicate:

(i) The maximum number of eight occupants allowed during flight.

(ii) Occupancy is prohibited during taxi, take-off, and landing.

(iii) Smoking is prohibited in the OPSC.

(iv) Stowage in the OPSC area is limited to personal luggage. The stowage of cargo is not allowed.

(c) The airplane must contain at least one ashtray on both the inside and the outside of any entrance to the OPSC.

(2) The following requirements are applicable to OPSC door(s):

(a) For any door installed between the OPSC and the passenger cabin, a means must be provided to allow the door to be quickly opened from inside the OPSC, even when crowding from an emergency evacuation occurs at each side of the door.

(b) Doors installed across emergency egress routes must have a means to latch them in the open position. The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in § 25.561(b).

(c) The OPSC design must include a placard displayed in a conspicuous location on the outside of the entrance door of the OPSC, and on any other door(s) installed across emergency egress routes of the OPSC, requiring those doors to be latched closed during taxi, takeoff, and landing (TT&L).

(i) This requirement does not apply to emergency-escape hatches installed in the OPSC.

(ii) The OPSC design must include a placard displayed in a conspicuous place on the outside of the entrance door to the OPSC that requires the door to be closed and locked when it is not occupied.

(iii) The design-approval holder must transmit procedures for meeting these requirements to the operator for incorporation into training programs and appropriate operational manuals.

(d) For all outlet doors installed in the OPSC, a means must be in place to preclude anyone from being trapped inside the OPSC. If the design installs a locking mechanism, the locking mechanism must be capable of being unlocked from the outside without the aid of special tools. The lock must not prevent opening from the inside of the OPSC at any time.

(3) At least two emergency-evacuation routes must be available, and which could be used by each occupant of the OPSC to rapidly evacuate to the main cabin. A person must be able to close these evacuation routes from the main passenger cabin after evacuation. In addition;

(a) The design must include routes with sufficient separation within the OPSC to minimize the possibility of an event either inside or outside of the OPSC, rendering both routes inoperative. The design-approval holder may show compliance by inspection or by analysis. Regardless of which method is used, the maximum acceptable distance between OPSC exits is 60 feet.

(b) The design-approval holder must design routes to minimize the possibility of blockage, which might result from fire, mechanical or structural failure, or persons standing below or against the OPSC outlets. If an evacuation route is in an area where normal movement or evacuation of passengers occurs, the applicant must demonstrate that passengers would not impede egress to the main deck. If low headroom is at or near the evacuation route, the design must make provisions to prevent or to protect occupants of the OPSC from head injury. Use of evacuation routes must not depend on any powered device. If an OPSC evacuation route outlet is over an area of passenger seats, the design may allow the temporary displacement of a maximum of five passengers from their seats during the process of evacuating an incapacitated person(s). If such an evacuation procedure involves the evacuee stepping on seats, the evacuee must not damage seats to the extent that the seats would not be acceptable for occupancy during an emergency landing.

(c) The design-approval holder must establish emergency-evacuation procedures, including procedures for emergency evacuation of an incapacitated occupant from the OPSC. The design-approval holder must transmit all of these procedures to the operator for incorporation into training programs and appropriate operational manuals.

(d) The design-approval holder must include a limitation in the airplane flight manual (AFM), or other suitable means, to require that crewmembers are trained in the use of the OPSC evacuation routes. This training must instruct crewmembers to ensure that the OPSC (including seats, doors, etc.) is in the proper TT&L configuration during TT&L.

(e) In the event no flight attendant is present in the area around the OPSC outlet door, and also during an emergency, including an emergency evacuation, a means must be available to prevent passengers from entering the OPSC.

(f) Doors or hatches separating the OPSC from the main deck must not adversely affect evacuation of occupants on the main deck (slowing evacuation by encroaching into aisles, for example), or cause injury to those occupants during opening or while opened.

(g) The means of opening outlet doors and hatches to the OPSC compartment must be simple and obvious. The OPSC compartment outlet doors and hatches must be able to be closed from the main passenger cabin.

(4) A means must be available for evacuating an incapacitated person (representative of a 95th percentile male) from the OPSC compartment to the passenger cabin floor. The design-approval holder must demonstrate such an evacuation for all evacuation routes.

(5) The design-approval holder must provide the following signs and placards in the OPSC, and the signs and placards must meet the following criteria:

(a) At least one exit sign, located near each OPSC evacuation-route outlet, meeting the emergency-lighting requirements of § 25.812(b)(1)(i). One allowable exception would be a sign with reduced background area of no less than 5.3 square inches (excluding the letters), provided that it is installed so that the material surrounding the exit sign is light in color (white, cream, light beige, for example). If the material surrounding the exit sign is not light in color, a sign with a minimum of a one-inch-wide background border around the letters would be acceptable. Another allowable exception is a sign with a symbol that the FAA has determined to be equivalent for use as an exit sign in an OPSC.

(b) The OPSC design must conspicuously locate an appropriate placard on or near each OPSC outlet door or hatch that defines the location and the operating instructions for access to, and operation of, the outlet door or hatch.

(c) Placards must be readable from a distance of 30 inches under emergency lighting conditions.

(d) The design must illuminate the door or hatch handles and operating-instruction placards, required by Special Condition 5b of these special conditions, to at least 160 microlamberts under emergency-lighting conditions.

(6) An automatic means of emergency illumination must be available in the OPSC in the event of failure of the airplane main power system, or failure of the normal OPSC lighting system.

(a) The design must power this emergency illumination independently of the main lighting system.

(b) The sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system.

(c) The illumination level must be sufficient to allow occupants of the OPSC to locate and move to the main passenger cabin floor by means of each evacuation route.

(d) The illumination level must be sufficient, with the privacy curtains in the closed position, for each occupant of the OPSC compartment to locate a deployed oxygen mask.

(7) A means must be available for two-way voice communications between crewmembers on the flight deck and occupants of the OPSC. Two-way communications must also be available, between occupants of the OPSC and each flight-attendant station in the passenger cabin, per § 25.1423(g) for areas required to have a public-address-system microphone. In addition, the public-address system must include provisions to provide only the relevant information to the crewmembers in the OPSC (*e.g.,* fire in flight, airplane depressurization, preparation of the compartment for landing, etc.). That is, provisions must be made so that occupants of the OPSC will not be disturbed with normal, non-emergency announcements made to the passenger cabin.

(8) A means must be available for manual activation of an aural emergency-alarm system, audible during normal and emergency conditions, to enable crewmembers on the flight deck and at each pair of required floor-level emergency exits to alert occupants of the OPSC of an emergency situation. Use of a public-address or crew-interphone system will be acceptable, provided an adequate means of differentiating between normal and emergency communications is incorporated. The design must power the system in flight, after the shutdown or failure of all engines and auxiliary power units, for a period of at least ten minutes.

(9) A means must be in place, readily detectable by seated or standing occupants of the OPSC, to indicate when seat belts should be fastened. The design must provide seatbelt-type restraints for berths and must be compatible with the sleeping position during cruise conditions. A placard on each berth must require that these restraints be fastened when occupied. If compliance with any of the other requirements of these special conditions is predicated on specific head position, a placard must identify that head position.

(10) In lieu of the requirements specified in § 25.1439(a) pertaining to isolated compartments, and to provide a level of safety equivalent to that provided to occupants of an isolated galley, the design must provide the following equipment in the OPSC:

(a) At least one approved, hand-held fire extinguisher appropriate for the kinds of fires likely to occur.

(b) Two protective breathing equipment (PBE) devices, suitable for firefighting, or one PBE for each hand-held fire extinguisher, whichever is greater. All PBE devices must be approved to Technical Standard Order (TSO)-C116 or equivalent.

(c) One flashlight.

Note: The design may require additional PBE devices and fire extinguishers in specific locations, beyond the minimum numbers prescribed in Special Condition 10 as a result of the egress analysis accomplished to satisfy Special Condition 4.

(11) The design must provide a smoke- or fire-detection system (or systems) to monitor each occupiable space within the OPSC, including those areas partitioned with curtains or doors. The design-approval holder must conduct flight tests to show compliance with this requirement. If a fire occurs, each system must provide:

(a) A visual indication to the flight deck within one minute after the start of a fire.

(b) An aural warning in the OPSC compartment.

(c) A warning in the main passenger cabin. A flight attendant must readily detect this warning, taking into consideration the locations of flight attendants throughout the main passenger compartment during various phases of flight.

(12) The design must provide a means to fight a fire. This ability can be either a built-in extinguishing system or a manual, hand-held extinguishing system.

(a) For a built-in extinguishing system:

(i) The system must have adequate capacity to suppress a fire considering the fire threat, volume of the compartment, and the ventilation rate. The system must have sufficient extinguishing agent to provide an initial knockdown and suppression environment per the minimum performance standards that have been established for the agent being used. In addition, certification flight testing will verify the acceptable duration that the suppression environment can be maintained.

(ii) If the capacity of the extinguishing system does not provide effective fire suppression that will last for the duration of flight from the farthest point in route to the nearest suitable landing site expected in service, the design-approval holder must establish an additional manual firefighting procedure. For the built-in extinguishing system, the design must establish and document the time duration for effective fire suppression in the firefighting procedures in the AFM. If the duration of time for demonstrated effective fire suppression provided by the built-in extinguishing agent will be exceeded, the firefighting procedures must instruct the crew to:

(1) Enter the OPSC at the time that demonstrated fire-suppression effectiveness will be exceeded.

(2) Check for and extinguish all residual fire.

(3) Confirm that the fire is out.

(b) For a manual, hand-held extinguishing system (designed as the sole means to fight a fire or to supplement a built-in extinguishing system of limited suppression duration) for the OPSC:

(i) The design-approval holder must include a limitation in the AFM or other suitable means requiring that crewmembers be trained in firefighting procedures.

(ii) The OPSC design must allow crewmembers equipped for firefighting to have unrestricted access to all parts of the OPSC.

(iii) The time for a crewmember on the main deck to react to the fire alarm, don the firefighting equipment, and gain access to the OPSC must not exceed the time it would take for the compartment to become filled with smoke, thus making it difficult to locate the fire source.

(iv) The design-approval holder must establish approved procedures describing methods for searching the OPSC for fire source(s). The design-approval holder must transmit these procedures to the operator for incorporation into its training programs and appropriate operational manuals.

(13) Design must provide a means to prevent hazardous quantities of smoke or extinguishing agent, originating in the OPSC, from entering any other occupiable compartment.

(a) Small quantities of smoke may penetrate from the OPSC into other occupied areas during the one-minute smoke detection time.

(b) A provision in the firefighting procedures must ensure that all doors and hatches at the OPSC outlets are closed after evacuation of the compartment and during firefighting to minimize smoke and extinguishing agent entering other occupiable compartments.

(c) All smoke entering any occupiable compartment, when access to the OPSC is open for evacuation, must dissipate within five minutes after the access to the OPSC is closed.

(d) Hazardous quantities of smoke may not enter any occupied compartment during access to manually fight a fire in the OPSC. The amount of smoke entrained by a firefighter exiting the OPSC is not considered hazardous.

(e) The design-approval holder must conduct flight tests to show compliance with this requirement.

(14) A supplemental oxygen system within the OPSC must provide the following:

(a) At least one oxygen mask for each berth in the OPSC.

(b) If the OPSC provides a destination area (such as a changing area), an oxygen mask must be readily available for each occupant who can reasonably be expected to be in the destination area, with the maximum number of required masks within the destination area being limited to the placarded maximum occupancy of the OPSC.

(c) An oxygen mask must be readily accessible to each occupant who can reasonably be expected to be moving from the main cabin into the OPSC, moving around within the OPSC, or moving from the OPSC to the main cabin.

(d) The system must provide an aural and visual alert to warn occupants of the OPSC to don oxygen masks in the event of decompression. The aural and visual alerts must activate concurrently with deployment of the oxygen masks in the passenger cabin. To compensate for sleeping occupants, the aural alert must be heard in each section of the OPSC and must sound continuously for a minimum of five minutes or until a reset switch within the OPSC is activated. A visual alert that informs occupants that they must don an oxygen mask must be visible in each section.

(e) The design must provide a means by which oxygen masks can be manually deployed from the flight deck.

(f) The design-approval holder must establish approved procedures for the OPSC in the event of decompression. The design-approval holder must transmit these procedures to the operator for incorporation into its training programs and appropriate operational manuals.

(g) The supplemental oxygen system for the OPSC must meet the same part 25 regulations as the supplemental oxygen system for the passenger cabin occupants, except for the 10 percent additional-masks requirement of § 25.1447(c)(1).

(15) The following additional requirements apply to an OPSC that are divided into several sections by the installation of curtains or partitions:

(a) The OPSC design requires a placard adjacent to each curtain that visually divides or separates, for example, for privacy purposes, the OPSC into multiple sections. The placard must require that the curtain(s) remains open when the section it creates is unoccupied. The vestibule section adjacent to the stairway is not considered a private section and, therefore, does not require a placard.

(b) For each section of the OPSC created by the installation of a curtain, the following requirements of these special conditions must be met with the curtain open or closed:

(i) No-smoking placard requirement (Special Condition 1).

(ii) Emergency illumination requirement (Special Condition 6).

(iii) Emergency alarm-system requirement (Special Condition 8).

(iv) Seatbelt-fasten signal or return-to-seat signal as applicable requirement (Special Condition 9).

(v) Smoke- or fire-detection system requirement (Special Condition 11).

(vi) Oxygen-system requirement (Special Condition 14).

(c) OPSC that are visually divided to the extent that evacuation could be adversely affected must have exit signs directing occupants to the primary stairway outlet. The design must provide exit signs in each separate section of the OPSC, except for curtained bunks, and must meet requirements of § 25.812(b)(1)(i). The design-approval holder may use an exit sign with reduced background area or a symbolic exit sign, as described in special condition 5a, to meet this requirement.

(d) For sections within an OPSC created by the installation of a rigid partition with a door separating the sections, the design must meet the following special conditions with the door open or closed:

(i) A secondary evacuation route from each section to the main deck, or the applicant must show that any door between the sections precludes anyone from being trapped inside a section of the compartment. The design must consider the removal of an incapacitated occupant from within this area. The design does not require a secondary evacuation route from a small room designed for only one occupant for a short time duration, such as a changing area or lavatory, but the design must consider the removal of an incapacitated occupant from within such a small room.

(ii) The design-approval holder must show any door between the sections to be openable when crowded against, even when crowding occurs at each side of the door.

(iii) The design may locate no more than one door between any seat or berth and the primary stairway door.

(iv) In each section, exit signs meeting the requirements of § 25.812(b)(1)(i), or shown to have an equivalent level of safety, must direct occupants to the primary stairway outlet. The design may use an exit sign with reduced background area, or a symbolic exit sign, as described in special condition 5a, to meet this requirement.

(v) The design must meet special conditions 1 (no-smoking placards), 6 (emergency illumination), 8 (emergency alarm system), 9 (fasten-seatbelt signal or return-to-seat signal as applicable), 11 (smoke- or fire-detection system), and 14 (oxygen system) with the OPSC door open or closed.

(vi) The design must meet special conditions 7 (two-way voice communication) and 10 (emergency firefighting and protective equipment) independently for each separate section, except for lavatories or other small areas that are not intended to be occupied for extended periods of time.

(16) If a waste-disposal receptacle is fitted in the OPSC, it must be equipped with an automatic fire extinguisher that meets the performance requirements of § 25.854(b).

(17) Materials (including finishes or decorative surfaces applied to the materials) must comply with the flammability requirements of § 25.853 as amended by amendment 25–116 or later. Seat cushions and mattresses must comply with the flammability requirements of § 25.853(c) as amended by amendment 25–116 or later, and the test requirements of part 25, appendix F, part II, or other equivalent methods.

(18) The addition of a lavatory within the OPSC would require the lavatory to meet the same requirements as those for a lavatory installed on the main deck, except with regard to special condition 11 for smoke detection.

(19) The design must completely enclose each stowage compartment in the OPSC, except for underseat compartments for occupant convenience. All enclosed stowage compartments within the OPSC that are not limited to stowage of emergency equipment or airplane-supplied equipment (*i.e.,* bedding) must meet the design criteria described in the table below. Enclosed stowage compartments greater than 200 ft.^{3} in interior volume are not addressed by this special condition. The in-flight accessibility of very large, enclosed, stowage compartments and the subsequent impact on the crewmembers' ability to effectively reach any part of the compartment with the contents of a hand-held fire-extinguishing system, will require additional fire-protection considerations similar to those required for inaccessible compartments such as Class C cargo compartments.

(20) The AFM must state that this airplane is to be operated for private use only, not for hire, not for common carriage.

DESIGN CRITERIA FOR ENCLOSED STOWAGE COMPARTMENTS NOT LIMITED TO STOWAGE OF EMERGENCY OR AIRPLANE-SUPPLIED EQUIPMENT

Fire protection features	Applicability of fire protection requirements by interior volume		
	less than 25 ft.^{3}	25 ft.^{3} to 57 ft.^{3}	57 ft.^{3} to 200 ft.^{3}
Compliant Materials of Construction [1]	Yes	Yes	Yes.
Smoke or Fire Detectors [2]	No	Yes	Yes.
Liner [3]	No	Conditional	Yes.
Fire Location Detector [4]	No	Yes	Yes.

[1] Compliant Materials of Construction: The material used in constructing each enclosed stowage compartment must at least be fire resistant and must meet the flammability standards established for interior components (*i.e.,* part 25 Appendix F, Parts I, IV, and V) per the requirements of § 25.853. For compartments less than 25 ft.^{3} in interior volume, the design must ensure the ability to contain a fire likely to occur within the compartment under normal use.

[2] Smoke or Fire Detectors: Enclosed stowage compartments equal to or exceeding 25 ft^3 in interior volume must be provided with a smoke- or fire-detection system to ensure that a fire can be detected within a one-minute detection time. Flight tests must be conducted to show compliance with this requirement. Each system (or systems) must provide:

(a) A visual indication in the flight deck within one minute after the start of a fire.

(b) An aural warning in the OPSC.

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, taking into consideration the locations of flight attendants throughout the main passenger compartment during various phases of flight.

[3] Liner: If material used in constructing the stowage compartment can be shown to meet the flammability requirements of a liner for a Class B cargo compartment (*i.e.,* § 25.855 at amendment 25–116, and Appendix F, part I, paragraph (a)(2)(ii)), then no liner would be required for enclosed stowage compartments equal to or greater than 25 ft.^{3} but less than 57 ft.^{3} in interior volume. For all enclosed stowage compartments equal to or greater than 57 ft.^{3} in interior volume but less than or equal to 200 ft.^{3}, a liner must be provided that meets the requirements of § 25.855 for a Class B cargo compartment.

[4] Fire-Location Detector: If an OPSC has enclosed stowage compartments exceeding 25 ft.^{3} interior volume and that are located separately from the other stowage compartments (located, for example, away from one central location, such as the entry to the OPSC or a common area within the OPSC, where the other stowage compartments are), that OPSC would require additional fire-protection features or devices to assist the firefighter in determining the location of a fire.

Issued in Des Moines, Washington, on March 29, 2018.

Suzanne Masterson,

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

[FR Doc. 2018–06802 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2018–0254]

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for two events, the Cambridge Classic Powerboat Race on May 19, 2018 and May 20, 2018, and the NAS Patuxent River Air Show from May 31, 2018 through June 3, 2018, to provide for the safety of life on navigable waterways during these events. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for each event. During the enforcement periods, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area.

DATES: The regulations in 33 CFR 100.501 will be enforced for the Cambridge Classic Powerboat Race regulated area listed in item b.21 in the Table to § 100.501 from 9:30 a.m. to 5:30 p.m. on May 19, 2018 and from 9:30 a.m. to 5:30 p.m. on May 20, 2018; the regulations in 33 CFR 100.501 will be enforced for the NAS Patuxent River Air Show regulated area listed in item b.18 in the Table to § 100.501 from 7:30 a.m. to 6:30 p.m. each day from May 31, 2018 through June 3, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region (WWM Division); telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard was notified by the Cambridge Power Boat Racing Association, Inc. on January 30, 2018, through submission of a marine event application, that due to a scheduling change, a change of dates is necessary to the dates previously published in the Code of Federal Regulations (CFR) for the annually scheduled Cambridge Classic Powerboat Race, as listed in the Table to 33 CFR 100.501. The date of the event is changed to May 19, 2018 and May 20, 2018. The Coast Guard will enforce the special local regulations in 33 CFR 100.501 for the Cambridge Classic Powerboat Race regulated area from 9:30 a.m. to 5:30 p.m. on May 19 and from 9:30 a.m. to 5:30 p.m. on May 20, 2018. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Cambridge Classic Powerboat Race, which encompasses portions of Hambrooks Bay and the Choptank River, at Cambridge, MD.

The Coast Guard was notified by NAS Patuxent River on February 14, 2018 through submission of a marine event application that, due to a scheduling change, a change of dates is necessary to the dates previously published in the Code of Federal Regulations (CFR) for the biennially scheduled NAS Patuxent River Air Show, as listed in the Table to 33 CFR 100.501. The date of the event is changed to from May 31, 2018 through June 3, 2018. The Coast Guard will enforce the special local regulations in 33 CFR 100.501 for the NAS Patuxent River Air Show regulated area from 7:30 a.m. to 6:30 p.m. each day from May 31, 2018 through June 3, 2018. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the NAS Patuxent River Air Show, which encompasses portions of the Patuxent River and Chesapeake Bay, at Patuxent River, MD.

This action is being taken to provide for the safety of life on navigable waterways during these events. As specified in § 100.501(c), during the enforcement periods, the Coast Guard patrol commander or designated marine event patrol may forbid and control the movement of all vessels in the regulated area. Vessel operators may request permission to enter and transit through a regulated area by contacting the Coast Guard patrol commander on VHF–FM channel 16.

This notice of enforcement is issued under authority of 33 CFR 100.501(f) and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods on scene and via the Local Notice to Mariners and marine information broadcasts.

Dated: March 29, 2018.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–06824 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0713]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Wappoo Creek, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs SR 171/700 (Wappoo Cut) Bridge across Wappoo Creek (AICW), mile 470.8, at Charleston, SC. This action will eliminate the seasonal operating schedules and adjust the daily operating schedule. This action is intended to reduce vehicular traffic congestion and provide a more consistant operating schedule for the bridge.

DATES: This rule is effective May 4, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*. Type USCG–2017–0713 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Justin Heck, Coast Guard Sector Charleston, SC, Waterways Management Division; telephone 843–740–3184, email *justin.c.heck@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
AICW Atlantic Intracoastal Waterway
SC South Carolina
SR State Route

II. Background Information and Regulatory History

On December 15, 2017, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Wappoo Creek, Charleston, SC in the **Federal Register** (82 FR 59562). We received zero comments on this rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499. The SR 171/700 (Wappoo Cut) Bridge across Wappoo Creek (AICW), mile 470.8, at Charleston, SC is a double leaf bascule bridge that provides a vertical clearance of 33 feet in the closed position at mean high water. Presently, in accordance with 33 CFR 117.911(d), the regulation provides three different seasonal operating schedules throughout the year. The modification will simplify the current operating schedule, allow for a more consistent and efficient operation of the bridge and provide relief to vehicle traffic congestion while meeting the reasonable needs of navigation.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided a 30 day comment period and no comments were received.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it 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 ability for vessels to transit the bridge once an hour during the day, except during the allowed closure times. Vessels in distress, public vessels of the United States and tugs with tows would be allowed to pass at any time.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

No comments were received; therefore, no changes were made to the regulatory text.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the operating regulations or procedures for drawbridges. It is categorically excluded from further review under paragraph L49 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.911 by revising paragraph (d) to read as follows:

§ 117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.

* * * * *

(d) *SR 171/700 (Wappoo Cut) Bridge across Wappoo Creek, mile 470.8, at Charleston, SC.* The draw shall open on signal; except that the draw need not open from 6 a.m. to 9:29 a.m. and 3:31 p.m. to 7 p.m., Monday through Friday, except Federal holidays. Between 9:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays, the draw need open only once an hour on the half hour.

* * * * *

Dated: March 9, 2018.

Peter J. Brown,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2018–06863 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0271]

Drawbridge Operation Regulation; Barnegat Bay, New Jersey Intracoastal Waterway, Seaside Heights, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. Route 37 (Mathis) Bridge across the Barnegat Bay, New Jersey Intracoastal Waterway, mile 14.1, at Seaside Heights, NJ. The deviation is necessary to facilitate routine maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective without actual notice from April 4, 2018 through 8 p.m. on April 16, 2018. For the purposes of enforcement, actual notice will be used from 12:01 a.m. on April 1, 2018 until April 4, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0271] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil*.

SUPPLEMENTARY INFORMATION: The New Jersey Department of Transportation, owner and operator of the U.S. Route 37 (Mathis) Bridge across the Barnegat Bay, New Jersey Intracoastal Waterway, mile 14.1, at Seaside Heights, NJ, has requested a temporary deviation from the current operating schedule to accommodate routine maintenance. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 12:01 a.m. on April 1, 2018, to 8 p.m. on April 16, 2018. The current operating schedule is set out in 33 CFR 117.733(c).

The Barnegat Bay, New Jersey Intracoastal Waterway is used by a variety of vessels including small commercial vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully considered the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: March 30, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–06811 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0182]

RIN 1625–AA00

Safety Zone; Recurring Fireworks Display Within the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Upper Potomac River. This action is necessary to provide for the safety of life on navigable waters during the National Cherry Blossom Festival fireworks display in the Washington Channel, Washington, DC, on April 7, 2018. This rulemaking will prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 8 p.m. on April 7, 2018 through 9:30 p.m. on April 8, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0182 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On January 9, 2018, and February 2, 2018, the Coast Guard was notified by the event sponsor that a change of location was necessary to that currently listed for the annually scheduled National Cherry Blossom Festival fireworks display in 33 CFR 165.506. Entry (b)(1) in the Table to 33 CFR 165.506 for Recurring Fireworks Displays within the Fifth Coast Guard District specifies the location of the regulated area for this safety zone as a circular shaped area that includes all waters of the Upper Potomac River, within 170 yard radius of the fireworks barge in approximate position latitude 38°52′20.3″ N, longitude 077°01′17.5″ W, located within the Washington Channel, at Washington Harbor, DC. The location of the fireworks display for this year is changed approximately 1,000 yards upstream and its size is reduced, to include all waters of the Washington Channel within 200 feet of the fireworks barge in approximate position latitude 38°52′45.49″ N, longitude 077°01′41.06″ W, located in Washington, DC. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 200 feet of the fireworks barge.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to

comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to provide a sufficient comment period and maintain the event as scheduled for April 7, 2018.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to respond to the potential safety hazards associated with a fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined that potential hazards associated with the fireworks to be used in this April 7, 2018 display will be a safety concern for anyone on the Washington Channel near The Wharf DC. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. until 9:30 p.m. on April 7, 2018, and if necessary due to inclement weather, from 8 p.m. until 9:30 p.m. on April 8, 2018. The safety zone will cover all navigable waters of the Washington Channel within 200 feet of the fireworks barge in approximate position latitude 38°52′45.49″ N, longitude 077°01′41.06″ W, located at Washington, DC. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 8:30 p.m. fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, time-of-year, and time-of-day of the safety zone. Although vessel traffic will not be able to safely transit around this safety zone, the impact will be for less than 2 hours during the late evening when vessel traffic in Washington Channel is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of

1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting less than 2 hours that will prohibit entry within a portion of the Washington Channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0182 to read as follows:

§ 165.T05–0182 Safety Zone; Recurring Fireworks Display Within the Fifth Coast Guard District.

(a) *Location.* The following area is a safety zone: All navigable waters of the Washington Channel, within 200 feet of the fireworks barge in approximate position latitude 38°52′45.49″ N, longitude 077°01′41.06″ W, located at Washington, DC. All coordinates refer to datum NAD 1983.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcing the safety zone described in paragraph (b) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR 165 subpart C apply to the safety zone created by this section.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first obtain authorization from the Captain of the Port Maryland-National Capital Region or designated representative. To request permission to transit the area, the Captain of the Port Maryland-National Capital Region and or designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Maryland-National Capital Region or designated representative and proceed as directed while within the zone.

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

(d) *Enforcement period.* This section will be enforced from 8 p.m. until 9:30 p.m. on April 7, 2018, and if necessary due to inclement weather, from 8 p.m. until 9:30 p.m. on April 8, 2018.

Dated: March 29, 2018

L. P. Harrison, Jr.,

Captain, U.S. Coast Guard Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–06888 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

Green & Secure

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to add Green & Secure as an Address Change Service option utilizing existing Change Service Requested Service Type ID's (STID).

DATES: *Effective:* April 4, 2018.

FOR FURTHER INFORMATION CONTACT: Heather Dyer at (207) 482–7217 or Jacqueline Erwin at (202) 268–2158.

SUPPLEMENTARY INFORMATION:

Background

The Postal Service published a notice of proposed rulemaking on January 9, 2018, (83 FR 995–997) to amend the DMM to add a new alternative Move Update method, Green & Secure, for mailers who enter eligible letter- and flat-size pieces of First-Class Mail® and USPS Marketing Mail® (formerly Standard Mail®) that meet the requirements for presort, Basic automation, or Full-Service automation mailings.

The Postal Service received many insightful comments and questions from the mailing community in response to the proposed rule of January 9, 2018. In response to those comments, the Postal Service incorporates the following changes into this final rule, and notes that aside from these changes, Green & Secure has not changed in substance from the proposed rule of January 9, 2018:

- The comments revealed that adding Green & Secure as an Alternative Move Update method in the DMM caused confusion regarding whether Green & Secure pieces would have to be updated consistent with the Move Update standard in DMM 602.5.1. The Postal Service, therefore, has recast Green & Secure as an option under Address Change Service using the existing Change Service Requested Service Type IDs (STID) to clarify that the Move Update standard applies to these mailpieces; mailers must continue to update their mailing lists using at least one of the USPS-approved Move Update methods listed in DMM 602.5.2. Accordingly, this final rule includes changes to DMM 507.4.2.2 instead of DMM 602.5.2 as had been announced in the proposed rule.
- Under the forthcoming Address Quality Census Measurement and

Assessment Process (AQCMAP), a mailer's total error percentage is the ratio of mailpieces with change of address (COA) errors to the mailer's total Move Update Eligible Piece count in the calendar month. Green & Secure mailpieces will be automatically excluded from the count of mailpieces with a COA error (the numerator) but included in the mailer's total Move Update Eligible Piece count (the denominator).

- Implementation of Green & Secure will begin in March 2018. In addition, assessment under the Address Quality Census Measurement and Assessment Process has been delayed until April 2018 for March errors.

In sum, as discussed in further detail herein and in the proposed rule of January 9, 2018, mailpieces bearing a STID for ACS Change Service Requested, with or without Secure Destruction, will now fall under the Green & Secure option. Moreover, the Postal Service clarifies that mailpieces bearing these STID types must be updated in accordance with the Move Update standard in DMM 602.5.1, but will not be subject to assessment under the Move Update Verification, Address Quality Census Measurement and Assessment Process in DMM 602.5.3.

Summary of Industry Comments and Postal Service Responses

The Postal Service received three sets of comments in response to the proposed rule of January 9, 2018. The Postal Service appreciates all of the comments that were provided by the mailing industry. The proceeding comments and replies can serve as frequently asked questions (FAQs) to help clarify the Green & Secure Address Change Service option. The mailers' comments and corresponding Postal Service responses are outlined as follows:

Mailer Comment: Will mailers that use Green & Secure be exempt from USPIS audits or assessments?

USPS Response: The Inspection Service will not initiate Move Update investigations unless non-compliance from a mailer has been demonstrated to be a routine and repeatable practice despite an opportunity, through communication from Mail Entry with the mailer, to correct the practice.

Mailer Comment: We propose deferring the imposition of assessments 90 days from when the Mailer Scorecard changes have been updated by the USPS.

USPS Response: The Address Quality Census Measurement and Assessment Process assessments will begin in April 2018 using March 2018 data. In addition, mailpieces utilizing the Green & Secure Address Change Service option, will be excluded from assessments beginning in March 2018.

Comments from two responders are as follows:

Mailer Comment: Is the Secure Destruction process ready to support the increased volume and what additional steps will USPS take to ensure Secure Destruction will not overwhelm and degrade the quality of this service?

USPS Response: The Postal Service launched Secure Destruction for First-Class Mail letters in November 2014. The Green & Secure option will not change the operational procedures of Secure Destruction; as a result, the Postal Service does not expect Green & Secure to adversely impact quality.

Mailer Comment: Why did USPS not use a unique Green & Secure STID? We are concerned about the ability to measure the effectiveness of this new method.

USPS Response: The Postal Service evaluated the need for additional STIDs and found that the ACS Change Service Requested Service Type IDs can be used to effectively track and measure the pieces. Therefore, new STIDs are not necessary.

Mailer Comment: Will mailers using the new Green & Secure method now risk an increased COA error rate and exceed the threshold?

USPS Response: No. Green & Secure volume will be included in the total Move Update Eligible Pieces metric, which is used in the denominator of the AQCMAP error percentage calculation, and excluded from the count of mailpieces with COA errors in the numerator. Including the volume in the denominator of the calculation will decrease the mailer's risk of exceeding the error threshold.

Mailer Comment: The Postal Service should clarify whether a mailer using the Green & Secure method must still comply with the requirements of ACS.

USPS Response: Mailers using Green & Secure must comply with the requirements of ACS (*i.e.,* they must use the COA notices received under ACS to update their addresses) if that is the only USPS-approved Move Update Method that is used. Mailers may use another USPS-approved Move Update Method listed in DMM 602.5.2 to update their addresses even if they receive COA notices under ACS.

Mailer Comment: We believe that there should be no new registration method required to incorporate Green & Secure and the approval processes for Green & Secure are unclear.

USPS Response: There are no new registration or approval requirements to incorporate Green & Secure Address Change Service option. As is the case today for ACS registration, registration for Green & Secure will be required only when mailers:

- Request Secure Destruction for First-Class Mail (enrollment required to get Secure Destruction Data via EPF).
- Enter mail that is not Full-Service (enrollment required to get Basic = OneCode ACS data via EPF).
- Enter mail that is both Full-Service & Basic, which does not qualify for No-fee ACS (enrollment required to get ACS data via EPF. SingleSource ACS fulfillment is available to combine Full-Service and OneCode ACS).
- Request Change Service Requested Option 2 for USPS Marketing Mail (enrollment required for invoicing the Forwarded Fee).

Mailer Comment: We urge that all publications applicable to Move Update be updated to reflect this new option to ensure consistency throughout.

USPS Response: All applicable documentation and publications will be updated to reflect the new Green & Secure option. *The Guide to Move Update* is currently being updated to include the Address Quality Census Measurement and Assessment Process and the Green & Secure Address Change Service option, as well as other modifications throughout the document.

Mailer Comment: The FRN does not clearly explain what Move Update method to indicate on the mail submission documents.

USPS Response: The Green & Secure option is considered an ACS method for purposes of indicating a method on the postage statement. Mailers should select ACS as their Move Update method on the Postage Statement if this is the method being utilized to meet the Move Update requirement.

Mailer Comment: Does the Green & Secure process impact future modifications to the Census Threshold?

USPS Response: The Address Quality Census Measurement and Assessment Process error threshold of 0.5 percent was set at an achievable level through a statistical analysis of quality for all mailings submitted during a defined period. For each program, the analysis covered all applicable mailer types and excluded outlier data. If the threshold is reevaluated in the future, Green & Secure mailpieces would naturally be included in the analysis because they will be counted in the denominator of the Address Quality Census Measurement and Assessment Process error percentage.

Mailer Comment: We request that any solution continues to allow mailers to accurately measure and compare the

quality of various mailings by providing data feedback.

USPS Response: As described in the proposed rule, the Postal Service will provide data feedback through the Mailer Scorecard. The total number of mailpieces using the Green & Secure option will be reported under the eDoc Submitter CRID through a dedicated field on the Mailer Scorecard. In addition, if a mailpiece is associated with a COA that is between 95 days and 18 months old, and the address has not been updated, a COA warning for the associated IMb would be logged and allocated under the CRID of the eDoc submitter in the Mailer Scorecard.

Mailer Comment: It is unclear whether mailers will still need to comply with the USPS Move Update requirement stated in DMM section 602.5.1.a.

USPS Response: Green & Secure is an Address Change Service option under which mailpieces must be updated pursuant to the Move Update standard in DMM 602.5.1. The Green & Secure option exempts qualifying pieces from assessment through the Address Quality Census Measurement and Assessment Process. Mailers participating in the Green & Secure option must update their mailpieces with the updated address using at least one USPS approved method even though any Green & Secure mailpieces with COA errors will not count as such under the Address Quality Census Measurement and Assessment Process. As noted in response to a previous comment, Green & Secure does not exempt mailers from USPIS audits or assessments. However, the Inspection Service will not initiate Move Update investigations unless non-compliance from a mailer has been demonstrated to be a routine and repeatable practice despite an opportunity, through communications from Mail Entry with the mailer, to correct the practice.

Move Update Standard

Pursuant to Postal Service regulations, compliance with the Move Update standard is a basic eligibility requirement for mailers of all USPS Marketing Mail and First-Class Mail letters and flats using commercial automation and presort rates. The Move Update standard requires mailers to update addresses for which a change of address (COA) order exists within a specified period of time. By requiring mailers to comply with the Move Update standard, the Postal Service aims to improve address quality and ensure mailpieces reach their intended recipients, which benefits both the Postal Service and its customers. The Move Update standard also is intended to reduce mail processing and delivery costs for the Postal Service.

Today, mailers can meet the Move Update standard using the USPS-approved methods of Address Change Service (ACS™), NCOALink®, or Ancillary Service Endorsements. In addition, mailers of First-Class Mail may apply to use one of two alternative methods, 99 Percent Accuracy or Legal Restraint, which are available under the following limited circumstances:

- 99 Percent Accuracy Method: This method is available to mailers who enter First-Class Mail and demonstrate that their internal list management maintains address quality at 99 percent or greater accuracy for COAs.
- Legal Restraint Method: This method is available to mailers who enter First-Class Mail pieces and demonstrate that a legal restriction prevents them from updating their customer's address without direct contact from the customer.

The overarching goal of the Move Update standard is to reduce the incidence of undeliverable-as-addressed (UAA) mail, which is costly for the Postal Service because UAA pieces must be forwarded, returned, or discarded, and costly for mailers because these pieces fail to reach their intended recipients. The Postal Service incurs the most costs returning pieces, while discarding UAA pieces imposes the lowest cost. The 2017 per-piece cost for each disposition type (Automation and presort FCM only) is shown below:

Disposition Type	Per-piece cost—all shapes
Return	$0.40
Forward	0.20
Discard	0.12

First-Class Mail UAA pieces represent most of the Postal Service's costly return-to-sender volume; a First-Class Mail mailpiece must be returned-to-sender if it is associated with a COA record that is more than 12 months old, or if it is otherwise identified as UAA as specified in DMM 507.1.5.1. In 2017, the Postal Service discarded only 3 percent of First-Class Mail UAA pieces; in comparison, 98.5 percent of USPS Marketing Mail UAA pieces were discarded. The reason for this discrepancy is that UAA USPS Marketing Mail pieces are destroyed unless the mailers pays for forwarding or return after requesting those services using an ancillary service endorsement.

Future Process—New Address Change Service Option

While the focus of the Postal Service's Move Update program has been to reduce the amount of UAA mail, the Postal Service recognizes that not all UAA mail can be eliminated. The Postal Service wants to reduce the cost to the Postal Service of the remaining UAA mail. The Postal Service is therefore introducing the Green & Secure option, which utilizes the existing Change Service Requested STIDs under the ACS Program. This will both reduce the volume of return-to-sender mail and reduce mailers' risk of assessment through the AQCMAP, a new method of verifying that mailers have updated their addresses using a USPS-approved Move Update method, which started March 1, 2018. An exemption from AQCMAP fees will provide a needed incentive for more mailers to mark their mail for destruction rather than return to the mailer.

Green & Secure will be a USPS-approved Address Change Service option for First-Class Mail and USPS Marketing Mail letter and flat-size pieces that meet the requirements for presort, Basic automation, and Full-Service automation mailings. This option will utilize the existing ACS Change Service Requested STIDs. Under Green & Secure, mailers have two options for mailpiece disposal; recycle the mailpiece or securely destroy the mailpiece. Recycling of mailpieces is available for First-Class Mail and USPS Marketing Mail letters and flats. Secure Destruction is currently available for First-Class Mail letters. If the mailer is using Address Change Service as the Move Update method, updated address information received via ACS for undeliverable Green & Secure pieces must be used to update the mailing list. Mailers participating in the Green & Secure option may also use another approved method listed in DMM 602.5.2 to meet the Move Update standard.

The ACS Change Service Requested STID will be available for use on First-Class Mail and USPS Marketing Mail pieces. Mailers must enroll for ACS notice fulfillment, unless using a Full-Service ACS requested STID, with the Postal Service ACS Department at the National Customer Support Center in Memphis, Tennessee, (877–640–0724 (Option 1) or *acs@usps.gov*). First-Class Mail and USPS Marketing Mail pieces that have an ACS Change Service Requested STID in the Intelligent Mail barcode (IMb) and are identified as UAA will be discarded and recycled rather than returned-to-sender.

The Secure Destruction STID will continue to be available for use on First-Class Mail pieces only. First-Class Mail mailers already participating in Secure Destruction service and utilizing an approved Secure Destruction STID will continue to have their UAA mailpieces destroyed and recycled in a secure manner. Secure Destruction participation requires mailers to register their Mailer ID with the Postal Service's ACS Department prior to using the Secure Destruction STID in their IMbs. Under Secure Destruction, mailpieces are shredded by Postal Service employees at Postal Service facilities, which renders the pieces unreadable prior to recycling. Secure Destruction shreds mailpieces to a size that is more stringent than the standards set forth by the National Association for Information Destruction and common industry practice in the United States for documents with sensitive and/or confidential information.

For mailpieces bearing a STID for ACS Change Service Requested, with or without Secure Destruction, the Postal Service will provide mailers with an electronic ACS notification indicating that the piece is UAA. Green & Secure will continue the process of providing First-Class Mail mailers that use the Secure Destruction STID with an additional electronic notification to indicate when and where the mailpiece was processed and securely shredded.

Green & Secure will continue to provide mailers with two disposition options for their mailpieces:

- *Option 1:* Postal Service discards or securely destroys all UAA mailpieces.
- *Option 2:* Postal Service provides forwarding if the mailpiece corresponds with a valid COA record that is less than 1-year old. All other UAA mail is discarded or securely destroyed, subject to the corresponding conditions described in DMM Section 507.1.0.

While there is no additional charge for forwarding of First-Class Mail, USPS Marketing Mail that is forwarded under Option 2 will be charged the appropriate per piece forwarding fee for the mail shape.

Address Quality Census Measurement and Assessment Process

In August 2017, the Postal Service gained regulatory approval from the Postal Regulatory Commission (PRC) for the AQCMAP in PRC Docket No. R2017–7 (available publicly at prc.gov). The Postal Service followed-up the PRC's approval with a final rule adopting conforming changes to the DMM that was published in the **Federal Register** on October 24, 2017 (82 FR 49123–49128). As previously stated, the Postal Service has delayed implementation, and will begin verifying and assessing mailers under this new verification method in April 2018 for COA errors incurred in March 2018. Mailpieces using the Green & Secure Address Change Service option will not be assessed under the Address Quality Census Measurement and Assessment Process. These mailpieces will be included in the mailer's total Move Update Eligible Piece count, which is the denominator in the calculation of the mailer's total error percentage in the AQCMAP. While mailpieces with COA errors will not be included in the numerator in this calculation, Move Update validations will still be performed on Green & Secure pieces to provide visibility into mail quality, and the results of the Green & Secure validations will be reported separately in the Mailer Scorecard.

Mailer Scorecard

The Mailer Scorecard is currently available to mailers, providing data that allow mailers to gauge address quality on their mailpieces. Under Green & Secure, the Mailer Scorecard will continue to be a valuable tool in assisting mailers to improve their address quality and update their address in accord with the Move Update standard. The total number of mailpieces using the Green & Secure option will be reported under the eDoc Submitter CRID through a dedicated field on the Mailer Scorecard. In addition, if a mailpiece is associated with a COA that is between 95 days and 18 months old, and the address has not been updated, a COA warning for the associated IMb will be logged and allocated under the CRID of the eDoc submitter in the Mailer Scorecard. As noted previously, the total number of mailpieces using the Green & Secure STIDs will also be included in the Move Update eligible pieces metric on the Mailer Scorecard.

Criteria

Mailers will be able to use the Green & Secure Address Change Service option when they:

- Use a unique Basic or Full Service IMb on mailings of letter- and flat-size pieces for First-Class Mail and USPS Marketing Mail;
- Use eDoc to submit mailing information and include piece level detail (by piece or piece range);
- Contact the Postal Service's ACS Department, for non-Full-Service mailers who wish to use a Basic ACS Change Service Requested STID, and all mailers seeking to use the Secure Destruction STID.

Specification

The Postal Service is including existing Change Service Requested STIDs under the Green & Secure option available through Address Change Service. Mailers may participate in the Green & Secure option as follows:

- Mailers will utilize an ACS Change Service Requested STID on First-Class Mail or USPS Marketing Mail, or an ACS Change Service Requested Secure Destruction STID on First-Class Mail.
- Mailpieces bearing these STIDs will be counted toward the mailer's total Move Update Eligible Pieces, which is the denominator in the calculation of the error percentage in the AQCMAP, but will not be included in the numerator or otherwise subject to the Move Update assessment charges even if the pieces have a COA error.
- Mailpieces bearing these STIDs that are UAA will be discarded or securely destroyed by the Postal Service; electronic notification and information via the Mailer Scorecard will be provided.

Mailpiece Results

Once qualifying mailings are processed on mail processing equipment, the data from the mailpieces will be reconciled with eDoc. These results will be available on the Business Customer Gateway and displayed on the Electronic Verification tab of the Mailer Scorecard, which will be easily accessible at *https://gateway.usps.com/eAdmin/view/signin.* Mailers will be able to review the Mailer Scorecard and corresponding detailed reports to identify any anomalies or issues. To resolve Mailer Scorecard irregularities, mailers will continue to be able to contact the *PostalOne!* Help Desk at 800–522–9085 or their local Business Mail Entry Unit (BMEU).

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101,

401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

507 Mailer Services

* * * * *

4.0 Address Correction Services

* * * * *

4.2.2 Service Options

[Revise the introductory text of 4.2.2 to read as follows:]

ACS offers five levels of service, as follows: * * *

[Add new sections 4.2.2d. and 4.2.2e. to read as follows:]

d. A Full-Service option available to mailings of First-Class Mail automation cards, letters, and flats; USPS Marketing Mail automation letters and flats; USPS Marketing Mail Carrier Route, High Density, and Saturation letters; Periodicals Outside County barcoded or Carrier Route letters and flats; Periodicals In-County automation or Carrier Route letters and flats; and Bound Printed Matter Presorted, non-DDU barcoded flats. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing Mail pieces, at the address correction fee for pieces eligible for the Full Service Intelligent Mail option as described in DMM 705.23.0 for future billing cycles. The Basic automation and non-automation First-Class Mail and USPS Marketing Mail mailpieces must:

1. Bear a unique IMb printed on the mailpiece;

2. Include a Full Service or OneCode ACS STID in the IMb;

3. Include the unique IMb in eDoc;

4. Be sent by an eDoc submitter:

a. Providing accurate Mail Owner identification in eDoc, and;

b. Maintaining 95 percent Full Service compliance to remain eligible for this service and undergo periodic Postal Service re-evaluation.

e. Green & Secure: Mailpieces using a STID for ACS Change Service Requested, with or without Secure Destruction, will not be subject to assessment under Move Update Verification, using the Address Quality Census Measurement and Assessment Process under 602.5.3. Details are available in Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at: *www.postalpro.usps.com.*

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

602 Addressing

* * * * *

5.0 Move Update Standards

* * * * *

[Revise the heading and text of 5.3 to read as follows:]

5.3 Move Update Verification

Mailers who submit any Full-Service volume in a calendar month will be verified pursuant to the Address Quality Census Measurement and Assessment Process beginning in the next calendar month. First-Class Mail and USPS Marketing Mail letter and flat-size mailpieces with addresses that have not been updated in accordance with the Move Update Standard will be subject to the Move Update assessment charge, if submitted via eDoc with unique Basic or Full Service IMbs. Supporting details are described in Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at: *www.postalpro.usps.com.* The Move Update assessment charge will be assessed if:

a. The percent of all qualifying mailpieces submitted in a calendar month that have a COA error is greater than the 0.5 percent error threshold, as determined by an analysis of the data captured by mail processing equipment. Qualifying mailpieces using a Green & Secure Change Service Requested STID will be included in the count of all qualifying mailpieces submitted in a calendar month, but will be excluded from assessment.

b. Each mailpiece with an address containing COA errors in excess of the error threshold will be assessed the Move Update assessment charge.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Tracy A. Quinlan,

Attorney, Federal Compliance.

[FR Doc. 2018–06743 Filed 4–3–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2017–0656; FRL–9975–84–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Wyoming; Sheridan PM_{10} Nonattainment Area Limited Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Limited Maintenance Plan (LMP), submitted by the State of Wyoming to the EPA on June 2, 2017, for the Sheridan moderate PM_{10} nonattainment area (Sheridan NAA) and concurrently redesignating the Sheridan NAA to attainment of the National Ambient Air Quality Standard (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). In order to approve the LMP and redesignation, the EPA is determining that the Sheridan NAA has attained the 1987 24-hour PM_{10} NAAQS of 150 μg/m3. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2014–2016. Additionally, the EPA is approving the Sheridan LMP as meeting the appropriate transportation conformity requirements found in 40 CFR 93, subpart A.

DATES: Effective May 4, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R08–OAR–2017–0656. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through , or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: James Hou, (303) 312–6210, *hou.james@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Sheridan NAA encompasses the City of Sheridan, Wyoming, and was designated nonattainment for the 1987 24-hour PM_{10} NAAQS and classified as moderate under sections 107(d)(4)(B), following enactment of the Clean Air Act (CAA) Amendments of 1990. See 56 FR 56694 (November 6, 1991). On June 23, 1994, the EPA approved Sheridan's moderate area plan including reasonably available control measures (RACM), an attainment demonstration, emissions inventory, quantitative milestones, and control and contingency requirements.

The factual and legal background for this action is discussed in detail in our January 29, 2018 (83 FR 4015) proposed approval of the Sheridan Limited Maintenance Plan and concurrent redesignation of the Sheridan NAA to attainment of the NAAQS for PM_{10}.

II. Response to Comments

The EPA received one comment on the rulemaking and after reviewing the comment, the EPA has determined that the comment is outside the scope of our proposed action and fails to identify any material issue necessitating a response.

III. Final Action

The EPA is making the determination that the Sheridan NAA has attained the 1987 24-hour PM_{10} NAAQS of 150 µg/m3. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2014–2016. Additionally, the EPA is approving the Sheridan NAA LMP submitted on June 2, 2017, as meeting the applicable CAA requirements, and we have determined the LMP to be sufficient to provide for maintenance of the PM_{10} NAAQS over the course of the 10-year maintenance period out to 2027. The EPA is also approving the Sheridan LMP as meeting the appropriate transportation conformity requirements found in 40 CFR 93, subpart A. Lastly, this rule redesignates the Sheridan NAA from nonattainment to attainment of the PM_{10} NAAQS.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state actions, provided that they meet the criteria of the CAA. Accordingly, this action merely approves some state law provisions as meeting federal requirements; this action 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 Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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. The 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 CAA section 307(b)(2).)

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control, National Parks, Wilderness areas.

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

Dated: March 29, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

40 CFR parts 52 and 81 are 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 ZZ—Wyoming

■ 2. Section 52.2620 paragraph (e) is amended by adding an entry for ''(29) Sheridan 1987 PM_{10} Limited Maintenance Plan'' at the end of the table to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(e) * * *

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*	*
(29) XXIX	Sheridan 1987 PM_{10} Maintenance Plan.	Limited 12/14/2015	5/4/2018	[Insert **Federal Register** citation].	

■ 3. Add § 52.2624 to read as follows:

§ 52.2624 Control strategy and regulations: Particulate matter.

On June 2, 2017, the State of Wyoming submitted a maintenance plan for the Sheridan PM_{10} nonattaiment area and requested that this area be redesignated to attainment for the PM_{10} National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 5. In § 81.351, the table entitled ''Wyoming—PM–10'' is amended under ''Sheridan County'' by revising the entry for ''City of Sheridan'' to read as follows:

§ 81.351 Wyoming.

* * * * *

Designated Area	Designation		Classification	
	Date	Type	Date	Type
*	*	*	*	*
Sheridan County:				
*	*	*	*	*
City of Sheridan	5/4/2018	Attainment.		
*	*	*	*	*

* * * * *

[FR Doc. 2018–06848 Filed 4–3–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2016–0244; FRL–9976–22]

Court Order; Compliance Date; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of court order and compliance date.

SUMMARY: On March 13, 2018, the United States District Court for the Northern District of California issued an order in the case of *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* which resulted in the compliance date for emission standards, recordkeeping, and labeling (*i.e.,* the manufactured-by date or import-by date) becoming June 1, 2018, rather than December 12, 2018. This case involved the formaldehyde regulations for composite wood products under Title VI of the Toxic Substances Control Act (TSCA) and, specifically, a challenge to EPA's extension to December 12, 2018 of the December 12, 2017 compliance date in a September 25, 2017 rule.

DATES: April 4, 2018.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Todd Coleman, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1208; email address: *coleman.todd@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this announcement affect me?

You may be interested in this announcement if you manufacture (including import), sell, supply, offer for sale, test, or work with the certification of hardwood plywood, medium-density fiberboard, particleboard, and/or products containing these composite wood materials in the United States. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document is of interest to them. Potentially affected entities may include:

- Veneer, plywood, and engineered wood product manufacturing (NAICS code 3212).
- Manufactured home (mobile home) manufacturing (NAICS code 321991).
- Prefabricated wood building manufacturing (NAICS code 321992).
- Furniture and related product manufacturing (NAICS code 337).
- Furniture merchant wholesalers (NAICS code 42321).
- Lumber, plywood, millwork, and wood panel merchant wholesalers (NAICS code 42331).
- Other construction material merchant wholesalers (NAICS code 423390), *e.g.,* merchant wholesale distributors of manufactured homes (*i.e.,* mobile homes) and/or prefabricated buildings.
- Furniture stores (NAICS code 4421).

- Building material and supplies dealers (NAICS code 4441).
- Manufactured (mobile) home dealers (NAICS code 45393).
- Motor home manufacturing (NAICS code 336213).
- Travel trailer and camper manufacturing (NAICS code 336214).
- Recreational vehicle (RV) dealers (NAICS code 441210).
- Recreational vehicle merchant wholesalers (NAICS code 423110).
- Engineering services (NAICS code 541330).
- Testing laboratories (NAICS code 541380).
- Administrative management and general management consulting services (NAICS code 541611).
- All other professional, scientific, and technical services (NAICS code 541990).
- All other support services (NAICS code 561990).
- Business associations (NAICS code 813910).
- Professional organizations (NAICS code 813920).

If you have any questions regarding this announcement, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this announcement, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0244, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Announcement of Court Order

On February 16, 2018, the United States District Court for the Northern District of California issued an order granting the plaintiffs' motion for summary judgment and denying EPA's cross-motion for summary judgment in the case of *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* Case No. 4:17–cv–6293–JSW (Ref. 1). However, the Court stayed the February 16, 2018 order until March 9, 2018, so that the parties could work on a joint submission on the compliance issues related to the order. On March 9, 2018, the plaintiffs, EPA, and representatives of several industry groups filed a joint proposed stipulation and proposed order (Refs. 2, 3). After reviewing the joint proposed stipulation and proposed order, on March 13, 2018, the Court issued an order pursuant to the stipulation and good cause shown that lifted the February 16, 2018 stay on the Court's decision as of June 1, 2018, which results in the compliance date for emission standards, recordkeeping, and labeling (*i.e.,* the manufactured-by date or import-by date) being June 1, 2018, rather than December 12, 2018 (Ref. 4). EPA is making available the February 16, 2018 order, the joint proposed stipulation, the proposed order, and the March 13, 2018 order in the supporting documents section of the docket for this announcement.

III. Current Status of Compliance Dates

By June 1, 2018, and until March 22, 2019, regulated composite wood panels and finished products containing such composite wood panels that are manufactured (in the United States) or imported (into the United States) must be certified as compliant with either the TSCA Title VI or the California Air Resources Board (CARB) Airborne Toxic Control Measures (ATCM) Phase II emission standards, which are set at identical levels, by a third-party certifier (TPC) approved by CARB and recognized by EPA. Previously, these products were required to be TSCA Title VI compliant by December 12, 2018.

Until March 22, 2019, regulated products certified as compliant with the CARB ATCM Phase II emission standards must be labeled as compliant with either the TSCA Title VI or the CARB ATCM Phase II emission standards.

After March 22, 2019, CARB-approved TPCs must comply with additional accreditation requirements in order to remain recognized as an EPA TSCA Title VI TPC and to continue certifying products as TSCA Title VI compliant. Regulated products manufactured in or imported into the United States after March 22, 2019 may not rely on the CARB reciprocity of 40 CFR 770.15(e) and must be certified and labeled as TSCA Title VI compliant by an EPA TSCA Title VI TPC with all of the required accreditations.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* Case No. 4:17–cv–06293–JSW; (United States District Court for the Northern District of California, February 16, 2018). Order Re: Cross-Motions for Summary Judgement.

2. *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* Case No. 4:17–cv–06293–JSW; (United States District Court for the Northern District of California, March 9, 2018) Joint Proposed Stipulation.

3. *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* Case No. 4:17–cv–06293–JSW; (United States District Court for the Northern District of California, March 9, 2018) Proposed Order.

4. *Sierra Club and A Community Voice-Louisiana* vs. *Scott Pruitt,* Case No. 4:17–cv–06293–JSW; (United States District Court for the Northern District of California, March 9, 2018) Final Order.

Authority: 15 U.S.C. 2697 (TSCA section 601).

Dated: March 29, 2018.

Charlotte Bertrand,

Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2018–06884 Filed 4–3–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–8525]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the

effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the tables in the amendment.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Florida:				
Cross City, Town of, Dixie County	120074	June 26, 1975, Emerg; September 16, 1982, Reg; April 18, 2018, Susp.	April 18, 2018 ...	April 18, 2018
Dixie County, Unincorporated Areas	120336	April 14, 1975, Emerg; November 2, 1983, Reg; April 18, 2018, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region VII				
Kansas:				
Assaria, City of, Saline County	200385	November 3, 1975, Emerg; July 6, 1984, Reg; April 18, 2018, Susp.	.....do	Do.
Brookville, City of, Saline County	200394	August 17, 1976, Emerg; January 4, 1985, Reg; April 18, 2018, Susp.	.....do	Do.
Gypsum, City of, Saline County	200317	January 7, 1974, Emerg; November 25, 1980, Reg; April 18, 2018, Susp.	.....do	Do.
Salina, City of, Saline County	200319	July 2, 1974, Emerg; February 5, 1986, Reg; April 18, 2018, Susp.	.....do	Do.
Missouri: Morgan County, Unincorporated Areas.	290244	February 28, 1997, Emerg; December 1, 2001, Reg; April 18, 2018, Susp.	.....do	Do.
Region VIII				
Colorado:				
Arapahoe County, Unincorporated Areas.	080011	February 4, 1972, Emerg; August 15, 1977, Reg; April 18, 2018, Susp.	.....do	Do.
Columbine Valley, Town of, Arapahoe County.	080014	May 18, 1973, Emerg; June 15, 1978, Reg; April 18, 2018, Susp.	.....do	Do.
Englewood, City of, Arapahoe County	085074	February 26, 1971, Emerg; February 11, 1972, Reg; April 18, 2018, Susp.	April 18, 2018	April 18, 2018

-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 23, 2018.

Eric Letvin,

Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2018–06818 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 83, No. 65
Wednesday, April 4, 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 932

[Doc. No. AMS–SC–18–0001; SC18–932–1 PR]

Olives Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the California Olive Committee (Committee) to decrease the assessment rate established for the 2018 fiscal year and subsequent fiscal years. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by May 4, 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 proposed 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: Peter Sommers, Marketing Specialist or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *PeterR.Sommers@ams.usda.gov* or *Jeffrey.Smutny@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 Agreement and Order No. 932, as amended (7 CFR part 932), regulating the handling of olives grown in California. Part 932 (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 producers and handlers of olives operating within the area of production.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this 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, California olive handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the proposed assessment rate would be applicable to all assessable olives beginning on January 1, 2018, 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.

This proposed rule would decrease the assessment rate for the 2018 and subsequent fiscal years from $26.00 to $24.00 per ton of assessed olives.

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 of the Committee are producers and handlers of olives in California. They are familiar with the Committee's needs and with the costs for 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 in a public meeting where all directly affected persons have an opportunity to participate and provide input in budget matters.

For the 2015 and subsequent fiscal years, the Committee recommended, and USDA approved, an assessment rate of $26.00 per ton of assessed olives. That rate would continue in effect unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee, or other information available to USDA.

The Committee met on December 13, 2017, and unanimously recommended 2018 expenditures of $1,940,477, and an assessment rate of $24.00 per ton of assessed olives. In comparison, last

year's budgeted expenditures were $1,752,366. The proposed assessment rate of $24.00 is $2.00 lower than the rate currently in effect. Producer receipts show a yield of 83,799 tons of assessable olives from the 2017 crop year. This is higher than the 2016 crop year, which yielded 63,000 tons of assessable olives. The 2018 fiscal year assessment rate decrease is necessary to ensure the Committee has sufficient revenue to fund the recommended 2018 budgeted expenditures while ensuring the funds in the financial reserve would be kept within the maximum permitted by § 932.40.

The Order has a fiscal year and a crop year that are independent of each other. The crop year is a 12-month period that begins on August 1 of each year and ends on July 31 of the following year. The fiscal year is the 12-month period that begins on January 1 and ends on December 31 of each year. Olives are an alternate-bearing crop, with a small crop followed by a large crop. For this assessment rate proposed rule, the actual 2017 crop year receipts are used to determine the assessment rate for the 2018 fiscal year.

The major expenditures recommended by the Committee for 2018 includes $401,200 for program administration, $973,500 for marketing activities, and $297,777 for research. Budgeted expenses for these items during the 2017 fiscal year were $513,100 for program administration, $823,500 for marketing activities, and $317,766 for research. The assessment rate recommended by the Committee resulted from consideration of anticipated fiscal year expenses, actual olive tonnage received by handers during the 2017 crop year, and the amount in the Committee's financial reserve.

Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the Order of approximately one fiscal year's expenses.

The proposed assessment rate 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 year 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 years 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 1,100 producers of olives in the production area and two handlers subject to regulation under the 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). Based upon National Agricultural Statistics Service (NASS) information, the average price to producers for the 2016 crop year was $865.00 per ton, and total assessable volume for the 2017 crop year was 83,799 tons. Based on production, price paid to producer, and the total number of California olive producers, the average annual producer revenue is less than $750,000 ($865.00 times 83,799 equals $72,486,135, divided by 1,100 producers equals an average annual producer revenue of $65,896). Thus, the majority of olive producers may be classified as small entities. Both of the handlers may be classified as large entities under the SBA's definitions because of their annual receipts are greater than $7,500,000.

This proposal would decrease the assessment rate collected from handlers for the 2018 and subsequent fiscal years from $26.00 to $24.00 per ton of assessable olives. The Committee unanimously recommended 2018 expenditures of $1,940,477 and an assessment rate of $24.00 per ton of assessable olives. The recommended assessment rate of $24.00 is $2.00 lower than the 2017 rate. The quantity of assessable olives for the 2017 crop year is 83,799 tons. Thus, the $24.00 rate should provide $2,011,176. The lower assessment rate is possible because annual receipts for the 2017 crop year are 83,799 tons compared to 63,000 tons for the 2016 crop year. Olives are an alternate-bearing crop, with a small crop followed by a large crop. Income derived from the $24.00 per ton assessment rate, along with funds from the authorized reserve and interest income, should be adequate to meet this fiscal year's expenses.

The major expenditures recommended by the Committee for the 2018 fiscal year include $401,200 for program administration, $973,500 for marketing activities, and $297,777 for research. Budgeted expenses for these items during the 2017 fiscal year were $513,100 for program administration, $823,500 for marketing activities, and $317,766 for research.

The Committee deliberated on many of the expenses, weighed the relative value of various programs or projects, and increased their expenses for marketing and research activities. The Committee decreased their inspection costs because expenses incurred in previous years towards the development of electronic reporting and optical sizing projects have been completed and, as a result, the industry is able to utilize new, cost saving procedures.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources including the Committee's Executive, Marketing, Inspection, and Research Subcommittees. Alternate expenditure levels were discussed by these groups, based upon the relative value of various projects to the olive industry and the increased olive production. The assessment rate of $24.00 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives, and additional pertinent factors.

A review of NASS information indicates that the average producer price for the 2016 crop year was $865.00 per ton. Therefore, utilizing the assessment rate of $24.00 per ton, the assessment revenue for the 2018 fiscal year as a percentage of total producer revenue would be approximately 2.77 percent.

This action would decrease the assessment rate collected from handlers for the 2018 and subsequent fiscal years. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the production area. The olive industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 13, 2017, meeting was a public meeting 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 OMB and assigned OMB No. 0581–0178. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California olive 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 action.

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.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this rule.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2018, an assessment rate of $24.00 per ton is established for California olives.

Dated: March 30, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06877 Filed 4–3–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0088]

RIN 1625–AA08

Special Local Regulation; Tred Avon River, Between Bellevue, MD and Oxford, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for certain waters of the Tred Avon River. This action is necessary to provide for the safety of life on the navigable waters located between Bellevue, MD, and Oxford, MD, during a swim event on June 9, 2018. If necessary, due to inclement weather, the event will be rescheduled to June 10, 2018. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 4, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0088 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On June 13, 2017, Charcot-Marie-Tooth Association of Trappe, MD, notified the Coast Guard that it will be conducting the swim portion of the Oxford Biathlon from 9:15 a.m. until 10:15 a.m. on June 9, 2018, and if necessary, due to inclement weather, from 9:15 a.m. until 10:15 a.m. on June 10, 2018. The swim consists of approximately 30 participants competing on a designated 1300-meter course that starts at the ferry dock at Bellevue, MD and finishes at the Tred Avon Yacht Club at Oxford, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to public and private marinas and public boat facilities. The COTP Maryland-National Capital Region has determined that potential hazards associated with the swim would be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Tred Avon River between Bellevue, MD, and Oxford, MD.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on specified waters of the Tred Avon River before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorize the Coast Guard

to establish and define special local regulations.

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations from 8:30 a.m. until 11 a.m. on June 9, 2018, and if necessary, due to inclement weather, from 8:30 a.m. until 11 a.m. on June 10, 2018. The regulated area would include all navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N, longitude 076°10′45″ W, thence south to latitude 38°41′37″ N, longitude 076°10′26″ W, and bounded on the west by a line drawn from latitude 38°41′58″ N, longitude 076°11′04″ W, thence south to latitude 38°41′25″ N, longitude 076°10′49″ W, thence east to latitude 38°41′25″ N, longitude 076°10′30″ W, located at Oxford, MD. The duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the scheduled 9:15 a.m. to 10:15 a.m. swim. Except for Oxford Biathlon participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or the Coast Guard Patrol Commander. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Tred Avon River for 2½ hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessel operators to request permission to enter the regulated area for the purpose of safely transiting the regulated area if deemed safe to do so by the Coast Guard Patrol Commander.

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 area may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety

of waterway users and shore side activities in the event area lasting for 2½ hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A 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 Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.501T05–0088 to read as follows:

§ 100.501T05–0088 Special Local Regulation, Tred Avon River, between Bellevue, MD and Oxford, MD.

(a) *Definitions.* As used in this section:

(1) *Captain of the Port (COTP) Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated as such by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Oxford Biathlon event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(b) *Location.* The following location is a regulated area: All navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N, longitude 076°10′45″ W, thence south to latitude 38°41′37″ N, longitude 076°10′26″ W, and bounded on the west by a line drawn from latitude 38°41′58″ N, longitude 076°11′04″ W, thence south to latitude 38°41′25″ N, longitude 076°10′49″ W, thence east to latitude 38°41′25″ N, longitude 076°10′30″ W, located at Oxford, MD. All coordinates reference Datum NAD 1983.

(c) *Special local regulations:* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented shall depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement period, vessel operators may request permission to transit, moor, or anchor within the regulated area from the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, persons or vessel operators may request permission to transit, moor, or anchor within the regulated area from the Coast Guard Patrol Commander on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(4) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 8:30 a.m. until 11 a.m. on June 9, 2018, and if necessary, due to inclement weather, from 8:30 a.m. until 11 a.m. on June 10, 2018.

Dated: March 29, 2018.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–06845 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0157]

RIN 1625–AA00

Safety Zone for Fireworks Display; Severn River, Sherwood Forest, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Severn River. This action is necessary to provide for the safety of life on the navigable waters of the Severn River at Sherwood Forest, MD, during a fireworks display on July 3, 2018 (with alternate date of July 6, 2018). This action would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region 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 May 4, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0157 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On January 16, 2018, the Sherwood Forest Club, Inc. of Sherwood Forest, MD notified the Coast Guard that it will be conducting a fireworks display from 9:20 p.m. to 9:50 p.m. on July 3, 2018, to commemorate the July 4th Holiday. Details of the proposed event were provided to the Coast Guard on February 15, 2018. The private fireworks display is to be launched from the end of the Sherwood Forest Club main pier, located adjacent to the Severn River, approximately 200 yards east of Brewer Pond in Sherwood Forest, MD. In the event of inclement weather, the fireworks display will be scheduled for July 6, 2018. Hazards from fireworks displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 150 yards of the fireworks discharge site.

The purpose of this rulemaking is to ensure the safety of persons and vessels on the navigable waters of the Severn River within 150 yards of the fireworks discharge site before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 8:30 p.m. to 10:30 p.m. on July 3, 2018, and if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 6, 2018. The safety zone would cover all navigable waters of the Severn River, within 150 yards of a fireworks discharge site located at the end of Sherwood Forest Club main pier in approximate position latitude 39°01′54.0″ N, longitude 076°32′41.8″ W, Sherwood Forest, MD. The duration of the zone is intended to ensure the safety of persons and vessels on the specified navigable waters before, during, and after the scheduled 9:20 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which would impact a small designated area of the Severn River for 2 hours during the evening when vessel traffic is normally low. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine band channel 16 to provide information about the safety zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 2 hours that would prohibit vessel movement within a portion of the Severn River. 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 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. Add § 165.T05–0157 to read as follows:

§ 165.T05–0157 Safety Zone for Fireworks Display; Severn River, Sherwood Forest, MD.

(a) *Location.* The following area is a safety zone: All waters of the Severn River, within 150 yards of a fireworks discharge site located at the end of Sherwood Forest Club main pier in approximate position latitude 39°01′54.0″ N, longitude 076°32′41.8″ W, located at Sherwood Forest, MD. All coordinates refer to datum NAD 1983.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcement of the safety zone described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165, subpart C apply to the safety zone created by this section.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone shall obtain authorization from the Captain of the Port Maryland-National Capital Region or designated representative. To request permission to transit the area, the Captain of the Port Maryland-National Capital Region and or designated representatives can be contacted at telephone number 410–576–2693 or on marine band radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted to enter the safety zone, all persons and vessels shall comply with the instructions of the Captain of the Port Maryland-National Capital Region or designated representative and proceed as directed while within the zone.

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

(d) *Enforcement period.* This section will be enforced from 8:30 p.m. to 10:30 p.m. on July 3, 2018, and if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 6, 2018.

Dated: March 29, 2018.

Lonnie P. Harrison, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018–06851 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0399; FRL–9976–42–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nonattainment New Source Review Requirements for the 2008 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Commonwealth of Virginia's state implementation plan (SIP). The revision is in response to EPA's February 3, 2017 Findings of Failure to Submit for various requirements relating to the 2008 8-hour ozone national ambient air quality standards (NAAQS). This SIP revision is specific to nonattainment new source review (NNSR) requirements. EPA is proposing to approve this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0399 at *http://www.regulations.gov,* or via email to *duke.gerallyn@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: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 11, 2017, the Virginia Department of Environmental Quality (DEQ) submitted on behalf of the Commonwealth of Virginia a formal revision, requesting EPA's approval for the SIP of its NNSR Certification for the 2008 Ozone NAAQS. The SIP revision is in response to EPA's final 2008 8-hour ozone NAAQS Findings of Failure to Submit for NNSR requirements. *See* 82 FR 9158 (February 3, 2017). Specifically, Virginia is certifying that its existing NNSR program, covering the Washington, DC nonattainment area (which includes Alexandria City, Arlington County, Fairfax County, Fairfax City, Falls Church City, Loudoun County, Manassas City, Manassas Park City, and Prince William County in Virginia) (hereafter, Washington, DC Nonattainment Area) for the 2008 8-hour ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165, as amended by the final rule titled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule), for ozone and its precursors.[1] [2] *See* 80 FR 12264 (March 6, 2015).

A. 2008 8-Hour Ozone NAAQS

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR 50.15, the 2008 8-hour ozone NAAQS is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Washington, DC Nonattainment Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS on May 21,

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 8-hour ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court) issued an opinion on the EPA's SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA*, No. 15–1115, 2018 U.S. App. LEXIS 3636 (D.C. Cir. Feb. 16, 2018). The D.C. Cir. Court found certain provisions from the 2008 Ozone SIP Requirements Rule unreasonable including EPA's provision for a ''redesignation substitute.'' The D.C. Cir. Court also vacated other provisions relating to anti-backsliding in the 2008 Ozone SIP Requirements Rule as the Court found them unreasonable. *Id.* The D.C. Circuit found other parts of the SIP Requirements Rule unrelated to anti-backsliding and this action reasonable and denied the petition for appeal on those. *Id.*

2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088. On March 6, 2015, EPA issued the final SIP Requirements Rule, which establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS. *See* 80 FR 12264. Areas that were designated as marginal ozone nonattainment areas were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. *See* 40 CFR 51.1103. The Washington, DC Nonattainment Area did not attain the 2008 8-hour ozone NAAQS by July 20, 2015; however, this area did meet the CAA section 181(a)(5) criteria, as interpreted in 40 CFR 51.1107, for a one-year attainment date extension. *See* 81 FR 26697 (May 4, 2016). Therefore, on April 11, 2016, the EPA Administrator signed a final rule extending the Washington, DC Nonattainment Area 2008 8-hour ozone NAAQS attainment date from July 20, 2015 to July 20, 2016.[3]

Based on initial nonattainment designations for the 2008 8-hour ozone standard, as well as the March 6, 2015 final SIP Requirements Rule, Virginia was required to develop a SIP revision addressing certain CAA requirements for the Washington, DC Nonattainment Area, and submit to EPA a NNSR Certification SIP or SIP revision no later than 36 months after the effective date of area designations for the 2008 8-hour ozone NAAQS (*i.e.,* July 20, 2015).[4] *See* 80 FR 12264 (March 6, 2015). EPA is proposing to approve Virginia's May 11, 2017 NNSR Certification SIP revision. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS is provided in Section II below.

B. 2017 Findings of Failure To Submit SIP for the 2008 8-Hour Ozone NAAQS

Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment area planning requirements of CAA section 172 and also to the ozone-specific planning requirements of CAA section 182.[5] States in the ozone transport region (OTR), such as Virginia, are additionally subject to the requirements outlined in CAA section 184.

Ozone nonattainment areas in the lower classification levels have fewer and/or less stringent mandatory air quality planning and control requirements than those in higher classifications. For a marginal area, such as the Washington, DC Nonattainment Area, a state is required to submit a baseline emissions inventory, adopt a SIP requiring emissions statements from stationary sources, and implement a NNSR program for the relevant ozone standard. *See* CAA section 182(a). For each higher ozone nonattainment classification, a state needs to comply with all lower area classification requirements, plus additional emissions controls and more expansive NNSR offset requirements.

The CAA sets out specific requirements for states in the OTR.[6] Upon promulgation of the 2008 8-hour ozone NAAQS, states in the OTR were required to submit a SIP revision for RACT. *See* 40 CFR 51.1116. This requirement is the only recurring obligation for an OTR state upon revision of a NAAQS, unless that state also contains some portion of a nonattainment area for the revised NAAQS. In that case, the nonattainment requirements described previously also apply to those portions of that state.

In the March 6, 2015 SIP Requirements Rule, EPA detailed the requirements applicable to ozone nonattainment areas, as well as requirements that apply in the OTR, and provided specific deadlines for SIP submittals. On February 3, 2017, EPA found that 15 states and the District of Columbia failed to submit SIP revisions in a timely manner to satisfy certain requirements for the 2008 8-hour ozone NAAQS that apply to nonattainment areas and/or states in the OTR. *See* 82 FR 9158. As explained in that rulemaking action, consistent with the CAA and EPA regulations, these findings of failure to submit established certain deadlines for the imposition of sanctions if a state does not submit a timely SIP revision addressing the requirements for which the finding is being made, and for the EPA to promulgate a federal implementation plan (FIP) to address any outstanding SIP requirements.

EPA found, *inter alia,* that the Commonwealth of Virginia failed to submit a SIP revision in a timely matter to satisfy NNSR requirements for its marginal nonattainment area, specifically the Washington, DC Nonattainment Area. Virginia submitted its May 11, 2017 SIP revision to address the specific NNSR requirements for the 2008 8-hour ozone NAAQS, located in 40 CFR 51.160–165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit. EPA's analysis of how this SIP revision addresses the NNSR requirements for the 2008 8-hour ozone NAAQS and the Findings of Failure to Submit is provided in Section II below.

II. Summary of SIP Revision and EPA Analysis

This rulemaking action is specific to Virginia's NNSR requirements. NNSR is a preconstruction review permit program that applies to new major stationary sources or major modifications at existing sources located in a nonattainment area.[7] The specific NNSR requirements for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.160–165. As set forth in the SIP Requirements Rule, for each nonattainment area, a NNSR plan or plan revision was due no later than 36 months after the effective date of area designations for the 2008 8-hour ozone standard (*i.e.,* July 20, 2015).[8]

The minimum SIP requirements for NNSR permitting programs for the 2008 8-hour ozone NAAQS are located in 40 CFR 51.165. *See* 40 CFR 51.1114. These NNSR program requirements include those promulgated in the ''Phase 2 Rule'' implementing the 1997 8-hour ozone NAAQS (75 FR 71018 (November 29, 2005)) and the SIP Requirements Rule implementing the 2008 8-hour ozone NAAQS. Under the Phase 2 Rule, the SIP for each ozone nonattainment

[3] EPA finalized approval of a Determination of Attainment (DOA) for the 2008 8-hour ozone NAAQS for the Washington, DC Nonattainment Area on November 14, 2017. This final action was based on complete, certified, and quality assured ambient air quality monitoring data for the 2013–2015 monitoring period. *See* 82 FR 52651 (November 14, 2017). It should be noted that a DOA does not alleviate the need for Virginia to certify that their existing SIP approved NNSR program is as stringent as the requirements at 40 CFR 51.165, as NNSR applies in nonattainment areas until an area has been redesignated to attainment.

[4] Virginia's obligation to submit the NNSR Certification SIP was not affected by the D.C. Circuit Court's February 16, 2018 decision on portions of the SIP Requirements Rule in *South Coast Air Quality Mgmt. Dist.* v. *EPA.*

[5] Ozone nonattainment areas are classified based on the severity of their ozone levels (as determined based on the area's ''design value,'' which represents air quality in the area for the most recent 3 years). The possible classifications for ozone nonattainment areas are Marginal, Moderate, Serious, Severe, and Extreme. *See* CAA section 181(a)(1).

[6] CAA section 184 details specific requirements for a group of states (and the District of Columbia) that make up the OTR. States in the OTR are required to submit SIP revisions addressing reasonably available control technology (RACT) requirements for the pollutants that form ozone, even if the areas in the state meet the ozone standards.

[7] *See* CAA sections 172(c)(5), 173 and 182.

[8] With respect to states with nonattainment areas subject to a finding of failure to submit NNSR SIP revisions, such revisions would no longer be required if the area were redesignated to attainment. The CAA's prevention of significant deterioration (PSD) program requirements apply in lieu of NNSR after an area is redesignated to attainment. For areas outside the OTR, NNSR requirements do not apply in areas designated as attainment.

area must contain NNSR provisions that: Set major source thresholds for oxides of nitrogen (NO_X) and volatile organic compounds (VOC) pursuant to 40 CFR 51.165(a)(1)(iv)(A)(1)(i)–(iv) and (2); classify physical changes as a major source if the change would constitute a major source by itself pursuant to 40 CFR 51.165(a)(1)(iv)(A)(3); consider any significant net emissions increase of NO_X as a significant net emissions increase for ozone pursuant to 40 CFR 51.165(a)(1)(v)(E); consider certain increases of VOC emissions in extreme ozone nonattainment areas as a significant net emissions increase and a major modification for ozone pursuant to 40 CFR 51.165(a)(1)(v)(F); set significant emissions rates for VOC and NO_X as ozone precursors pursuant to 40 CFR 51.165(a)(1)(x)(A)–(C) and (E); contain provisions for emissions reductions credits pursuant to 40 CFR 51.165(a)(3)(ii)(C)(1)–(2); provide that the requirements applicable to VOC also apply to NO_X pursuant to 40 CFR 51.165(a)(8); and set offset ratios for VOC and NO_X pursuant to 40 CFR 51.165(a)(9)(i)–(iii) (renumbered as (a)(9)(ii)–(iv) under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS). Under the SIP Requirements Rule for the 2008 8-hour ozone NAAQS, the SIP for each ozone nonattainment area designated nonattainment for the 2008 8-hour ozone NAAQS and designated nonattainment for the 1997 ozone NAAQS on April 6, 2015, must also contain NNSR provisions that include the anti-backsliding requirements at 40 CFR 51.1105. *See* 40 CFR 51.165(a)(12).

Virginia's SIP approved NNSR program is implemented through Article 9, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas or the Ozone Transport Region of the Virginia Administrative Code (VAC), 9VAC5–80—*Permits for Stationary Sources.* In its May 11, 2017 SIP revision, Virginia certifies that the version of 9VAC5–80 in the SIP is at least as stringent as the federal NNSR requirements for the Washington, DC Nonattainment Area. EPA last approved revisions to Virginia's major NNSR SIP on August 28, 2017. In that action, EPA approved revisions to Virginia's SIP which made VADEQ's NNSR program consistent with federal requirements. Additionally, those revisions corrected a deficiency which had been grounds for limited approval of VADEQ's program. EPA found, therefore, that Virginia's program met all CAA requirements and was fully approvable. *See* 82 FR 40703.

EPA notes that neither 9VAC5–80 nor Virginia's approved SIP have the regulatory provision for any emissions change of VOC in extreme nonattainment areas, specified in 40 CFR 51165(a)(1)(v)(F), because Virginia has never had an area designated extreme nonattainment for any of the ozone NAAQS. Nonetheless, the Virginia SIP is not required to have this requirement for VOC in extreme nonattainment areas until such time as Virginia has an extreme ozone nonattainment area.

In Virginia's May 11, 2017 SIP revision VADEQ asserted that anti-backsliding provisions do not apply to any area within Virginia, including the northern Virginia/Metropolitan Washington, DC area, because Virginia submitted to EPA a final ''redesignation request substitute'' for the 1997 ozone NAAQS for the Washington, DC area on April 29, 2016. However, on February 16, 2018, the D.C. Cir. Court issued an opinion on the EPA's regulations implementing the 2008 ozone NAAQS, *i.e.,* the SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* No. 15–1115, 2018 U.S. App. LEXIS 3636 (D.C. Cir. Feb. 16, 2018). The D.C. Cir. Court found certain provisions from the 2008 Ozone SIP Requirements Rule to be unreasonable including EPA's provision for a ''redesignation substitute.'' The D.C. Cir. Court vacated these provisions and found that redesignations must comply with all required elements in CAA section 107(d)(3). The Court thus found the ''redesignation substitute'' which did not require all items in CAA section 107(d)(3)(E) violated the CAA and was therefore unreasonable. The D.C. Cir. Court also vacated other provisions relating to anti-backsliding in the 2008 Ozone SIP Requirements Rule as the Court found them to be unreasonable. *Id.* The D.C. Circuit found other parts of the SIP Requirements Rule unrelated to anti-backsliding and this action reasonable and denied the petition for appeal on those. *Id.*

Given the D.C. Cir. Court's recent ruling in *South Coast Air Quality Mgmt. Dist.* v. *EPA,* Virginia remains required to comply with the anti-backsliding provisions found in 40 CFR 51.165(a)(12) and located in 9VAC5–80 of its SIP which applied to NSR requirements for the 1997 ozone NAAQS. However, EPA finds that the Virginia SIP presently includes all required major stationary source thresholds and emissions offset ratios for NSR purposes which were established for the SIP for Virginia's 1997 8-hour ozone NAAQS nonattainment designation. *See* 82 FR 40703 (finding Virginia's NNSR program consistent with all federal requirements in August 2017).

Thus, EPA finds that Virginia's SIP includes relevant and required anti-backsliding requirements. Virginia has not changed these major stationary source threshold and offset provisions in 9VAC5–80–2010 C, and furthermore, they remain in Virginia's federally-approved SIP unless and until EPA approves a full redesignation request from Virginia in accordance with CAA section 107.[9] EPA expects that VADEQ will continue to implement its NNSR program consistently with its approved SIP for major stationary source thresholds and emission offset ratios.

The version of 9VAC5–80 that is contained in the current SIP has not changed since the August 28, 2017 rulemaking where EPA last approved Virginia's NNSR provisions as meeting CAA requirements for a NNSR program. This version of the rule (9VAC5–80) covers the Washington, DC Nonattainment Area and remains adequate to meet all applicable NNSR requirements for the 2008 8-hour ozone NAAQS in 40 CFR 51.165, the Phase 2 Rule and the SIP Requirements Rule.

III. Proposed Action

EPA is proposing to approve Virginia's May 11, 2017 SIP revision addressing the NNSR requirements for the 2008 ozone NAAQS for the Washington, DC Nonattainment Area. EPA has concluded that the Commonwealth's submission fulfills the 40 CFR 51.1114 revision requirement, meets the requirements of CAA sections 110 and 172 and the minimum SIP requirements of 40 CFR 51.165, as well as its obligations under EPA's February 3, 2017 Findings of Failure to Submit relating to submission of a NNSR certification. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's

[9] Under the 1997 8-hour ozone NAAQS, the Washington, DC Area was classified as moderate nonattainment.

legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its NSR program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Statutory and Executive Order Reviews

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

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

The proposed rule approving Virginia's 2008 8-hour ozone NAAQS Certification SIP revision for NNSR is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 27, 2018.

Cecil Rodrigues,

Deputy Regional Administrator, Region III.

[FR Doc. 2018–06880 Filed 4–3–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0171; FRL–9976–43–Region 9]

Approval of California Plan Revisions, Northern Sonoma County Air Pollution Control District; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Northern Sonoma

County Air Pollution Control District (NSCAPCD or District) portion of the California State Implementation Plan (SIP). This revision concerns the District's prevention of significant deterioration (PSD) permitting program for new and modified sources of air pollution. We are proposing action on these local rules under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by May 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2018–0171 at *http://www.regulations.gov,* or via email to T. Khoi Nguyen, at *nguyen.thien@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: T. Khoi Nguyen, EPA Region IX, (415) 947–4120, *nguyen.thien@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this action with the dates that they were adopted by the NSCAPCD and submitted by the California Air Resources Board (CARB), the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED RULES

Local agency	Rule #	Rule title	Amended	Submitted
NSCAPCD	130	Definitions	5/3/2017	6/12/17
NSCAPCD	220	New Source Review	5/3/2017	6/12/17
NSCAPCD	230	Action on Applications	5/3/2017	6/12/17

On December 12, 2017, the submittal for the NSCAPCD was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V that must be met before formal EPA review.

B. Are there other versions of these rules?

On October 6, 2016, the EPA finalized approval of Rule 230 and limited approval and limited disapproval of Rules 130 and 220. 81 FR 69390. Though Rule 230 was inadvertently fully approved with a deficiency, the revised Rule 230 in this SIP submittal addresses the deficiency. Our proposed approval of the rules in this action would update the SIP to be consistent with the local rules.

C. What is the purpose of the submitted rules?

Section 110(a) of the CAA requires states to submit regulations that include a pre-construction permit program for certain new or modified stationary sources of pollutants, including a permit program as required by Part C of Title I of the CAA.

On October 6, 2016, the EPA listed four items that need addressing for the three rules with limited approval to become fully approved—listing lead as a pollutant and indicating a significant emission rate, requiring provisions for air quality modeling based on applicable models, databases, and other requirements as specified in Part 51 Appendix W, correcting a typographic error, and including specific language regarding source obligations. The revisions to the three submitted rules address these four deficiencies.

Rules 130, 220, and 230 contain the requirements for review and permitting of individual stationary sources in NSCAPCD. These rules satisfy the statutory and regulatory requirements for the New Source Review (NSR) program, including the PSD program. The changes the District made to the rules listed above as they pertain to the PSD program were largely administrative in nature and provide additional clarity to the rules. We present our evaluation under the CAA and the EPA's regulations of the revised NSR rules submitted by CARB, as identified in Table 1, and provide our reasoning in general terms below and a more detailed analysis in our TSD, which is available in the docket for the proposed rulemaking.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

The EPA has reviewed the rules submitted by the NSCAPCD governing PSD for stationary sources for compliance with the CAA's general requirements for SIPs in CAA section 110(a)(2), the EPA's regulations for stationary source permitting programs in 40 CFR part 51, sections 51.160 through 51.164 and 51.166, and the CAA requirements for SIP revisions in CAA section 110(l). The EPA is proposing full approval of Rules 130 (Definitions), 220 (New Source Review) and 230 (Action on Applications).

B. Do the rules meet the evaluation criteria?

The EPA has reviewed the submitted rules in accordance with the rule evaluation criteria described above. With respect to procedures, based on our review of the public process documentation included in the June 12, 2017 submittal, we are proposing to approve the submitted rules in part because we have determined that the NSCAPCD has provided sufficient evidence of public notice and opportunity for comment and public

hearings prior to adoption and submittal of this rule, in accordance with the requirements of CAA sections 110(a)(2) and 110(l).

We are also approving Rules 130, 220, and 230 because we have determined these rules satisfy all of the statutory and regulatory requirements for an NSR permit program (including the PSD program) as set forth in the applicable provisions of part C of title I of the Act and in 40 CFR 51.165 and 40 CFR 51.307. The revisions to these rules also resolve the limited disapproval issues from the October 2016 action.

Our TSD, which can be found in the docket for this rule, contains a more detailed discussion of the approval criteria.

C. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rules because they fulfill all relevant requirements. We will accept comments from the public on this proposal until May 4, 2018. If we take final action to approve the submitted rules, our final action will incorporate these rules into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the NSCAPCD rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 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, Incorporation by reference, Intergovernmental relations, New Source Review, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: March 26, 2018.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–06878 Filed 4–3–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906–AB14

National Vaccine Injury Compensation Program: Adding the Category of Vaccines Recommended for Pregnant Women to the Vaccine Injury Table

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: As required by a recent amendment to the VICP's authorizing statute, the Secretary of the Department of Health and Human Services (Secretary) proposes to amend the National Vaccine Injury Compensation Program (VICP) Vaccine Injury Table (Table) to include vaccines recommended by the Centers for Disease Control and Prevention (CDC) for routine administration in pregnant

women. Thus, the Secretary is only seeking public comment on how the addition of this new category is proposed to be formatted on the Table.

DATES: Written comments must be submitted on or before October 1, 2018.

ADDRESSES: You may submit comments, identified by the Regulatory Information Number (RIN) 0906–AB14 in one of three ways, as listed below. The first is the preferred method. Please submit your comments in only *one* of these ways to minimize the receipt of duplicate submissions.

1. Federal eRulemaking Portal. You may submit comments electronically to *http://www.regulations.gov.* Click on the link ''Submit electronic comments'' on HRSA regulations with an open comment period. You may submit attachments to your comments in any file format accepted by *Regulations.gov*.

2. Regular, express, or overnight mail. You may mail written comments to the following address only: Health Resources and Services Administration, Department of Health and Human Services, Attention: HRSA Regulations Officer, 5600 Fishers Lane, Room 13N82, Rockville, MD 20857. Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. Delivery by hand (in person or by courier). If you prefer, you may deliver your written comments before the close of the comment period to the same address, 5600 Fishers Lane, Room 13N82, Rockville, MD 20857. Please call one of our HRSA Regulations Office staff members at telephone number (301) 443–1785 in advance to schedule your arrival. This is not a toll-free number.

Because of staffing and resource limitations, and to ensure that no comments are misplaced, the program cannot accept comments by facsimile (FAX) transmission. When commenting, by any of the above methods, please refer to file code (#HRSA–0906–AB14). Comments received on a timely basis will be available for public inspection online at *www.regulations.gov* or in person at the Health Resources and Services Administration's offices, 5600 Fishers Lane, Room 13N82, Rockville, MD, Monday through Friday of each week from 8:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Please visit the National Vaccine Injury Compensation Program's website, *http://www.hrsa.gov/vaccine-compensation/,* or contact Dr. Narayan Nair, Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857. Phone calls can be directed to (855) 266–2427. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) urges all interested parties to examine this regulatory proposal carefully and to share your views with us, including any supporting data. We must consider all relevant written comments received during the comment period before issuing a final rule. Subject to consideration of the comments received, the Secretary intends to publish a final regulation.

If you are a person with a disability and/or a user of assistive technology who has difficulty accessing this document, please see the ''For Further Information'' box above for the names and contact information to obtain this information in an accessible format. Please visit *http://www.HHS.gov/regulations* for more information on HHS rulemaking and opportunities to comment on proposed and existing rules.

Background

The National Childhood Vaccine Injury Act of 1986, title III of Public Law 99–660 (42 U.S.C. 300aa-10 *et seq.*), established the VICP as a no-fault alternative to the traditional legal system for resolving vaccine injury petitions and to provide compensation for individuals thought to be injured by certain vaccines. Congress has amended the statute governing the VICP several times since 1986. Petitions for compensation under this Program are filed in the United States Court of Federal Claims (Court), with a copy served on the Secretary, who is the ''Respondent.'' The Court, acting through judicial officers called Special Masters, makes findings as to eligibility for, and the amount of, compensation.

To be entitled to an award under the VICP, a petitioner must establish a vaccine-related injury or death, either by proving that a vaccine actually caused or significantly aggravated an injury (causation-in-fact) or by demonstrating the occurrence of what is referred to as a Table injury. That is, a petitioner may show that the vaccine recipient received a covered vaccine and suffered an injury of the type listed for that vaccine in the regulations at 42 CFR 100.3—the Table—and that the onset of such injury took place within the time period specified in the Table. If these criteria are met, the injury is presumed to have been caused by the vaccination, and the petitioner is entitled to compensation (assuming that other requirements are satisfied), unless the respondent affirmatively shows that the injury was caused by some factor other than the vaccination (see 42 U.S.C. 300aa–11(c)(1)(C)(i), 300aa–13(a)(1)(B)), and 300aa–14(a)). Currently, cases are often resolved by negotiated settlements between the parties and approved by the Court. In negotiated settlements, HHS and the Court have not concluded, based upon review of the evidence, that the vaccine caused the alleged injury.

Revisions to the Table are authorized under subsections 2114(c) and (e) of the Public Health Service (PHS) Act (42 U.S.C. 300aa–14(c) and (e)). Prior to the 21st Century Cures Act (Pub. L. 114–255), the only vaccines covered under the VICP were those recommended for routine administration to children by the CDC (for example, vaccines that protect against seasonal influenza), subject to an excise tax by Federal law, and added to the Program by the Secretary. The Table currently includes 17 vaccine categories, with 16 categories for specific vaccines, as well as the corresponding illness, disability, injury, or condition covered; and the requisite time period when the first symptom or manifestation of onset or of significant aggravation after the vaccine administration must begin to receive the Table's legal presumption of causation. One category of the Table, ''Item XVII,'' includes ''Any new vaccine recommended by the Centers for Disease Control and Prevention for routine administration to children, after publication by the Secretary of a notice of coverage.'' Two injuries—Shoulder Injury Related to Vaccine Administration (SIRVA) and vasovagal syncope—are listed as associated injuries for this category. Through this general category, new vaccines recommended by the CDC for routine administration to children and subject to an excise tax are covered under the VICP prior to being added to the Table as a separate vaccine category through Federal rulemaking.

The 21st Century Cures Act amended section 2114(e) of the PHS Act (42 U.S.C. 300aa–14(e)) to expand the types of vaccines covered under the VICP. *See* section 3093(c)(1) of the 21st Century Cures Act. The revised statute requires that the Secretary revise the Table to include vaccines recommended by the CDC for routine administration in pregnant women (and subject to an excise tax by Federal law). *See* section 2114(e)(3) of the PHS Act (42 U.S.C. 300aa–14(e)(3)). Currently, the CDC recommends only two vaccines for routine administration in pregnant women: (1) The tetanus, diphtheria, and

acellular pertussis vaccine,[1] and (2) the seasonal influenza vaccine.[2] These categories of vaccines are already covered under the VICP, as the CDC recommends them for routine administration to children and they are subject to an excise tax.

Discussion of Proposed Table Changes

Congress enacted a mechanism for modification of the statutory Table, through the promulgation of regulatory changes by the Secretary, after consultation with the Advisory Commission on Childhood Vaccines (ACCV). As required by statute, the Secretary is proposing to revise the Table to include new vaccines recommended by the CDC for routine administration in pregnant women, and seeks comment on the means of effectuating this revision. The Secretary also proposes retaining the two injuries currently associated with Item XVII of the Table, SIRVA and vasovagal syncope, as Table injuries for vaccines recommended by the CDC for routine administration in pregnant women. In its 2012 Report, ''Adverse Effects of Vaccines: Evidence and Causality,'' the Institute of Medicine considered SIRVA and vasovagal syncope as mechanistic injuries resulting from the injection of a vaccine and not from the contents of a particular formulation of a vaccine. Thus, these conditions are listed as Table injuries for any new vaccine recommended by the CDC for routine administration to children (after the imposition of an excise tax and publication by the Secretary of a notice of coverage) to account for any newly developed injected vaccines that potentially may lead to SIRVA or syncope. Therefore, the Secretary proposes including these injuries on the Table for new vaccines recommended by the CDC for routine administration in pregnant women.

On September 8, 2017, the Program consulted the ACCV regarding options for adding this new category of vaccines to the Table. The ACCV voted unanimously to amend the existing language in Item XVII of the Table to include ''and/or pregnant women'' after ''children'' permitting coverage under the VICP of any new vaccine recommended by CDC for routine administration in pregnant women and subject to an excise tax after publication by the Secretary of a notice of coverage. They viewed this option as a simple approach to revising the Table, rather than adding a new general Item XVII to the Table for vaccines recommended for routine administration in pregnant women. Therefore, the Secretary is proposing to amend the existing language in Item XVII of the Table to include ''and/or pregnant women'' after ''children'' in accordance with the ACCV's recommendation which would add to that general category of the Table, any new vaccine recommended by the CDC for routine administration in pregnant women, after imposition of an excise tax and publication of a notice of coverage.

HHS seeks comments regarding the proposed method of revising the Table, that is, to amend the existing language in Item XVII to include ''and/or pregnant women'' after ''children'' which would add to that general category of the Table any new vaccine recommended by the CDC for routine administration in pregnant women after imposition of an excise tax and publication of a notice of coverage. HHS notes that an important consideration in proposing changes to the Table is the clarity of such changes.

Petitions must be filed within the applicable statute of limitations. With the proposed change, the general statute of limitations applicable to petitions filed with the VICP, set forth in 42 U.S.C. 300aa–16(a) continue to apply. Specifically, in the case of an injury, the claim must be filed within 36 months after the first symptoms appeared. In the case of a death, the claim must be filed within 24 months of the death and within 48 months after the onset of the vaccine-related injury from which the death occurred.

In addition, 42 U.S.C. 300aa–16(b) allows petitioners an alternative statute of limitations of 2 years from the date of the Table change for injuries or deaths that occurred up to 8 years before the Table change if the revision makes a petitioner eligible to seek compensation or significantly increases the likelihood of a petitioner obtaining compensation. However, the alternate statute of limitations afforded by 42 U.S.C. 300aa–16(b) is not applicable at this time for this proposed Table change. At present, there are no vaccines to add to the Table under the revised general category because the only vaccines the CDC recommends for routine administration in pregnant women are already covered on the Table—(1) the diphtheria, tetanus, and pertussis vaccine and (2) the seasonal influenza vaccine—because they are also recommended by the CDC for routine administration to children, are subject to an excise tax. However, in the future, when any new vaccine not already covered under the VICP is recommended by the CDC for routine administration in pregnant women, subject to an excise tax, and added to the Table (and/or any additional associated injury), the alternate statute of limitations afforded by 42 U.S.C. 300aa–16(b) would apply, if the effect of the revision would be to make an individual, who was not eligible before the revision, eligible to seek compensation under the Program or to significantly increase the individual's likelihood of obtaining compensation.

Based on the requirements of the Administrative Procedure Act, HHS publishes an NPRM in the **Federal Register** before a regulation is promulgated. The public is invited to submit comments on this proposed rule. HHS specifically requests the public's views on the proposed option for adding new vaccines recommended by the CDC for routine administration in pregnant women to the Table. In addition, a public hearing will be held for this proposed rule. After the 180-day public comment period has ended, the comments received and HHS's responses to the comments will be addressed in the preamble of the final rule. HHS will publish the final rule in the **Federal Register**.

Additional VICP Provisions in the 21st Century Cures Act

While not seeking comment on these changes in response to this NPRM, the Secretary notes that the 21st Century Cures Act included additional amendments to the Vaccine Act. The 21st Century Cures Act also amended section 2111 of the PHS Act (42 U.S.C. 300aa–11) to permit both a woman who received a covered vaccine while pregnant and any live-born child who was in utero at the time such woman received the vaccine to be considered persons to whom the covered vaccine was administered. *See* section 3093(c)(2) of the 21st Century Cures Act, adding 42 U.S.C. 300aa–11(f). The amendments to this section also provide that a covered vaccine administered to a pregnant woman constitutes more than one vaccine administration—one to the mother and one to each live-born child who was in utero at the time such woman was administered the vaccine. *See* section 3093(c)(3) of the 21st Century Cures Act, amending 42 U.S.C. 300aa–11(b)(2). These provisions do not require regulatory actions to implement.

[1] Centers for Disease Control and Prevention. MMWR Morbid Mortal Wkly Rep. 2011 Oct 21:60(41); 1424–26. Available from: *https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6041a4.htm.*

[2] Centers for Disease Control and Prevention. Pregnancy and vaccination: Guidelines for vaccinating pregnant women. Last updated Aug 2016. Website: *https://www.cdc.gov/vaccines/pregnancy/hcp/guidelines.html#flu1.*

Economic and Regulatory Impact

HHS has examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (September 19, 1980), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act, and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As discussed below, HHS estimates that this proposed rulemaking is not ''economically significant'' as measured by the $100 million threshold, and hence not a major rule under the Congressional Review Act.

The Secretary has determined that no substantial additional administrative and compensation resources are required to implement the requirements in this proposed rule. Compensation will be made in the same manner. As in all other VICP cases, to be found entitled to compensation, petitioners will need to prove by a preponderance of the evidence either that they meet the requirements of the Table or that their injury was actually caused by the vaccine, unless the respondent affirmatively shows that the injury was caused by some factor other than the vaccination. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA), and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, the Secretary certifies that this rule will not have a significant impact on a substantial number of small entities.

The National Vaccine Injury Compensation Program: Adding the Category of Vaccines Recommended for Pregnant Women to the Vaccine Injury Table Notice of Proposed Rulemaking is ''not significant'' because no substantial resources are required to implement the requirements in this rule. This rule adds ''and/or pregnant women'' to the new vaccines category (Item XVII) on the Table. Currently, the only vaccines recommended for routine administration in pregnant women are: (1) The tetanus, diphtheria, and acellular pertussis vaccine; and (2) the seasonal influenza vaccine. These vaccines are already on the Table because they are recommended for routine administration to children and have an excise tax imposed on them. Therefore, this rule does not have a significant impact on a substantial number of small entities. Additionally, this rule does not meet the criteria for a major rule as defined by Executive Order 12866 and would have no major effect on the economy or Federal expenditures. We have determined that the final rule is not a ''major rule'' within the meaning of the statute providing for Congressional Review of Agency Rulemaking, 5 U.S.C. 801. Similarly, it will not have effects on State, local, and Tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995.

The provisions of this proposed rule do not, on the basis of family well-being, affect the following family elements: Family safety; family stability; marital commitment; parental rights in the education, nurture, and supervision of their children; family functioning; disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

This proposed rule is not being treated as a ''significant regulatory action'' as defined under section 3(f) of Executive Order 12866. As stated above, this proposed rule will modify the Table based on legal authority.

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. It has been determined that this proposed rule is a not significant and thus is exempt from regulatory or deregulatory action for the purposes of Executive Order 13771.

Impact of the New Rule

This proposed rule will allow any new vaccines that in the future are recommended by the CDC for routine administration in pregnant women and subject to a Federal excise tax to be covered under the VICP after the Secretary issues a notice of coverage, without requiring further rulemaking. In addition, this proposed rule will have the effect of making it easier for future petitioners alleging injuries that meet the criteria in the Vaccine Injury Table to receive the Table's presumption of causation (which relieves them of having to prove that the vaccine actually caused or significantly aggravated their injury).

Paperwork Reduction Act of 1995

This proposed rule has no information collection requirements.

Dated: March 16, 2018.

George Sigounas,

Administrator, Health Resources and Services Administration.

Approved: March 28, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

Accordingly, 42 CFR part 100 is proposed to be amended as set forth below:

PART 100—VACCINE INJURY COMPENSATION

■ 1. The authority citation for 42 CFR part 100 continues to read as follows:

Authority: Secs. 312 and 313 of Public Law 99–660 (42 U.S.C. 300aa–1 note); 42 U.S.C. 300aa–10 to 300aa–34; 26 U.S.C. 4132(a); and sec. 13632(a)(3) of Public Law 103–66.

■ 2. In § 100.3 amend the Table in paragraph (a) by adding ''and/or pregnant women'' after ''children'' to the existing language in Item XVII of the Table as follows:

§ 100.3 Vaccine injury table.

(a) * * *

Vaccine	Illness, disability, injury or condition covered	Time period for first symptom or manifestation of onset or of significant aggravation after vaccine administration
XVII. Any new vaccine recommended by the Centers for Disease Control and Prevention for routine administration to children and/or pregnant women, after publication by the Secretary of a notice of coverage.	A. Shoulder Injury Related to Vaccine Administration.	≤48 hours.
	B. Vasovagal syncope	≤1 hour.

[FR Doc. 2018–06770 Filed 4–3–18; 8:45 am]
BILLING CODE 4150–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GN Docket No. 18–22; FCC 18–18]

Encouraging the Provision of New Technologies and Services to the Public

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission is committed to improving the process for enabling the introduction of new technologies and services that serve the public interest and made available to the public on a timely basis. Therefore, the Commission proposes guidelines and procedures to implement.

DATES: Comments are due May 4, 2018. Reply comments are due May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Murray, Office of Engineering and Technology, 202–418–0688, *Paul.Murray@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, GN Docket No. 18–22, FCC 18–18, adopted February 22, 2018, and released February 23, 2018. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554. The full text may also be downloaded at: *https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0223/FCC-18-18A1.pdf.* People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis

1. *Background.* Section 7, entitled ''New Technologies and Services,'' reads in its entirety as follows:

(a) It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to be permitted under this Act shall have the burden to demonstrate that such proposal is inconsistent with the public interest.

(b) The Commission shall determine whether any new technology or service proposed in a petition or application is in the public interest within one year after such petition or application is filed. If the Commission initiates its own proceeding for a new technology or service, such proceeding shall be completed within 12 months after it is initiated.

2. *Discussion.* In this NPRM, the Commission proposes to adopt rules describing guidelines and procedures to implement the stated policy goal of section 7 ''to encourage the provision of new technologies and services to the public.'' Although the forces of competition and technological growth work together to enable the development and deployment of many new technologies and services to the public, the Commission has at times been slow to identify and take action to ensure that important new technologies or services are made available as quickly as possible. The Commission has sought to overcome these impediments by streamlining many of its processes, but all too often regulatory delays can adversely impact newly proposed technologies or services.

3. Section 7 reflects clear Congressional intent to encourage and expedite provision of technological innovation that would serve the public interest. To better align purpose and practice, the Commission propose a set of rules that will allow the Commission to effectively breathe life into section 7. As noted above, this law applies to new technologies or services proposed to be permitted in a petition or application, as well as to Commission-initiated proceedings for new technologies and services.

4. By its terms, § 7 could apply to any petition or application that includes a proposal involving the use of new technologies and services. Accordingly, the Commission proposes to interpret § 7 to include petitions for rulemaking or waiver of the Commission's rules as well as applications for authorization of any type of technology or service within the Commission's statutory purview, whether radio-based, wired, or otherwise. The Commission also proposes to interpret § 7 to apply to any petitions or applications that properly could be resolved either by the Commission or by any Bureau or Office pursuant to delegated authority. Whether the Commission itself, or a particular Bureau or Office acting on delegated authority, would address the § 7-related issue would depend on the particular filing, the nature of the request, and the kind of decision(s) and course(s) of action regarding the proposed new technology or service that may be deemed appropriate under the circumstances.

5. The Commission proposes adopting a new subpart in part 1 that sets forth specific procedures and timetables for action with respect to requests in petitions or applications for § 7 consideration. These procedures and timetables are designed to ensure that the Commission or Bureau/Office identifies and moves swiftly to promote new technologies and services that are in the public interest. These new rules would not replace or substitute for the Commission's existing rules for processing petitions and applications (*e.g.,* the part 1 rules for rulemaking proceedings and for applications involving common carriers or wireless radio services, the part 25 rules for satellite service applications, the part 73 and 74 rules for broadcast service applications, among many other rule parts dealing with applications). Instead, they would specify additional steps to ensure that timely decisions are made on § 7 requests suited to serve the public interest.

6. Section 7 establishes a timeline by which the Commission must determine

whether a new technology or service proposed in a petition or application is in the public interest—*i.e.,* one year after a petition or application that proposes a new technology or service is filed. However, the statute does not provide clear guidance about how to evaluate requests for consideration under § 7, nor does it prescribe what form of action the Commission must take when making a public interest finding about the proposed new technology or service. The rules that the Commission proposes, described below, are designed to provide such guidance and would ensure that any petition or application that includes a § 7-related request is evaluated under a coherent and consistent set of procedures.

7. *Filing Requirements and Related Factors.* The Commission proposes specific filing requirements for petitions and applications that include a request for section 7 consideration. As noted above, while the existing procedures for any particular petition or application would remain applicable, the voluntary inclusion of a § 7 request would require that additional steps be taken to address whether a new technology or service is being proposed that would serve the public interest and, if so, what specific course of action should be taken to promote such technology or service. The Commission, or the appropriate Bureau or Office, in exercising its discretion, would make a public interest determination concerning the proposed technology or service, with any qualifying § 7 request requiring further action within one year.

8. The Commission proposes that a petitioner or applicant must expressly request consideration under section 7 at the time of the initial filing, and must include a detailed description of the proposed ''new technology or service'' and how it differs from existing technologies or services. In addition, the § 7 request must include both qualitative and quantitative analyses showing how such new technology or service would be in the public interest. The Commission also proposes to codify a set of factors, described below, all of which the petitioner or applicant must address with respect to its § 7 request in the proceeding, and by which the Commission or the Bureau or Office will evaluate whether the proposed technology or service is ''new'' and would serve the public interest.

9. First, because the timeline for a Commission public interest finding regarding a § 7 request is only one year from the filing date of the petition or application that proposes a new technology or service, the Commission proposes that the petition or application include a separate § 7 request that demonstrates that the new technology or service proposed is both technically feasible and available for commercial use/application, not merely theoretical or speculative, so that the public benefits from the proposed new technology or service can be evaluated in a meaningful way and can be realized as soon as practicable.

10. Second, to evaluate the merits of a section 7 request, the Commission proposes several categories of factors to identify whether proposed technologies or services would be considered ''new.'' In considering these factors, we note that determining what is ''new'' will not always be easy, particularly considering that technologies and services in the communications industry are often evolutionary rather than revolutionary. Petitions and applications that include a § 7 request would be required to include a sufficient demonstration that the proposed technology or service meets one or more of the specified factors. For example, if the proposed technology or service has not previously been authorized by the Commission, the § 7 request in the petition or application must explain how the function and performance of the technology or service differs in essential or fundamental respects from others that are already authorized. If the proposed technology or service would make extraordinary or truly significant enhancements to a previously-authorized technology or service, the § 7 request in the petition or application would need to specifically quantify, qualify, or otherwise explain in sufficient detail what is so new that it warrants consideration under § 7.

11. Finally, the Commission proposes that the request for § 7 consideration must show that the proposed new technology or service would be in the public interest by, for example, promoting innovation and investment, providing new competitive choices, providing new technologies that enable accessibility to people with disabilities, or meeting public demand for new or significantly improved services in unserved and underserved areas.

12. In addition, the underlying petition or application that includes the § 7 request must comply with other legal or regulatory requirements applicable to consideration of the various technical and policy issues raised in the petition or application, including, as applicable, any statutory requirements and the established licensing rules and rights of existing licensees, regulatees, or users. Petitions and applications, including the § 7-related proposal, shall be filed electronically using the Commission database that is appropriate for the type of petition or application being filed, and a copy also shall be sent electronically to the Chief(s) of the authorizing Bureau(s) or Office(s) (*e.g.,* Wireless Telecommunications, Wireline Competition, International, and/or Media Bureaus) as well as the Chief of the Office of Engineering and Technology, or to an appropriate mailbox designated by them. The petitioner or applicant must make clear in the filing that it is seeking consideration under section 7.

13. The proposed technological and service factors that we propose to adopt are intended to single out for consideration and action those proposals that involve significant breakthroughs or are truly innovative, rather than those that are foreseeable or incremental outgrowths of existing technologies or services. The Commission seeks comment on these factors or other factors that would be appropriate with effective implementation of § 7 goals. What indicia should the Commission use when evaluating what would constitute a ''new'' technology, as distinguished from an existing or evolving technology? Similarly, the Commission requests comment on what would constitute a ''new'' service, as distinguished from existing services, and thus be subject to § 7 consideration.

14. *Processing and Initial Assessment.* The proposed rules would provide for processing of a § 7 request that is included as part of a petition or application as follows. When a petition or application that includes a § 7 request is filed, both the authorizing Bureau(s)/Office(s) and the Office of Engineering and Technology (OET) will review the filing and issue a public notice on both the petition/application and the § 7 request. OET will assemble a team of Commission staff with relevant expertise, including at least one representative from any Bureau(s) or Office(s) with subject matter expertise, to conduct an initial review to determine if the § 7 request is complete and will be accepted for filing. The Commission proposes that the filing date of the request for consideration under § 7, and hence the initiation of the review period under the § 7 process, will be the date that the petition/application including the § 7 request is complete as filed, and thus can be accepted for filing.

15. A public notice will be issued after the authorizing Bureau(s)/Office(s) and the OET-led review team determines that the petition or application, including the § 7 request, is complete and ready for processing. This

review would ensure that the petition or application that includes a § 7 claim complies both with the § 7-related requirements proposed and the other legal or regulatory requirements applicable to the particular petition or application. This Public Notice will identify the date the request was complete as filed, as well as relevant deadlines for agency action.

16. *90-Day Determination.* Next, the Commission proposes that the OET-led team will determine whether the technology or service proposed qualifies as a new technology or service for consideration under section 7 within 90 days. To the extent appropriate or necessary, such determination could take into consideration any comments, including any oppositions, received in response to the public notice regarding the § 7 request. The OET-led team will notify the petitioner or applicant in writing of its determination within 90 days after the public notice is issued, or sooner where appropriate or practicable, and its determination will be included in the public record of the particular proceeding relating to the petition or application. This determination would promote timely Commission or Bureau/Office action to enable the provision of new technologies or services to the public that could serve the public interest.

17. If the determination is positive—that is, that the request qualifies for § 7 treatment—we propose to commit the agency to swift action, consistent with § 7, to evaluate that technology or service. Conversely, the Commission proposes not to make a negative finding binding on the agency. Because this determination too will necessarily be conducted prior to a more complete evaluation by the Commission or the Bureau/Office of the various public interest benefits associated either with the particular petition/application or the proposed technology/service, the Commission or Bureau/Office, which would be informed of the OET-led determination, may itself later determine that a particular petition/application's proposed technology or service initially deemed ineligible nonetheless may ultimately merit § 7 treatment. Additionally, the Commission seeks comment on what the proper notification-and-elevation process should be before releasing the 90-day determination, whether positive or negative. For instance, should OET notify the offices of the Commissioners 48 hours in advance, or some other length of time, of a pending 90-day determination? Should two Commissioners or a majority of the Commission be required to elevate the 90-day determination to a Commission-level vote? If elevated, how can we ensure prompt voting? For example, would five calendar days from elevation be sufficient time for Commissioners to register a vote? If a quorum of commissioners registers a vote by the deadline, should Commissioners not registering a vote be marked as ''not participating''? If less than a quorum of Commissioners registers a vote, should the OET-led team release the 90-day determination on its own?

18. The Commission also proposes not to entertain petitions for reconsideration or applications for review of the 90-day determination. First, the determination only guides agency process and would not in itself constitute a final Commission or Bureau/Office order, decision, report, or action with respect to the particular petition/application or the public interest regarding use of the proposed technology/service. Those public interest determinations fall squarely within the purview of the Commission or the Bureau/Office, which has the authority and responsibility to evaluate the various elements of the petition or application as well as the use of the proposed technology or service set forth in the petition or application, and to make associated public interest findings. Thus, the OET-led team's evaluation of the § 7 request would merely serve as a step in the overall process of considering the proposed technology or service included in the underlying petition or application and reaching the merits of the public interest determinations. Subjecting the OET-led staff determination to immediate and formal reconsideration could have the perverse effect of slowing consideration of the more important core issues that are before the Commission or Bureau/Office for determination—namely, the merits and public interest associated with the particular petition or application (and its constituent pieces), and how best to ensure that the proposed technology or service (whether new or not) can be used to serve the public. Such early formal review could also result in scarce staff resources remaining focused on the extent to which a technology or service is ''new,'' which can be a complicated or involved question, thus diverting needed resources away from the more important question of how best to address the underlying issues. We also note that while a negative determination would not be reviewable upon issuance, parties nonetheless would have the opportunity to comment on the determination and ask that the Commission or Bureau/Office reach a different conclusion when it evaluates the full record and takes action with respect to the petition/application or the proposed technology/service.

19. As required by section 7, any person or party (other than the Commission) who opposes a new technology or service has the burden to demonstrate that such a new technology or service is inconsistent with the public interest. For example, it would not be sufficient for someone to oppose a proposed technology or service merely because it might cause economic harm to its own service or disrupt a particular sector of the economy; the statute's stated goal to promote new technologies and services in effect requires that opponents address the potential public interest associated with the proposed technology or service, not their own private interests.

20. *Commission or Bureau/Office Review.* For any petition/application proposing a technology or service that receives a positive 90-day determination, the Commission or Bureau/Office will evaluate the record once complete, and decide within a year of the filing date the appropriate course of action with respect to the petition or application.

21. Although § 7 requires timely action by the Commission, it does not create a presumption in favor of granting (in whole or part) any particular petition or application that includes a proposal to provide such new technology or service. Indeed, it grants the agency plenary authority to dispose of the petition or application as it sees fit, including by initiating its own proceeding to explore matters further.

22. In cases where the 90-day determination is positive, to the extent the Commission or Bureau/Office determines that the petition/application proposes a technology or service that qualifies under § 7, it would be obligated to take some concrete action within one year that advances the development and use of new technologies or services that are in the public interest. The Commission seeks comment on how to apply these procedures in instances where outside parties are either collaborating on or disputing the merits of a new technology or service. Should the Commission take these types of considerations into account when determining how to meet the one year deadline imposed by a § 7 finding? In contrast, if the Commission or the Bureau/Office finds that a petition/application is not proposing use of new technologies or services, and thus does not include any request that qualifies for

consideration under Section 7, that petition/application would be handled under the existing Commission processes that apply generally to petitions and applications under the applicable rules.

23. *Pending Petitions and Applications.* The new rules and procedures discussed above would apply with respect to all newly filed petitions or applications that include a § 7 request. For any petition or application already pending at the time that the new rules would become effective, the Commission proposes a variant of this approach to accommodate any petitioner or applicant who also seeks consideration under § 7. In such cases, the petitioner or applicant would supplement its filing with a specific § 7 request that meets the criteria outlined above, which would be followed by issuance of a public notice focused on the § 7-specific request, the 90-day determination, and action within a year of the filing if merited.

24. *Commission-initiated Proceedings.* Section 7 provides that if the Commission initiates its own proceeding for a new technology or service, such proceeding must be completed within a year after it is initiated. The Commission seek comments on how to ensure the Commission complies with this statutory provision. For instance, what factors should the Commission weigh in deciding whether to initiate a proceeding on its own under § 7? Additionally, when the Commission itself does initiate a proceeding that it determines would trigger the § 7 timeline, should it identify the type of action(s) that it plans to complete within a year that would promote such new technology or service, so that it can in fact complete such action(s) within one year, or, does the statutory provision require a final order? The Commission also seeks comment on the various issues raised above and on alternative approaches to implementing procedures to ensure compliance with the § 7 requirements.

Procedural Matters

25. *Paperwork Reduction Analysis.* This document contains proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

26. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the policies and rules proposed in the FNPRM. The IRFA is found in Appendix B. The Commission requests written public comment on the IRFA. Comments must be filed in accordance with the same filing deadlines as comments filed in response to the NPRM, and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

27. *Comment Filing Procedures.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

28. The proceeding that this Notice initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must

be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Ordering Clauses

29. *It is ordered that*, pursuant to §§ 1, 4(i), 4(j) and 7 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j) and 157, this Notice of Proposed Rulemaking *is adopted.*

30. *It is ordered that* the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Reporting and recordkeeping requirements and Telecommunications.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Proposed Rules

The Federal Communications Commission proposes to amend 47 CFR part 1 as follows:

Part 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

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

Authority: 47 U.S.C. 34–39, 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452 and 1455.

PART 1—PRACTICE AND PROCEDURE

■ 2. Add Subpart U to read as follows:

Subpart U—Implementation of Section 7 of the Communications Act: New Technologies and Services

Sec.
1.6000 Purpose and scope.
1.6001 Terms and definitions.
1.6002 Filing requirements for petitions and applications in which consideration under section 7 is requested.
1.6003 Processing procedures for petitions or applications, including a determination within 90 days.
1.6004 Evaluating new technologies and services proposed in petitions or applications.
1.6005 Commission or Bureau/Office review.
1.6006 Commission-initiated proceedings for new technologies or services.

Authority: 47 U.S.C. 157.

§ 1.6000 Purpose and scope.

(a) The purpose of this subpart is to set out the procedures and terms by which the Commission will implement the provisions of § 7 of the Communications Act of 1934, as amended, 47 U.S.C. 157, to encourage the provision of new technologies and services to the public. The procedures set forth in this subpart shall apply with respect to any petition or application proposing use of a new technology or service in which the petitioner or applicant requests consideration under section 7.

(b) The rules and procedures set forth in this subpart do not replace or substitute for the Commission's existing rules and procedures for processing that apply with respect to the particular petition or application submitted for consideration.

§ 1.6001 Terms and definitions.

(a) Terms used in this subpart have the following meanings:

Petition or application. Any request for Commission action, as required under the Communications Act or the Commission's rules, including, but not limited to, petitions for rulemaking, petitions for waiver of Commission rules, and applications for authorization to provide technologies or services to the public.

Service. An activity, method, or system that provides to the public the means of meeting a public need including, but not limited to, communications, industrial, or scientific uses authorized under the Communications Act.

Technology. The application of scientific knowledge in engineering to solve problems or invent useful tools for practical, industrial, or scientific uses that rely on radio-frequency, wired, or other means authorized under the Communications Act.

(b) For purposes of this subpart, the following dates shall apply:

(1) A petition or application that includes a proposal to permit use of a new technology or service, and for which the petitioner or applicant specifically requests consideration under § 7, shall be deemed filed as of the date when the petition or application, including the request for consideration under section 7, is complete as filed; such date shall be used for computing the beginning date pursuant to § 1.4(b) of this part.

(2) If the Commission initiates its own proceeding for a new technology or service under § 7, the beginning date for the action taken is computed pursuant to § 1.4(b) of this part.

§ 1.6002 Filing requirements for petitions and applications in which consideration under section 7 is requested.

(a) If a petitioner or applicant seeks consideration under § 7, the petition or application shall include an express request for consideration under § 7 when the petition or application initially is filed.

(b) The petition or application shall include:

(1) A detailed description of the proposed technology or service associated with the petition or application, and how it differs from existing technologies or services;

(2) A demonstration that the proposed technology or service satisfies § 1.6004(a) and one or more of the factors in § 1.6004(b), and

(3) A showing that the use of the proposed technology or service would be in the public interest as set forth in § 1.6004(c).

(c) The petition or application shall comply with any legal or procedural requirements for the type of request being filed, whether required by statute, judicial precedent or Commission rules in this chapter, or include a request for waiver of Commission requirements.

(d) The petition or application shall be filed electronically through the Commission database that is appropriate for the type of request being filed, and a copy of the petition or application shall be sent electronically to the Chief(s) of the authorizing Bureau and/or Office and the Chief, Office of Engineering and Technology (OET), or to an appropriate mailbox designated by them.

(e) *Section 7 consideration for pending petitions or applications.* If a petition or application is already pending before the Commission at the time the rules in this subpart become effective, a petitioner or applicant that seeks § 7 consideration must submit an express request for consideration under § 7 that sets forth how it meets the specific requirements set forth in this section.

§ 1.6003 Processing procedures for petitions or applications, including a determination within 90 days.

(a) With regard to the specific request for consideration under § 7, the Office of Engineering and Technology (OET) will assemble a team of Commission staff with appropriate expertise, including at least one representative from any Bureau(s) or Office(s) with subject matter expertise, to review the request to determine if it is complete and can be accepted for filing pursuant to § 1.6001(b)(1). The team will determine whether the request provides the

information required by §§ 1.6002 and 1.6004 of this part and complies with any other legal or procedural requirements necessary for processing.

(b) When the underlying petition or application is complete and accepted for filing, consistent with applicable rules and procedures, and the request for consideration under § 7 is complete and accepted for filing pursuant to paragraph (a) of this section, a public notice seeking comment on the petition or application, including the proposed technology or service that the petitioner or applicant asserts as qualifying for § 7 consideration, will be issued. This public notice will identify the date that the petition or application and the section 7 request is complete as filed, as well as any other relevant deadlines for agency action.

(c) Any person or party (other than the Commission) who opposes a new technology or service proposed by the petitioner or applicant shall have the burden to demonstrate that such proposed technology or service is inconsistent with the public interest.

(d) The OET-led team will make a determination within 90 days of the issuance of the public notice as to whether the technology or service proposed to be permitted qualifies as a new technology or service for consideration under § 7. This team will make this determination by evaluation the § 7 request pursuant to the factors set forth in § 1.6004 of this part.

(1) The OET-led team will notify the petitioner or applicant in writing of its determination within these 90 days.

(2) The determination will be included in the public record in the proceeding.

(3) The Commission and Bureau(s)/Office(s) with subject matter expertise will be informed of this determination.

(4) This determination is not subject to review in petitions for reconsideration or applications for review.

(e) To the extent that the OET-led team determines that the request qualifies for § 7 treatment, the agency shall be committed to taking swift action to evaluate the technology or service. A determination by the OET-led team that the request does not qualify for § 7 treatment is not binding on the agency, and the Commission or the Bureau/Office may determine in its evaluation of the record that the request merits § 7 treatment.

§ 1.6004 Evaluating the new technologies or services proposed in petitions or applications.

(a) The proposed technology or service shall be technically feasible and commercially viable; the Commission will not consider a proposed technology or service that is merely theoretical or speculative. Petitioners or applicants shall include a showing of technical feasibility and commercial viability for the proposed technology or service by including, for example, the results of experimental testing, technical analysis, or research.

(b) The proposed technology or service will be evaluated using one or more of the following factors.

(1) The technology or service has not previously been authorized by the Commission. This could include combining a previously-approved technology in new ways to improve performance or functionalities. The petition or application shall explain how the function and/or performance of the proposed technology or service differs in essential or fundamental respects from previously-approved technologies or services.

(2) The proposed technology or service is similar to one previously authorized but includes significant enhancements that result in new functionalities or improved performance. The petition or application shall explain how the proposed technology or service differs from previously-approved technologies or services, and shall specifically quantify or qualify the improvements in functionality or performance or otherwise explain in sufficient detail what is so new that it warrants consideration under § 7.

(3) Other factors set forth by the petitioner or applicant, or factors that the Commission deems appropriate for the specific technology or service that is proposed.

(c) The petition or application shall include a showing that the proposed new technology or service would be in the public interest by, for example, explaining how the proposed technology or service would promote innovation and investment, provide new competitive choices to the public, provide new technologies that enable accessibility to people with disabilities, or meet public demand for new or significantly improved services in unserved and underserved areas.

§ 1.6005 Commission or Bureau/Office review.

(a) For any petition/application including a proposed technology or service that receives a positive 90-day determination, the Commission or Bureau/Office will evaluate the record once complete, and decide within a year of the filing date the appropriate course of action with respect to the petition or application.

(b) Although § 7 requires timely action by the Commission, it does not create a presumption in favor of granting (in whole or part) any particular petition or application that includes a proposal to provide such new technology or service. The agency retains plenary authority to dispose of the petition or application and the proposed technology or service as it sees fit, including by initiating its own proceeding to explore matters further.

(c) In cases where the 90-day assessment is positive, to the extent the Commission or Bureau/Office determines that the petition or application proposes a technology or service that qualifies under § 7, it would be obligated to take some concrete action within one year that advances the development and use of new technologies or services that are in the public interest.

(d) If the Commission or the Bureau/Office finds that a petition or application is not proposing use of new technologies or services, and thus does not include any request that qualifies for consideration under section 7, that petition or application would be handled under the existing Commission processes that apply generally to petitions and applications under the applicable rules.

§ 1.6006 Commission-initiated proceedings for new technologies or services.

If the Commission initiates its own proceeding for a new technology or service, such proceeding must be completed within a year after it is initiated.

[FR Doc. 2018–06741 Filed 4–3–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170322299–8284–01]

RIN 0648–BG75

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Electronic Reporting for Federally Permitted Charter Vessels and Headboats in Atlantic Fisheries

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 the For-hire Reporting Amendment, as prepared and submitted by the South Atlantic Fishery Management Council (South Atlantic Council) and Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council). The For-hire Reporting Amendment includes Amendment 27 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources of the Gulf and Atlantic Region (CMP FMP), Amendment 9 to the FMP for the Dolphin and Wahoo Fishery off the Atlantic States (Dolphin Wahoo FMP), and Amendment 39 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP). If implemented, this proposed rule would establish new, and revise existing, electronic reporting requirements for federally permitted charter vessels and headboats (for-hire vessels), respectively. This proposed rule would require a charter vessel with a Federal charter vessel/headboat permit for Atlantic CMP, Atlantic dolphin and wahoo, or South Atlantic snapper-grouper species to submit an electronic fishing report weekly, or at shorter intervals if notified by NMFS, through NMFS-approved hardware and software. The proposed rule would also reduce the time allowed for headboats to submit an electronic fishing report. The purpose of this proposed rule is to increase and improve fisheries information collected from federally permitted for-hire vessels in the Atlantic. The information is expected to improve recreational fisheries management of the for-hire component in the Atlantic.

DATES: Written comments on the proposed rule must be received by May 4, 2018.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2017–0152,'' by either of the following methods:

- *Electronic submission:* Submit all electronic comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/docket?D=NOAA-NMFS-2017-0152, click the ''Comment Now!''* icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit all written comments to Karla Gore, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Adam Bailey, NMFS Southeast Regional Office (see mailing address above), by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–5806.

Electronic copies of the For-hire Reporting Amendment may be obtained from *www.regulations.gov* or the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_sa/generic/2017/for_hire_reporting/index.html.* The For-hire Reporting Amendment includes an environmental assessment, regulatory impact review, Regulatory Flexibility Act (RFA) analysis, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Karla Gore, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *karla.gore@noaa.gov.*

SUPPLEMENTARY INFORMATION: The CMP fishery in the Atlantic region is managed under the CMP FMP jointly by the Gulf Council and South Atlantic Council. The South Atlantic Council manages the dolphin and wahoo fishery under the Dolphin Wahoo FMP in the Atlantic and the snapper-grouper fishery under the Snapper-Grouper FMP in the South Atlantic. All of these FMPs are 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).

Background

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and achieve, on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act states that the collection of reliable data is essential to the effective conservation, management, and scientific understanding of the nation's fishery resources.

On July 1, 2012, NMFS implemented management measures contained in Amendment 18A to the Snapper-Grouper FMP, which established a provision that allowed the Science Research Director (SRD) at the NMFS Southeast Fisheries Science Center (SEFSC) to require for-hire vessels fishing for snapper-grouper species, when selected by the SRD, to submit fishing reports electronically on a weekly or daily basis to the SEFSC to better improve data on catch and bycatch (77 FR 32408, June 1, 2012). However, upon implementation of Amendment 18A in 2012, a data system to collect electronic reports had not been developed and no vessels were selected by the SEFSC for electronic reporting. Therefore, both prior to and after the implementation of Amendment 18A, NMFS collected fishing reports from selected for-hire vessels on paper logbook forms.

In 2013, an electronic logbook reporting requirement for federally permitted headboats fishing for Atlantic CMP, dolphin and wahoo, and snapper-grouper species was implemented by the final rule for Amendment 22 to the CMP FMP, Amendment 6 to the Dolphin Wahoo FMP, and Amendment 31 to the Snapper-Grouper FMP (Headboat Reporting Amendment) to improve the quality and timeliness of catch data (78 FR 78779, December 27, 2013). The final rule for the Headboat Reporting Amendment required all headboats with a Federal charter vessel/headboat permit for Atlantic CMP, Atlantic dolphin and wahoo, or South Atlantic snapper-grouper species to report landings electronically on a weekly basis to the SEFSC. The final rule also implemented a provision that authorizes NMFS to require reporting more frequently than weekly if notified by the SRD, and prohibits headboats from continuing to fish if they are delinquent in submitting reports. This headboat reporting program, called the Southeast Region Headboat Survey (SRHS), is managed and operated by the SEFSC. Currently, headboats submit an electronic fishing report to NMFS via the internet by the Sunday following the end of each reporting week, which runs from Monday through Sunday. This proposed rule would shorten the time to report and would require that headboats submit electronic fishing reports to NMFS by the Tuesday following the end of a reporting week, which would make

the reporting deadline for headboats consistent with the proposed reporting deadline for federally permitted charter vessels. The South Atlantic Council believes that changing the timing of reporting would achieve consistency between federally permitted headboats and the proposed charter vessel reporting requirements. In addition, the South Atlantic Council believes that the shortened window for reporting could reduce recall bias and improve the timeliness of data availability.

Similarly, this proposed rule also would require that information from a federally permitted charter vessel be reported weekly, through the submission of electronic fishing reports on Tuesday following a reporting week. Currently, landings and discards from charter vessels in Atlantic CMP, dolphin wahoo, and South Atlantic snapper-grouper fisheries are monitored through the survey of charter vessels by the Marine Recreational Information Program (MRIP). Fishing effort is calculated based on a monthly phone sample of federally permitted charter vessels, though the phone survey is transitioning to a new mail survey. Catch rate observations and catch sampling are provided through dockside monitoring, also conducted by MRIP. This MRIP catch information from charter vessels is then available in 2-month increments known as waves, so that there are six waves during the calendar year, *e.g.,* January through February, March through April, etc. If NMFS implements the electronic reporting requirements described in this proposed rule, the MRIP survey of charter vessels would continue until the proposed electronic reporting program described in the For-hire Reporting Amendment is certified by NMFS, and then the electronic reporting program replaces the MRIP survey of charter vessels.

Accurate and reliable fisheries information about catch, effort, and discards is critical to stock assessment and management evaluations. In addition, catch from charter vessels represents a substantial portion of the total recreational catch for some South Atlantic Council managed fish species, such as king mackerel, black sea bass, dolphin, and wahoo. The South Atlantic Council believes that weekly electronic reporting for federally permitted charter vessels could provide more timely information than the current MRIP survey, and more accurate and reliable information for many species with low catches, low annual catch limits, or for species that are only rarely encountered by fishery participants. However, the South Atlantic Council recognizes that before the electronic reporting program described in this amendment could replace the MRIP survey program, the individual states would have to implement a similar for-hire electronic reporting requirement. The South Atlantic Council has determined that weekly electronic reporting by all federally permitted charter vessels would be expected to enhance data collection efforts for potentially better fisheries management, such as through more data-rich stock assessments.

Management Measures Contained in This Proposed Rule

This proposed rule would establish weekly electronic reporting for federally permitted charter vessels in the previously described Atlantic fisheries, and change the electronic reporting deadline for federally permitted headboats.

Electronic Reporting by Federally Permitted Charter Vessels

The South Atlantic Council has stated their need for increased data collection from federally permitted charter vessels, such as reporting fishing locations, compared with what the MRIP survey currently provides, as well as more timely data submission. The South Atlantic Council has determined that weekly reporting by federally permitted charter vessels could make data available to the science and management process more quickly and could improve data accuracy, as reports would be completed shortly after each trip. This proposed rule would require an owner or operator of a charter vessel with a Federal charter vessel/headboat permit for Atlantic CMP species, Atlantic dolphin and wahoo, or South Atlantic snapper-grouper to submit an electronic fishing report to NMFS weekly, or at intervals shorter than a week if notified by the SRD, regardless if they were fishing in state or Federal waters, or what species were caught or harvested, as explained below. A weekly electronic fishing report would be required to be submitted using NMFS-approved hardware and software by the Tuesday following each reporting week.

Through this proposed rule, a federally permitted charter vessel fishing for Atlantic CMP, or dolphin and wahoo, or South Atlantic snapper-grouper species would be required to submit an electronic fishing report using hardware and software that meets NMFS technical requirements and has been type approved by NMFS. NMFS-approved hardware could include electronic devices such as computers, tablets, and smartphones that allow for internet access and are capable of operating approved software. NMFS is currently evaluating potential software applications for the electronic for-hire reporting program and is considering the use of existing software applications already being used by partners in the region, including e-trips online and e-trips mobile, which are products developed by the Atlantic Coastal Cooperative Statistics Program. Hardware and software that meet the NMFS type approval would be posted on the NMFS Southeast Region website upon publication of any final rule to implement the for-hire electronic reporting program.

An electronic fishing report would be required from a charter vessel regardless of where fishing occurs or which species are caught or harvested. For example, a vessel subject to these proposed requirements under a Federal charter vessel/headboat permit for Atlantic CMP, Atlantic dolphin wahoo, or South Atlantic snapper-grouper must report even if they fish in state waters, in the Gulf, or in any other area. If a charter vessel does not fish during a week, submission of a ''no-fishing'' report would be required by the Tuesday of the following week. The SEFSC would allow an advance submission of a no-fishing report for up to 30 days, as they currently allow for headboats.

In an effort to reduce duplicative reporting, an owner or operator of a charter vessel with a Federal charter vessel/headboat permit, and with electronic reporting requirements in other regions, such as the Mid-Atlantic and as proposed by the Gulf Council for the Gulf, would be required to comply with the electronic reporting program that is more restrictive, regardless of where they are fishing. The NMFS Greater Atlantic Regional Fisheries Office (GARFO) has implemented an electronic reporting requirement for owners and operators of a charter vessel or a party boat (headboat) issued a Federal for-hire permit for species managed by Mid-Atlantic Fishery Management Council to submit an electronic vessel trip report using a NMFS-approved software within 48 hours of completing a for-hire fishing trip (82 FR 42610, September 11, 2017). Because NMFS GARFO requires more restrictive reporting than what is proposed in the For-hire Reporting Amendment, owners and operators of a vessel issued a Federal for-hire permit for species in both the Mid-Atlantic and South Atlantic would be required to report under the electronic reporting program managed by GARFO regardless

of where fishing occurs or what species are caught.

The Gulf Council has also recommended amendments to the CMP FMP and the FMP for Reef Fish Resources of the Gulf of Mexico to address for-hire electronic reporting. The amendments have been submitted for review and implementation by the Secretary of Commerce. The Gulf Council's recommendations of for-hire electronic reporting are more stringent than those reporting requirements contained in this proposed rule. The Gulf for-hire electronic reporting program would require trip-level reporting, a pre-trip notification to NMFS, and location information monitored by a vessel monitoring system, among other requirements. Thus, an owner or operator of a charter vessel that has been issued Federal charter vessel/headboat permits for applicable fisheries in both the Atlantic and the Gulf would be required to comply with the Gulf Council's for-hire electronic reporting program requirements, if the Gulf Council's amendments to address for-hire electronic reporting are approved and implemented. The intent of the South Atlantic Council is to prevent a vessel with multiple Federal for-hire permits from having to report to multiple programs. A headboat with Federal charter vessel/headboat permits for applicable fisheries in both the Atlantic and the Gulf would continue to be required to comply with the electronic reporting standards in effect based on where they are fishing, *e.g.,* in the Atlantic or the Gulf. Because the Gulf Council's for-hire reporting amendments are proposing trip-level reporting prior to offloading fish from the vessel, the Gulf requirements for electronic reporting would be more restrictive and vessels with both South Atlantic and Gulf Federal charter vessel/headboat permits would be required to report to the Gulf electronic reporting program. If NMFS approves the For-hire Reporting Amendment and implements this proposed rule before approving and implementing the Gulf Council's amendments for their for-hire electronic reporting program, a vessel issued the applicable Federal charter vessel/headboat permits in the Atlantic and in the Gulf would be required to comply with the Atlantic electronic reporting program until a Gulf electronic reporting program is implemented, even if the for-hire trips only occur in the Gulf. Then, if NMFS implements the Gulf for-hire electronic reporting program, a vessel issued the applicable Federal charter vessel/headboat permits in the Atlantic and in the Gulf would be required to comply with the Gulf electronic reporting program.

This proposed rule would also extend other provisions to federally permitted charter vessels that currently apply to headboats for reporting during catastrophic conditions and if delinquent reporting occurs. During catastrophic conditions, NMFS may accept paper reporting forms, and can modify or waive reporting requirements. A delinquent report results in a prohibition on the harvest or possession of the applicable species by the charter vessel permit holder until all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements.

Timing of Electronic Reporting by Federally Permitted Headboats

This proposed rule also revises the reporting deadline for federally permitted headboats to submit electronic fishing reports to further improve the accuracy and timeliness of data reported through the SRHS. Headboats currently submit an electronic fishing report for each trip at weekly intervals, or at intervals shorter than a week if notified by the SRD. Electronic fishing reports are due by the Sunday following a reporting week that runs from Monday through Sunday; in other words, reports are due within 7 days after a reporting week ends.

This proposed rule would change the deadline for headboats to submit an electronic fishing report after a reporting week ends. Headboats would continue to submit electronic fishing reports through the SRHS on a weekly basis with reports due on each Tuesday following a reporting week; in other words, reports would be due within 2 days after a reporting week ends. This proposed rule would make the reporting deadline for headboats consistent with the proposed reporting deadline for charter vessels. Other than changing the deadline for submitting the fishing reports, no other aspect of the headboat reporting program would be changed by this proposed rule.

Management Measure Contained in the For-Hire Reporting Amendment but not Codified Through This Proposed Rule

The For-hire Reporting Amendment specifies core data elements to be collected through the for-hire electronic reporting program. These core data elements include, but are not limited to, information about the permit holder, vessel, location fished, catch, discards, fishing effort, and socio-economic data. Other information that could further benefit the management of federally permitted for-hire vessels included under the For-hire Reporting Amendment may also be subject to collection as determined by NMFS, in coordination with the South Atlantic Council.

If approved by the Secretary of Commerce, the For-hire Reporting Amendment would require an owner or operator of a federally permitted charter vessel to report their locations fished by either inputting their latitude and longitude in an electronic reporting program or by selecting their fishing locations on a geographic grid in an electronic reporting program. The location accuracy of either reporting method would be to the nearest square nautical mile, or degrees and minutes. This location reporting requirement is consistent with what is collected currently for headboats in the SRHS.

Additional Proposed Changes to Codified Text not in the For-Hire Reporting Amendment

In addition to the measures described in the For-hire Reporting Amendment, this proposed rule would change the FMP title name for the Dolphin Wahoo FMP in 50 CFR part 622. In 2004, NMFS published the final rule implementing the Dolphin Wahoo FMP, and the final rule added the name of the Dolphin Wahoo FMP in Table 1 to § 622.1 (69 FR 30235, May 27, 2004). The Dolphin Wahoo FMP is also named in two other places in 50 CFR part 622. The name of the Dolphin Wahoo FMP in 50 CFR part 622 is inconsistent with the original title of the Dolphin Wahoo FMP submitted by the South Atlantic Council, which is the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic. Additionally, since NMFS implemented the Dolphin Wahoo FMP, the FMP name referenced by the South Atlantic Council and NMFS has often been the original title submitted by the South Atlantic Council. This proposed rule would correct the inconsistency between the regulations and the original name of the Dolphin Wahoo FMP and insert ''FMP for the Dolphin and Wahoo Fishery of the Atlantic'' in Table 1 to § 622.1, and where the Dolphin Wahoo FMP is referenced in 50 CFR part 622.

Finally, this proposed rule would remove certain regulatory requirements, in the sections referenced below, applicable to the owner or operator of a non-federally permitted charter vessel or headboat that does not fish in the EEZ but only harvests or possesses Atlantic CMP species from state waters adjoining the Mid-Atlantic and South Atlantic EEZ, or Atlantic dolphin or wahoo from state waters adjoining the Atlantic EEZ, or South Atlantic snapper-

grouper species from state waters adjoining the South Atlantic EEZ. This proposed rule would remove the regulatory requirements stated in this paragraph from 50 CFR 622.176(b)(1)(i) through (iii), 622.271(b)(1)(i) and (ii), and 622.374(b)(1)(i) and (ii). NMFS has determined that it does not have the regulatory authority to request this information.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the For-hire Reporting Amendment, the respective FMPs, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

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

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble.

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

In 2016, there were 2,182 vessels with at least 1 valid Federal charter vessel/headboat permit to fish for Atlantic CMP species or Atlantic dolphin and wahoo, or South Atlantic snapper-grouper species. This proposed rule, if implemented, would be expected to directly affect all of these vessels. The for-hire component of the recreational sector is comprised of charter vessels and headboats. Although charter vessels tend to be smaller, on average, and carry fewer passengers than headboats, the key distinction between the two types of vessel operations is how the passenger fee is determined. On a charter vessel trip, the fee charged covers the entire vessel regardless of how many passengers are carried. The fee charged on a headboat trip is paid per individual angler. Although the application for a Federal charter vessel/headboat permit collects information on the primary method of vessel operation (charter vessel or headboat), the permit issued does not identify the vessel as either a charter vessel or headboat and vessels may operate in either capacity on separate trips. As of February 2017, 63 federally permitted for-hire vessels operating in the South Atlantic were identified as primarily operating as headboats and were reporting to the SRHS. It is not known how many headboats in the NMFS Greater Atlantic Region have a Federal charter vessel/headboat permit for Atlantic CMP or Atlantic dolphin and wahoo. Thus, among the 2,182 vessels estimated to be directly affected by this proposed rule, at least 63 of them are expected to primarily operate as headboats and the rest as charter vessels. The average charter vessel operating in the South Atlantic is estimated to earn approximately $118,200 in annual revenue and the average charter vessel operating in the Greater Atlantic Region is estimated to earn approximately $29,300 annually (2016 dollars). For headboats, the comparable annual revenue estimates are approximately $209,000 and $226,200, respectively.

The SBA has established size criteria for all major industry sectors in the U.S., including fish harvesters. A business involved in the for-hire fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $7.5 million (NAICS code 487210, for-hire businesses) for all its affiliated operations worldwide. All for-hire businesses expected to be directly affected by this proposed rule are believed to be small business entities.

NMFS has not identified any other small entities that might be directly affected by this proposed rule.

This proposed rule would require an owner or operator of a federally permitted charter vessel to submit an electronic report of their fishing activity weekly, or at shorter intervals if notified by the SRD, via hardware and software approved by NMFS. This requirement would not be expected to require special professional skills. The use of computers, smartphones, the internet, or other forms of electronic connections and communication is commonplace in the business environment. As a result, all of the charter vessel small businesses expected to be affected by this proposed rule would be expected to already have staff with the appropriate skills to complete the proposed reporting requirements. However, most charter vessel businesses, unlike headboats, have not been subject to mandatory logbook reporting of fishing activity and would be expected to lack experience completing logbooks, beyond the recording of similar information to satisfy the management needs of their businesses. As a result, although the information that would be required to be reported by this proposed rule would not be expected to be substantially different from that recorded for normal business purposes, some familiarization may be necessary before business staff become proficient in the proposed requirements. The hiring of new employees with specialized skills, however, should not be necessary.

This proposed rule would also require federally permitted headboat businesses to submit electronic reports of their fishing activity by the Tuesday following the reporting week instead of the current requirement to report by the Sunday following the reporting week. Federally permitted headboats in the South Atlantic have been required to submit electronic reports of their fishing activity since January 2014 (78 FR 78779, December 27, 2013). As a result, all headboat businesses affected by this proposed rule would be expected to be proficient with electronic reporting and have staff with the appropriate skills to meet the proposed change in the reporting deadline.

No conflicting Federal rules have been identified. However, some for-hire vessels also have applicable Federal for-hire permits to operate in Federal waters of the Mid-Atlantic, New England, or the Gulf in addition to the South Atlantic. In 2016, 387 vessels held South Atlantic and Gulf Federal charter vessel/headboat permits to harvest species managed by both the South Atlantic Council and the Gulf Council. Among these vessels, it is unknown how many primarily operated as headboats. As of August 2017, it was estimated that approximately 152 vessels were federally permitted to harvest species managed by both the South Atlantic Council and either the Mid-Atlantic or New England Fishery Management Councils. Again, it is unknown how many of these vessels primarily operated as headboats. For-hire vessels federally permitted to operate in the Mid-Atlantic or New England are required to submit a vessel trip report for each fishing trip taken via electronic or paper form. The Gulf Council has also approved an action to require electronic reporting for federally permitted charter vessels that operate under their jurisdiction and, similar to this proposed rule, modify the reporting

frequency of headboats federally permitted to fish for species managed by the Gulf Council. To eliminate duplicate reporting by federally permitted charter vessels, the South Atlantic Council would accept reports submitted under these other programs if the reporting requirements in these other programs are more stringent than those proposed by the South Atlantic Council and meet the core data elements identified by the South Atlantic Council.

This proposed rule would be expected to have minimal impact on the profits of any of the small entities expected to be directly affected. This proposed rule would require weekly electronic reporting of all fishing activity by all charter vessels permitted to fish for federally managed species in the South Atlantic when operating as a for-hire vessel in state or Federal waters. It would also specify alternative reporting provisions during instances of extended periods of non-fishing or when catastrophic conditions preclude electronic reporting. The charter vessels affected by this proposed rule are not currently required to submit reports of their fishing activity when under hire unless selected by the SRD. To date, the SRD has not selected any of these vessels for trip reporting. Instead, reporting is limited to those charter vessels that are selected to participate in the MRIP survey of charter vessels, which draws a weekly sample of 10 percent of eligible charter vessels in 2-month periods during the calendar year, *e.g.,* January through February, and March through April. The MRIP survey includes all charter vessels in the South Atlantic, including those with only state-issued charter vessel permits, and state and federally permitted vessels, and not just charter vessels with Federal charter vessel/headboat permits. Therefore, because vessels with only state permits are included, the MRIP survey covers less than 10 percent of the federally permitted South Atlantic charter fleet in each 2-month period. Vessels may be selected multiple times during a year and the proportion of the total fleet of federally permitted vessels included in the MRIP survey at least once during the calendar year is unknown. Once selected, reporting is mandatory for vessels with a Federal charter vessel/headboat permit. The MRIP survey collects a limited amount of information (general area fished, number of anglers who fished, hours fished, method of fishing, and target species) and reporting only captures fishing activity for the single week for which the vessel is selected and not activity for the entire year. The proposed rule would not replace the MRIP survey of charter vessels. Data collected through MRIP would still be collected and used to validate data collected through the proposed electronic reporting program.

As previously described, this proposed rule would also advance the weekly reporting deadline for federally permitted headboats from the Sunday following the reporting week to the Tuesday following the reporting week.

The reporting program under development is expected to accommodate a range of commonly used electronic devices and transmission methods for program access and report submission. The SBA has estimated that in 2010, approximately 94 percent of businesses used a computer and 95 percent of these had internet service. These utilization rates are expected to be transferable to and/or inclusive of the use of other electronic communication devices, such as tablets and smartphones, expected to be included in the reporting options for electronic reporting. As a result, the majority of the charter vessels expected to be affected by this proposed rule would be expected to currently utilize one or more of these devices and services and not need to incur new operational expenses to acquire the technology necessary for the proposed electronic reporting. For businesses that do not currently have a suitable device or associated service, the expenses that would need to be incurred would not be expected to constitute a significant increase in operational costs. Basic computer systems under $300 (2016 dollars) are commonly available, tablets can be purchased for as little as approximately $120 (2016 dollars), and a basic internet connection is expected to be available for under $50 per month (2016 dollars), or approximately $600 per year. Although more expensive models are available, smartphones can be purchased for less than some computers or tablets, and monthly service fees are comparable to those of the other electronic devices. As a result, a complete new system would be estimated to cost approximately $720 to $900 for the first year, and approximately $600 per year thereafter. Alternatively, free computer use and internet access is commonly available at public libraries.

In addition to these potential equipment and connection costs, electronic reporting would require the expenditure of time, with associated labor costs, to record and submit the reports. Approximately 188,000 individual angler trips were estimated to have been taken in Federal waters in the South Atlantic on charter vessels in 2016. Using this total and assuming an average of 3 to 6 anglers per vessel trip, the average charter vessel is estimated to take 14 to 29 trips per year in Federal waters. However, these estimates do not include activity by the vessels expected to be affected by this proposed rule in Federal waters of other regions (Mid-Atlantic, New England, and the Gulf) or trips taken in state waters in any region. This proposed rule would require electronic reporting of all trips by the charter vessels encompassed by this proposed rule in all regions regardless of whether the trips occurred in state or Federal waters. As a result, these estimates likely underestimate the total fishing activity by the charter vessels expected to be directly affected by this proposed rule. In 2016, approximately 492,700 individual angler trips were estimated to have been taken on charter vessels in the South Atlantic in Federal and state waters combined. Although not all of these trips would be expected to have been taken on federally permitted charter vessels (some charter vessels only possess state permits or licenses and only operate in state waters), this total also does not include trips by the vessels expected to be affected by this proposed rule taken in other regions where these vessels operate. Thus, the estimate of the total number of individual angler trips taken on charter vessels in 2016 (492,700 trips) both includes and excludes categories of trips relevant to this assessment. However, for the purpose of this assessment, this total is expected to adequately account for trips taken in these other areas and provide an upper bound on the expected costs associated with reporting labor. Therefore, assuming an average of 3 to 6 anglers carried per charter vessel trip, the upper bound estimate of the average number of trips per charter vessel expected to be directly affected by this proposed rule would be approximately 38 to 75 trips.

Electronic reporting (including location reporting) is estimated to take approximately 10 minutes per trip. Using the average annual number of charter trips taken per vessel in South Atlantic Federal waters (14 to 29 trips) as a lower bound and the average annual number of charter trips taken per vessel in state and Federal waters of the South Atlantic combined (38 to 75 trips) as an upper bound, the average annual number of trips per affected vessel would be expected to range from 14 to 75 trips. Consequently, the time burden for electronic reporting would be expected to range from 2.3 hours to 12.5 hours per vessel per year for the average

charter vessel. The mean hourly wage rate in 2016 for fishers and related fishing workers was estimated to be $14.78 and for first line supervisors in fishing it was estimated to be $23.47 (2016 dollars; *www.bls.gov/oes/current/oes453011.htm* and *www.bls.gov/oes/current/oes451011.htm*). Using these wage rates, the expected time cost of electronic reporting per vessel per year would be expected to range from approximately $34 (2.3 hours at $14.78 per hour) to $293.00 (12.5 hours at $23.47 per hour). These labor costs, however, would not be expected to be either wholly or substantially new business expenses. Instead, the time and labor associated with these costs would be expected to be borne by the captain, crew, or current shoreside business staff. Some of the effort to complete these reports may be redirected from current operational activities, such as normal trip record-keeping that a vessel completes for standard business purposes. The information reported will be accessible to the reporting vessel and, therefore, would not need to be recorded separately to meet business operational needs. Thus, in effect, the electronic for-hire reporting program may serve as the record repository for this portion of a vessel's business records. In addition to the need to maintain records on the number of trips and passengers a vessel takes, the service for-hire vessels sell requires reasonable levels of fishing success. Thus, records of what species a vessel catches, where they are caught, when they are caught, and how these performance variables change over time are vital to managing a successful for-hire business. As a result, the information collected under the proposed electronic reporting should be substantially duplicative of information already recorded by these businesses. Additionally, any new information collected as a result of complying with electronic reporting may improve for-hire businesses' ability to monitor and adjust their fishing practices, supporting more successful operation.

In general, although some redistribution of labor activities may be required to satisfy the proposed electronic reporting requirements, reporting should be able to be completed during transit back to port or within normal business activities when the vessel is shoreside. As such, it would not be expected to constitute a significant labor burden to affected vessels. This would be expected to be particularly true because, although the mandatory reporting requirement would be weekly (*i.e.,* by Tuesday following the reporting week), reporting more frequently, such as after each trip, would be allowed at the discretion of the vessel. Thus, there would be no requirement to accumulate multiple trip reports and need to dedicate a substantial block of time or labor to complete the required reporting. Whichever reporting strategy is adopted by the charter vessel, however, would be discretionary, and each business would be expected to adopt the strategy most efficient to its staffing and operational characteristics, thus minimizing any resultant implicit or explicit costs.

For headboats, as previously described, electronic reporting has been required since January 2014 and all headboat operations are expected to be proficient with meeting the current reporting requirements. The proposed change in the timing of report submission by headboats would be expected to result in only minor to no direct economic effects on the affected headboat businesses. Because electronic reporting has been a requirement for the past 3 years, the labor and costs associated with reporting have been internalized within each headboat business. Shifting the reporting date to Tuesday following the reporting week from Sunday would not be expected to affect reporting costs unless the shift interferes with other business activities that need to be completed by the earlier date, or labor or other operational costs vary across the week. A longer reporting period provides more time to assemble the necessary information and allows greater flexibility to allocate labor. Thus, in theory, the proposed shortening of the period within which reports must be submitted would be expected to increase the likelihood that conflict with other labor demands arises. However, because of the experience headboat businesses have with the current electronic reporting requirements, any such conflict would be expected to be either minor or an exception, and not the norm, for most affected businesses.

Based on the explanation above, NMFS determines that this proposed rule, if implemented, would not have a significant adverse economic effect on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval. NMFS is proposing to revise the collection-of-information requirement under OMB Control Number 0648–0016, Southeast Region Logbook Family of Forms. The proposed rule would require owners or operators of charter vessels and headboats with South Atlantic Federal charter vessel/headboat permits, and when operating as such in state or Federal waters, to submit weekly electronic fishing reports. Public reporting burden for the proposed requirement is estimated to average 10 minutes per fishing trip and 2 minutes for a no-fishing report, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the necessary data, and compiling, reviewing, and submitting the information to be collected.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Southeast Regional Office at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, and no person will be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 622

Atlantic, Charter vessel, Cobia, Dolphin, Fisheries, Fishing, Gulf of Mexico, Headboat, King mackerel, Recordkeeping and reporting, Snapper-grouper, South Atlantic, Spanish mackerel, Wahoo.

Dated: March 29, 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: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.1, revise the Table 1 entry for ''FMP for the Dolphin and Wahoo Fishery off the Atlantic States'' to read as follows:

§ 622.1 Purpose and scope.

* * * * *

TABLE 1 TO § 622.1—FMPS IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
*	*	*
FMP for the Dolphin and Wahoo Fishery of the Atlantic.	SAFMC	Atlantic.
*	*	*

* * * * *

■ 3. In § 622.13, revise paragraph (g) to read as follows:

§ 622.13 Prohibitions—general.

* * * * *

(g) Harvest or possess fish if the required charter vessel or headboat reports have not been submitted in accordance with this part.

* * * * *

■ 4. In § 622.176, revise paragraph (b) to read as follows:

§ 622.176 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators—(1) General reporting requirement—(i) Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(ii) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(iii) *Electronic logbook/video monitoring reporting.* The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel fishes for or lands such snapper-grouper in or from state or Federal waters, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring program as directed by the SRD. Compliance with the reporting requirements of paragraph (b)(2)(ii) of this section is required for permit renewal.

(2) *Reporting deadlines—(i) Charter vessels and headboats.* Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(ii) Completed fishing reports required by paragraph (b)(1)(iii) of this section for charter vessels or headboats may be required weekly or daily, as directed by the SRD. Information to be reported is indicated on the form and its accompanying instructions.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraphs (b)(1)(i) and (ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, and other appropriate means such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2)(i) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software.

* * * * *

■ 5. Revise the heading of Subpart M to read as follows:

Subpart M—Dolphin and Wahoo Fishery of the Atlantic

■ 6. In § 622.271, revise paragraph (b) to read as follows:

§ 622.271 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators—(1) General reporting requirement—(i) Charter vessels.* The owner or operator of a charter vessel for

which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, as required under § 622.270(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(ii) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, as required under § 622.270(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(2) *Reporting deadlines for charter vessels and headboats.* Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraphs (b)(1)(i) and (ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, and other appropriate means such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software.

* * * * *

■ 7. In § 622.281, revise the introductory text to read as follows:

§ 622.281 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Dolphin and Wahoo Fishery of the Atlantic, the RA may establish or modify the following items specified in paragraph (a) of this section for Atlantic dolphin and wahoo.

* * * * *

■ 8. In § 622.374, revise paragraph (b) to read as follows:

§ 622.374 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators—(1) General reporting requirement—(i) Gulf of Mexico—(A) Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf coastal migratory fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2)(i)(A) of this section.

(B) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Gulf coastal migratory fish has been issued, as required under § 622.370(b)(1), or whose vessel fishes for or lands Gulf coastal migratory pelagic fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must submit an electronic fishing record for each trip of all fish harvested within the time period specified in paragraph (b)(2)(i)(B) of this section, via the Southeast Region Headboat Survey.

(ii) *Atlantic—(A) Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(B) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(2) *Reporting deadlines—(i) Gulf of Mexico—(A) Charter vessels.* Completed fishing records required by paragraph (b)(1)(i)(A) of this section for charter vessels must be submitted to the SRD weekly, postmarked no later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(B) *Headboats.* Electronic fishing records required by paragraph (b)(1)(i)(B) of this section for headboats must be submitted at weekly intervals

(or intervals shorter than a week if notified by the SRD) by 11:59 p.m., local time, the Sunday following a reporting week. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted for that reporting week by 11:59 p.m., local time, the Sunday following a reporting week.

(ii) *Atlantic.* Completed electronic fishing reports required by paragraph (b)(1)(ii) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraphs (b)(1)(i) and (ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, and other appropriate means such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraphs (b)(2)(i) or (ii) is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting.* Owners and operators must submit electronic reports using NMFS-approved hardware and software. In the Gulf, the NMFS-approved hardware and software must have a minimum capability of archiving GPS locations.

* * * * *

[FR Doc. 2018–06794 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 65
Wednesday, April 4, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maine Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Maine Advisory Committee (Committee) will hold a meeting on Wednesday, April 18, 2018, at 1:30 p.m. EDT for the purpose of reviewing and voting on an advisory memorandum on voting rights.

DATES: The meeting will be held on Wednesday, April 18, 2018, at 1:30 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ero@usccr.gov* or 202–376–7533.

SUPPLEMENTARY INFORMATION: Public Call Information: *Dial:* 1–888–539–3679, *Conference ID:* 9878585.

Members of the public can listen to the discussion. This meeting is available to the public through the above listed toll free number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number: 1–888–539–3679 and conference ID number: 9878585.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave., Suite 1150, Washington, DC 20425. They may also be faxed to the Commission at (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Maine Advisory Committee link: *https://www.facadatabase.gov/committee/meetings.aspx?cid=252*. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda: Wednesday, April 18, 2018 at 1:30 p.m. (EDT)

- Welcome and Roll Call
- Review Advisory Memorandum on Voting Rights
- Vote on Advisory Memorandum on Voting Rights
- Other Business
- Public Comment
- Adjournment

Dated: March 30, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–06801 Filed 4–3–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 180129088–8088–01]

RIN 0691–XC076

BE–605: Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate With Foreign Parent

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (BE–605). The data collected through the BE–605 survey are needed to measure the size and economic significance of foreign direct investment in the United States and its impact on the U.S. economy. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278–9595; or via email at *Jessica.Hanson@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–605 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 30 days after the close of each calendar or fiscal quarter, or within 45 days if the report is for the final quarter of the financial reporting year. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International

Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–605 survey forms and instructions are available at *www.bea.gov/fdi.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. business enterprise in which a foreign person has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise, and that meets the additional conditions detailed in Form BE–605.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey form and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/fdi* and submitted through mail or fax. Form BE–605 inquiries can be made by phone to (301) 278–9422 or by sending an email to *be605@bea.gov.*

When To Report: Reports are due to BEA 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the financial reporting year.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0009. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0068, 725 17th Street NW, Washington, DC 20503, or via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

[FR Doc. 2018–06903 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 180126085–8085–01]

RIN 0691–XC074

BE–577: Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter With Foreign Affiliate

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter with Foreign Affiliate (BE–577). The data collected through the BE–577 survey are needed to measure the size and economic significance of U.S. direct investment abroad and its impact on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Jessica Hanson, Chief, Direct Transactions and Positions Branch (BE–49), Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278–9595; or via email at *Jessica.Hanson@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–577 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 30 days after the close of each calendar or fiscal quarter, or within 45 days if the report is for the final quarter of the financial reporting year. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–577 survey forms and instructions are available at *www.bea.gov/dia.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE–577.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey form and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/dia* and submitted through mail or fax. Form BE–577 inquiries can be made by phone to (301) 278–9261 or by sending an email to *be577@bea.gov.*

When To Report: Reports are due to BEA 30 days after the close of each calendar or fiscal quarter, or 45 days if the report is for the final quarter of the financial reporting year.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0004. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0004, 725 17th Street NW, Washington, DC 20503, or via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

[FR Doc. 2018–06904 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 180129089–8089–01]

RIN 0691–XC077

BE–30: Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers (BE–30). The data collected on the BE–30 survey are needed to measure U.S. trade in transport services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278–9189; or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–30 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each calendar quarter. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–30 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from U.S. ocean carriers that had total reportable revenues or total reportable expenses that were $500,000 or more during the prior year, or are expected to be $500,000 or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on U.S. ocean freight carriers' foreign revenues and expenses.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–30 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-30help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 4 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0011, 725 17th Street NW, Washington, DC 20503, or via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

[FR Doc. 2018–06902 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 180126086–8086–01]

RIN 0691–XC075

BE–185: Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons (BE–185). The data collected on the BE–185 survey are needed to measure U.S. trade

in financial services and to analyze the impact of U.S. trade on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988.

FOR FURTHER INFORMATION CONTACT: Christopher Stein, Chief, Services Surveys Branch (BE–50), Balance of Payments Division, Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278–9189; or via email at *Christopher.Stein@bea.gov.*

SUPPLEMENTARY INFORMATION: Through this Notice, BEA publishes the reporting requirements for the BE–185 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. Entities must submit the completed survey forms within 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801, and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 15 U.S.C. 4908(b)). Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–185 survey form and instructions are available at *www.bea.gov/ssb.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person who had sales of covered financial services to foreign persons that exceeded $20 million during the previous fiscal year, or are expected to exceed that amount during the current fiscal year; or had purchases of covered financial services from foreign persons that exceeded $15 million during the previous fiscal year, or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on transactions in the covered financial services between U.S. financial services providers and foreign persons.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/ssb* and submitted through mail or fax. Form BE–185 inquiries can be made by phone to BEA at (301) 278–9303 or by sending an email to *be-185help@bea.gov.*

When To Report: Reports are due to BEA 45 days after the end of each fiscal quarter, except for the final quarter of the entity's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0065. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 10 hours per response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0065, 725 17th Street NW, Washington, DC 20503, or via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108 and 15 U.S.C. 4908(b).

Brian C. Moyer,

Director, Bureau of Economic Analysis.

[FR Doc. 2018–06905 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 180125074–8074–01]

RIN 0691–XC072

BE–11: Annual Survey of U.S. Direct Investment Abroad

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of U.S. Direct Investment Abroad (BE–11). The data collected through the BE–11 survey are needed to measure the size and economic significance of U.S. direct investment abroad and its impact on the U.S. and foreign economies. This survey is authorized by the International Investment and Trade in Services Survey Act.

FOR FURTHER INFORMATION CONTACT: Ricardo Limés, Chief, Multinational Operations Branch (BE–49), Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278–9659; or via email at *Ricardo.Limes@bea.gov.*

SUPPLEMENTARY INFORMATION: BEA publishes the reporting requirements for the BE–11 survey form. As noted below, all entities required to respond to this mandatory survey will be contacted by BEA. A completed report covering the entity's fiscal year ending during the previous calendar year is due by May 31. This Notice is being issued in conformance with the rule BEA issued on April 24, 2012 (77 FR 24373), establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected

pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–11 survey forms and instructions are available at *www.bea.gov/dia.*

Reporting

Notice of specific reporting requirements, including who is to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be mailed to those required to complete this survey.

Who Must Report: (a) Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE–11.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey collects information on the operations of U.S. parent companies and their foreign affiliates.

How To Report: Reports can be filed using BEA's electronic reporting system at *www.bea.gov/efile.* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be downloaded from *www.bea.gov/dia* and submitted through mail or fax. Form BE–11 inquiries can be made by phone to (301) 278–9418 or by sending an email to *be10/11@bea.gov.*

When To Report: A completed report covering an entity's fiscal year ending during the previous calendar year is due by May 31.

Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0053. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. A complete response includes one BE–11A form (with an estimated average reporting burden of 7 hours) for reporting domestic operations and one or more BE–11B (12 hours), BE–11C (2 hours), or BE–10D (1 hour) forms for reporting foreign operations. Public reporting burden for this collection of information is estimated to average a total of 138 hours per complete response. Additional information regarding this burden estimate may be viewed at *www.reginfo.gov;* under the Information Collection Review tab, click on ''Search'' and use the above OMB control number to search for the current survey instrument. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, 4600 Silver Hill Rd., Washington, DC 20233; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0053, 725 17th Street NW, Washington, DC 20503, or via email at *OIRA_Submission@omb.eop.gov.*

Authority: 22 U.S.C. 3101–3108.

Brian C. Moyer,

Director, Bureau of Economic Analysis.

[FR Doc. 2018–06907 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–77–2017]

Foreign-Trade Zone (FTZ) 158—Jackson, Mississippi; Authorization of Production Activity; Traxys Cometals Processing, Inc.; (Manganese and Aluminum Alloying Agents); Burnsville, Mississippi

On November 27, 2017, Traxys Cometals Processing, Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 158, in Burnsville, Mississippi.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 58795, December 14, 2017). On March 27, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 28, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–06825 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–23–2018]

Approval of Subzone Status; Distrilogik US Ltd.; Dayton, New Jersey

On February 2, 2018, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the State of New Jersey, Department of State, grantee of FTZ 44, requesting subzone status subject to the existing activation limit of FTZ 44, on behalf of Distrilogik US Ltd., in Dayton, New Jersey.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (83 FR 5604, February 8, 2018). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 44K was approved on March 29, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 44's 407.5-acre activation limit.

Dated: March 29, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–06826 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on Thursday, April 19, 2018 at 9:30 a.m. EST, hosted at the SPIE Defense and Commercial Sensing Conference located at the Gaylord Palms Resort and Convention Center at 6000 W Osceola Pkwy., Kissimmee, FL 34746. Meeting Room Captiva 2, Ballroom Level. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session:

1. Welcome and Introductions.

2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session:

5. 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 session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than April 17, 2018.

A limited number of seats will be available during the public session of the meeting. 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 distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 13, 2018 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall 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 remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–06773 Filed 4–3–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–905]

Certain Polyester Staple Fiber From the People's Republic of China: Continuation of Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty order on certain polyester staple fiber (PSF) from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the antidumping duty order.

DATES: Applicable Date: Applicable April 4, 2018.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, 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) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2007, Commerce published in the **Federal Register** notice of the antidumping duty order on PSF from China.[1] On September 6, 2017, Commerce initiated the second five-year (sunset) review of the antidumping duty order on PSF from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

Commerce conducted this sunset review on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), because it received a complete, timely, and adequate response from a domestic interested party but no substantive responses from respondent interested parties. As a result of its review, Commerce determined that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping.[3] Commerce, therefore, notified the ITC of the magnitude of the margins likely to prevail should the antidumping duty order be revoked. On March 15, 2018, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on PSF from China would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Order

The merchandise subject to the order is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. Polyester staple fiber is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture.

The following products are excluded from the scope of the order: (1) Polyester staple fiber of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at 5503.20.0025 and known to the industry as polyester staple fiber for spinning and generally used in woven and knit applications to produce textile and apparel products; (2) polyester staple fiber of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting; and (3) low-melt polyester staple fiber defined as a bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

Certain polyester staple fiber is classifiable under the HTSUS numbers 5503.20.0045 and 5503.20.0065. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Continuation of the Order

As a result of determinations by Commerce and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the antidumping duty order on PSF from China. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of

[1] *See Notice of Antidumping Duty Order: Certain Polyester Staple Fiber from the People's Republic of China,* 72 FR 30545 (June 1, 2007) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews,* 82 FR 42078 (September 6, 2017).

[3] *See Certain Polyester Staple Fiber from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order,* 83 FR 8052 (February 23, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum (IDM), dated February 16, 2018.

[4] *See* Certain Polyester Staple Fiber from China: Investigation No. 731–TA–1104 (Second Review), USITC Publication 4767 (March 2018).

publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next sunset review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: March 29, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2018–06838 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that JBF RAK LLC (JBF) made sales of subject merchandise at less than normal value during the period of review (POR), November 1, 2015, through October 31, 2016, and that UFlex Limited (UFlex) had no shipments of subject merchandise during the POR.

DATES: Applicable Date: April 4, 2018.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the preliminary results of this administrative review on December 1, 2017.[1] We invited interested parties to comment on the *Preliminary Results.* On January 2, 2017, Commerce received a timely-filed case brief from JBF.[2] No party filed a rebuttal brief.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now April 3, 2018.[3]

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Final Determination of No Shipments

In the *Preliminary Results,* we preliminarily found that one company, UFlex, had no shipments during the POR.[4] Consistent with Commerce's assessment practice, Commerce completed the review with respect to UFlex.[5] For these final results, we continue to find that UFlex had no shipments during the POR.

Analysis of Comments Received

All issues raised in the sole case brief filed in this review are addressed in the Issues and Decision Memorandum.[6] A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and it is available to all parties in the Central Records Unit of the main Commerce Building, Room B–8024. In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made one change to our margin calculations for JBF. Specifically, we revised our calculation of home market credit expenses.[7] A complete discussion of this change can be found in the Issues and Decision Memorandum.

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the period of November 1, 2015, through October 31, 2016:

Producer or exporter	Weighted-average dumping margin (percent *ad valorem*)
JBF RAK LLC	18.90

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016,* 82 FR 56949 (December 1, 2017) (*Preliminary Results*).

[2] *See* ''Polyethylene Terephthalate (PET) Film, Sheet and Strip from the United Arab Emirates (A–520–803); Case Brief of JBF RAK, LLC,'' dated January 2, 2018.

[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 Preliminary Results* at 3.

[5] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments*; 2012–2013, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306, 51306–51307 (August 28, 2014).

[6] *See* Memorandum, ''Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results and Final Determination of No Shipments; 2015–2016,'' (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

[7] *See* Issues and Decision Memorandum at page 2.

appropriate entries of subject merchandise in accordance with the final results of this review.[8] Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For JBF, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section ''Final Results of Review;'' (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

[8] Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[9] See Polyethylene Terephthalate Film, Sheet, and Strip from Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates, 73 FR 66595, 66596 (November 10, 2008).

Notification to Importers

This notice 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 occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the 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 or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 29, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

Issues in the Decision Memorandum

I. Summary
II. Scope of the Order
III. Period of Review
IV. Discussion of the Issue
Comment 1: Home Market Credit Expenses
V. Recommendation

[FR Doc. 2018–06837 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF991

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys off of Delaware

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from Garden State Offshore Energy, LLC (GSOE), for authorization to take marine mammals incidental to marine site characterization surveys off the coast of Delaware as part of the Skipjack Wind Project in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0482) and along potential submarine cable routes to a landfall location in Maryland or Delaware. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 4, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910, and electronic comments should be sent to *ITP.carduner@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at

www.nmfs.noaa.gov/pr/permits/incidental/energy_other.htm without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Jordan Carduner, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the internet at: *www.nmfs.noaa.gov/pr/permits/incidental/energy_other.htm.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C.1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

Accordingly, NMFS is preparing an Environmental Assessment (EA) to consider the environmental impacts associated with the issuance of the proposed IHA. We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On November 22, 2017, NMFS received a request from GSOE for an IHA to take marine mammals incidental to marine site characterization surveys off the coast of Delaware in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0482) (Lease Area) and along potential submarine cable routes to a landfall location in Maryland or Delaware. GSOE has designated Skipjack Offshore Energy, LLC (Skipjack), a wholly-owned indirect subsidiary of Deepwater Wind Holdings, LLC (Deepwater Wind), and an affiliate of GSOE, to perform the activities described in the IHA application. A revised application was received on March 19, 2018. NMFS deemed that request to be adequate and complete. GSOE's request is for take of 14 marine mammal species by Level B harassment. Neither GSOE nor NMFS expects serious injury or mortality to result from this activity, and the activity is expected to last no more than one year Therefore, an IHA is appropriate.

Description of the Proposed Activity

Overview

GSOE proposes to conduct marine site characterization surveys, including high-resolution geophysical (HRG) and geotechnical surveys, in the Lease Area and along potential submarine cable routes to landfall locations in either the state of Maryland or Delaware. Surveys would occur from approximately May 2018 through December 2018.

The purpose of the marine site characterization surveys is to obtain a baseline assessment of seabed/sub-surface soil conditions in the Lease Area and cable route corridors to support the siting of the proposed Skipjack wind farm. Underwater sound resulting from GSOE's proposed site characterization surveys have the potential to result in incidental take of marine mammals in the form of behavioral harassment.

Dates and Duration

The site characterization surveys would occur between May 15, 2018, and December 31, 2018. During this time period, geophysical surveys would be conducted for up to 183 days and geotechnical surveys would be conducted for up to 72 days. This schedule is based on 24-hour operations and includes potential down time due to inclement weather. Surveys will last for approximately seven months and are anticipated to commence upon issuance of the requested IHA, if appropriate.

Specific Geographic Region

GSOE's survey activities would occur in the Northwest Atlantic Ocean within Federal waters. Surveys would occur in the Lease Area and along potential submarine cable routes to landfall locations in the state of Maryland and Delaware (see Figure 1 in the IHA application). The Lease Area is approximately 390 square kilometers (km^2) (96,430 acres). The Lease Area is approximately 11 miles due east from Rehoboth Beach, Delaware, at its closest point to shore.

Detailed Description of the Specified Activities

GSOE's proposed marine site characterization surveys include HRG and geotechnical survey activities. Surveys would occur within the Bureau of Ocean Energy Management (BOEM) Delaware Wind Energy Area (DE WEA) which is east of Delaware (see Figure 1 in the IHA application). Water depths in the Lease Area range from 16 to 28 meters (m) (52 to 92 feet (ft)). For the purpose of this IHA the Lease Area and submarine cable corridor are collectively termed the Project Area.

Geophysical and shallow geotechnical survey activities are anticipated to be supported by a vessel approximately 30–60 m (100–200 ft) long which will maintain a speed of between two to five knots (kn) while transiting survey lines. Deep geotechnical survey activities and possible shallow geotechnical activities are anticipated to be conducted from an 80 to 100 m (250 to 300 ft) dynamically

positioned (DP) vessel with support of a tug boat. Survey activities will be executed in compliance with the July 2015 *BOEM Guidelines for Providing Geophysical, Geotechnical, and Geohazard Information Pursuant to 30 CFR part 585.* The proposed HRG and geotechnical survey activities are described below.

Geotechnical Survey Activities

GSOE's proposed geotechnical survey activities would include the following:

- Vibracores to characterize the geological and geotechnical characteristics of the seabed, up to approximately 5 m deep. Vibracoring entails use of a hydraulic or electric driven pulsating head to drive a hollow tube into the seafloor and recover a stratified representation of the sediment.
- Core Penetration Testing (CPT) to determine stratigraphy and in-situ conditions of the sediments. Target penetration is 60 to 75 m.
- Deep Boring Cores would be drilled to determine the vertical and lateral variation in seabed conditions and provide geotechnical data to depths at least 10 m deeper than design penetration of the foundations (60 to 75 m target penetration).

GSOE's proposed geotechnical survey activities would last up to 72 days. Shallow geotechnical surveys, consisting of CPTs and vibracores, are planned for within the Lease Area and approximately every 1–2 kilometers (km) along the export cable routes. Foundation-depth geotechnical borings are also planned at each proposed foundation location within the Lease Area. While the quantity and locations of wind turbine generators to be installed, as well as cable route, has yet to be determined, an estimate of 66 vibracores, 21 CPTs, and 22 deep borings are planned within the Lease Area and along the export cable routes. The geotechnical sampling will be conducted from a DP vessel, approximately 80 m in length.

In considering whether marine mammal harassment is an expected outcome of exposure to a particular activity or sound source, NMFS considers the nature of the exposure itself (*e.g.,* the magnitude, frequency, or duration of exposure), characteristics of the marine mammals potentially exposed, and the conditions specific to the geographic area where the activity is expected to occur (*e.g.,* whether the activity is planned in a foraging area, breeding area, nursery or pupping area, or other biologically important area for the species). We then consider the expected response of the exposed animal and whether the nature and duration or intensity of that response is expected to cause disruption of behavioral patterns (*e.g.,* migration, breathing, nursing, breeding, feeding, or sheltering) or injury.

Geotechnical survey activities would be conducted from a drill ship equipped with DP thrusters. DP thrusters would be used to position the sampling vessel on station and maintain position at each sampling location during the sampling activity. Sound produced through use of DP thrusters is similar to that produced by transiting vessels and DP thrusters are typically operated either in a similarly predictable manner or used for short durations around stationary activities. NMFS does not believe acoustic impacts from DP thrusters are likely to result in take of marine mammals in the absence of activity- or location-specific circumstances that may otherwise represent specific concerns for marine mammals (*i.e.,* activities proposed in area known to be of particular importance for a particular species), or associated activities that may increase the potential to result in take when in concert with DP thrusters. In this case, we are not aware of any such circumstances. Monitoring of past projects that entailed use of DP thrusters has shown a lack of observed marine mammal responses as a result of exposure to sound from DP thrusters. Therefore, NMFS believes the likelihood of DP thrusters used during the proposed geotechnical surveys resulting in harassment of marine mammals to be so low as to be discountable. As DP thrusters are not expected to result in take of marine mammals, these activities are not analyzed further in this document.

Vibracoring entails driving a hydraulic or electric pulsating head through a hollow tube into the seafloor to recover a stratified representation of the sediment. The vibracoring process is short in duration and is performed from a dynamic positioning vessel. The vessel would use DP thrusters to maintain the vessel's position while the vibracore sample is taken, as described above. The vibracoring process would always be performed in concert with DP thrusters, and DP thrusters would begin operating prior to the activation of the vibracore to maintain the vessel's position; thus, we expect that any marine mammals in the project area would detect the presence and noise associated with the vessel and the DP thrusters prior to commencement of vibracoring. Any reaction by marine mammals would be expected to be similar to reactions to the concurrent DP thrusters, which are expected to be minor and short term. In this case, vibracoring is not planned in any areas of particular biological significance for any marine mammals. Thus while a marine mammal may perceive noise from vibracoring and may respond briefly, we believe the potential for this response to rise to the level of take to be so low as to be discountable, based on the short duration of the activity and the fact that marine mammals would be expected to react to the vessel and DP thrusters before vibracoring commences, potentially through brief avoidance. In addition, the fact that the geographic area is not biologically important for any marine mammal species means that such reactions are not likely to carry any meaningful significance for the animals.

Field studies conducted off the coast of Virginia to determine the underwater noise produced by CPTs and borehole drilling found that these activities did not result in underwater noise levels that exceeded current thresholds for Level B harassment of marine mammals (Kalapinski, 2015). Given the small size and energy footprint of CPTs borehole drilling, NMFS believes the likelihood that noise from these activities would exceed the Level B harassment threshold at any appreciable distance is so low as to be discountable. Therefore, geotechnical survey activities, including CPTs, borehole drilling and vibracores, are not expected to result in harassment of marine mammals and are not analyzed further in this document.

Geophysical Survey Activities

GSOE has proposed that HRG survey operations would be conducted continuously 24 hours per day. Based on 24-hour operations, the estimated duration of the geophysical survey activities would be approximately 183 days (including estimated weather down time). The geophysical survey activities proposed by GSOE would include the following:

- Multibeam Depth Sounder to determine water depths and general bottom topography. The multibeam echosounder sonar system projects sonar pulses in several angled beams from a transducer mounted to a ship's hull. The beams radiate out from the transducer in a fan-shaped pattern orthogonally to the ship's direction.
- Shallow Penetration Sub-Bottom Profiler (Chirp) to map the near surface stratigraphy (top 0 to 5 m of sediment below seabed). A Chirp system emits sonar pulses which increase in frequency (3.5 to 200 kHz) over time. The pulse length frequency range can be adjusted to meet project variables.
- Medium Penetration Sub-Bottom Profiler (Boomer) to map deeper subsurface stratigraphy as needed. This

system is commonly mounted on a sled and towed behind a boat.

• Medium Penetration Sub-Bottom Profiler (Sparker and/or bubble gun) to map deeper subsurface stratigraphy as needed. Sparkers create acoustic pulses omni-directionally from the source that can penetrate several hundred meters into the seafloor. Hydrophone arrays towed nearby receive the return signals.

• Sidescan Sonar used to image the seafloor for seabed sediment classification purposes and to identify natural and man-made acoustic targets on the seafloor. The sonar device emits conical or fan-shaped pulses down toward the seafloor in multiple beams at a wide angle, perpendicular to the path of the sensor through the water. The acoustic return of the pulses is recorded in a series of cross-track slices, which can be joined to form an image of the sea bottom within the swath of the beam.

• Marine Magnetometer to detect ferrous metal objects on the seafloor which may cause a hazard including anchors, chains, cables, pipelines, ballast stones and other scattered shipwreck debris, munitions of all sizes, unexploded ordinances, aircraft, engines and any other object with magnetic expression.

Table 1 identifies the representative survey equipment that may be used in support of planned geophysical survey activities. The make and model of the listed geophysical equipment will vary depending on availability and the final equipment choices will vary depending upon the final survey design, vessel availability, and survey contractor selection. Any survey equipment selected would have characteristics similar to the systems described below, if different.

TABLE 1—SUMMARY OF GEOPHYSICAL SURVEY EQUIPMENT PROPOSED FOR USE BY GSOE

Equipment type	Operating frequencies (kHz)	Source level (SLrms dB re 1 μPA @1 m)	Operational depth (meters below surface)	Beam width (degrees)	Pulse duration (milliseconds)
Multibeam Depth Sounding					
Reson SeaBat 7125 [1]	200 and 400	220	4	128	0.03 to 0.3.
Reson SeaBat 7101 [2]	100	162	2 to 5	140	0.8 to 3.04.
R2SONIC Sonic 2020 [1]	170 to 450	162	2 to 5	160	0.11.
Shallow Sub-bottom Profiling					
Teledyne Benthos Chirp III [3]	2 to 7	197	4	45	0.2.
EdgeTech SB3200 XS SB216 [4]	2 to 16	176	2 to 5	170	3.4.
Medium Penetration Sub-bottom Profiling					
Applied Acoustics Fugro boomer [1]	0.1 to 10	175	1 to 2	60	58.
Applied Acoustics S-Boom system—CSP–D 2400HV (600 joule/pulse) [5].	0.25 to 8	203	2	25 to 35	0.6.
GeoResources 800 Joule Sparker [6]	0.75 to 2.75	203	4	360 (omni-directional).	0.1 to 0.2.
Falmouth Scientific HMS 620 bubble gun [7]	0.02 to 1.7	196	1.5	360 (omni-directional).	1.6.
Applied Acoustics Dura-Spark 240 [5]	0.03 to 5	213	1 to 2	170	2.1.
Side Scan Sonar					
Klein Marine Systems model 3900 [1]	445 and 900	242	20	40	0.025.
EdgeTech model 4125 [1]	105 and 410	225	10	158	10 to 20.
EdgeTech model 4200 [1]	300 and 600	215 to 220	1	0.5 and 0.26	5 to 12.

[1] Source level obtained from equipment specifications as described in 82 FR 22250: ''Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys off the Coast of New York.''
[2] Source level based on published manufacturer specifications and/or systems manual.
[3] Source level based on published manufacturer specifications and/or systems manual—assumed configured as TTV–171 with AT–471 transducer per system manual.
[4] Source level obtained from Crocker and Fratantonio (2016). Assumed to be 3200 XS with SB216. Used as proxy: 3200 XS with SB424 in 4–24 kHz mode Since the 3200 XS system manual lists same power output between SB216 and SB 424.
[5] Source level obtained from Crocker and Fratantonio (2016).
[6] Source level obtained from Crocker and Fratantonio (2016)—ELC820 used as proxy.
[7] Source level obtained from Crocker and Fratantonio (2016)—Used single plate 1 due to discrepancies noted in Crocker and Fratantonio (2016) regarding plate 2.

The deployment of HRG survey equipment, including the equipment planned for use during GSOE's planned activity, produces sound in the marine environment that has the potential to result in harassment of marine mammals. However, sound propagation is dependent on several factors including operating mode, frequency and beam direction of the HRG equipment; thus, potential impacts to marine mammals from HRG equipment are driven by the specification of individual HRG sources. The specifications of the potential equipment planned for use during HRG survey activities (Table 1) were analyzed to determine which types of equipment would have the potential to result in harassment of marine mammals. HRG equipment that would

be operated either at frequency ranges that fall outside the functional hearing ranges of marine mammals (*e.g.,* above 200 kHz) or that that operate within marine mammal functional hearing ranges but have low sound source levels (*e.g.,* a single pulse at less than 200 dB re re 1 μPa) were assumed to not have the potential to result in marine mammal harassment and were therefore eliminated from further analysis. Of the potential HRG survey equipment planned for use, the following equipment was determined to have the potential to result in harassment of marine mammals:

- Teledyne Benthos Chirp III Sub-bottom Profiler;
- EdgeTech Sub-bottom Profilers (Chirp);
- Applied Acoustics Fugro Sub-bottom Profiler (Boomer);
- Applied Acoustics S-Boom Sub-bottom Profiling System consisting of a CSP-D 2400HV power supply and 3-plate catamaran;
- GeoResources 800 Joule Sparker;
- Falmouth Scientific HMS 620 Bubble Gun; and
- Applied Acoustics Dura-Spark 240 System;

As the HRG survey equipment listed above was determined to have the potential to result in harassment of marine mammals, the equipment listed above was carried forward in the analysis of potential impacts to marine mammals; all other HRG equipment planned for use by GSOE is not expected to result in harassment of marine mammals and is therefore not analyzed further in this document.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'').

Description of Marine Mammals in the Area of Specified Activity

Sections 3 and 4 of GSOE's IHA application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SAR; *www.nmfs.noaa.gov/pr/sars/*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*www.nmfs.noaa.gov/pr/species/mammals/*). All species that could potentially occur in the proposed survey areas are included in Table 5 of the IHA application. However, the temporal and/or spatial occurrence of several species listed in Table 5 of the IHA application is such that take of these species is not expected to occur, and they are not discussed further beyond the explanation provided here. Take of these species is not anticipated either because they have very low densities in the project area, are known to occur further offshore than the project area, or are considered very unlikely to occur in the project area during the proposed survey due to the species' seasonal occurrence in the area.

Table 2 lists all species with expected potential for occurrence in the survey area and with the potential to be taken as a result of the proposed survey and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2017). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no mortality is anticipated or authorized here, PBR is included here as a gross indicator of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. 2017 draft SARs (*e.g.,* Hayes *et al.,* 2018). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2017 draft Atlantic SARs (Hayes *et al.,* 2018).

TABLE 2—MARINE MAMMALS KNOWN TO OCCUR IN THE SURVEY AREA

Common name	Stock	NMFS MMPA and ESA status; strategic (Y/N) [1]	NMFS stock abundance (CV,N_{min}, most recent abundance survey) [2]	Predicted abundance (CV) [3]	PBR [4]	Occurrence and seasonality in the survey area
Toothed whales (Odontoceti)						
Sperm whale (*Physeter macrocephalus*).	North Atlantic	E; Y	2,288 (0.28; 1,815; n/a).	5,353 (0.12)	3.6	Rare.
Long-finned pilot whale (*Globicephala melas*).	W. North Atlantic	—; Y	5,636 (0.63; 3,464; n/a).	[6] 18,977 (0.11)	35	Rare.
Atlantic white-sided dolphin (*Lagenorhynchus acutus*).	W. North Atlantic	—; N	48,819 (0.61; 30,403; n/a).	37,180 (0.07)	304	Rare.
Atlantic spotted dolphin (*Stenella frontalis*).	W. North Atlantic	—; N	44,715 (0.43; 31,610; n/a).	55,436 (0.32)	316	Rare.
Bottlenose dolphin (*Tursiops truncatus*).	W. North Atlantic, Offshore.	—; N	77,532 (0.40; 56,053; 2011).	[5] 97,476 (0.06)	561	Common year round.
	W. North Atlantic, Northern Migratory Coastal.	—; N	6,639 (0.41; 4,759; 2015).		48	Common in summer; rare in winter.

TABLE 2—MARINE MAMMALS KNOWN TO OCCUR IN THE SURVEY AREA—Continued

Common name	Stock	NMFS MMPA and ESA status; strategic (Y/N) [1]	NMFS stock abundance (CV,N_{min}, most recent abundance survey) [2]	Predicted abundance (CV) [3]	PBR [4]	Occurrence and seasonality in the survey area
Short-beaked common dolphin (*Delphinus delphis*).	W. North Atlantic	—; N	70,184 (0.28; 55,690; 2011).	86,098 (0.12)	557	Common year round.
Harbor porpoise (*Phocoena phocoena*).	Gulf of Maine/Bay of Fundy.	—; N	79,833 (0.32; 61,415; 2011).	*45,089 (0.12)	706	Common year round.
Baleen whales (Mysticeti)						
North Atlantic right whale (*Eubalaena glacialis*).	W. North Atlantic	E; Y	458 (0; 455; n/a)	*535 (0.45)	1.4	Year round in continental shelf and slope waters, occur seasonally to forage.
Humpback whale [6] (*Megaptera novaeangliae*).	Gulf of Maine	—; N	335 (0.42; 239; n/a)	*1,637 (0.07)	3.7	Common year round.
Fin whale (*Balaenoptera physalus*).	W. North Atlantic	E; Y	1,618 (0.33; 1,234; n/a).	4,633 (0.08)	2.5	Year round in continental shelf and slope waters, occur seasonally to forage.
Sei whale (*Balaenoptera borealis*).	Nova Scotia	E; Y	357 (0.52; 236; n/a)	717 (0.3)	0.5	Year round in continental shelf and slope waters, occur seasonally to forage.
Minke whale (*Balaenoptera acutorostrata*).	Canadian East Coast	—; N	2,591 (0.81; 1,425; n/a).	*2,112 (0.05)	162	Year round in continental shelf and slope waters, occur seasonally to forage.
Earless seals (Phocidae)						
Gray seal [7] (*Halichoerus grypus*).	W. North Atlantic	—; N	27,131 (0.10; 25,908; n/a).		1,554	Rare.
Harbor seal (*Phoca vitulina*).	W. North Atlantic	—; N	75,834 (0.15; 66,884; 2012).		2,006	Common year round.

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR (see footnote 3) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate. All values presented here are from the 2017 draft Atlantic SARs (Hayes *et al.,* 2018).

[3] This information represents species- or guild-specific abundance predicted by recent habitat-based cetacean density models (Roberts *et al.,* 2016). These models provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. Atlantic Ocean, and we provide the corresponding abundance predictions as a point of reference. Total abundance estimates were produced by computing the mean density of all pixels in the modeled area and multiplying by its area. For those species marked with an asterisk, the available information supported development of either two or four seasonal models; each model has an associated abundance prediction. Here, we report the maximum predicted abundance.

[4] Potential biological removal, defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population size (OSP).

[5] Abundance estimates are in some cases reported for a guild or group of species when those species are difficult to differentiate at sea. Similarly, the habitat-based cetacean density models produced by Roberts *et al.* (2016) are based in part on available observational data which, in some cases, is limited to genus or guild in terms of taxonomic definition. Roberts *et al.* (2016) produced density models to genus level for *Globicephala* spp. and produced a density model for bottlenose dolphins that does not differentiate between offshore and coastal stocks.

[6] NMFS stock abundance estimate applies to Gulf of Maine feeding population. Actual humpback whale population in survey area is likely to be larger and to include humpback whales from additional feeding populations in unknown numbers.

[7] NMFS stock abundance estimate applies to U.S. population only, actual abundance is believed to be much larger.

Four marine mammal species that are listed under the Endangered Species Act (ESA) may be present in the survey area and are included in the take request: North Atlantic right whale, fin whale, sei whale and sperm whale.

Below is a description of the species that are both common in the survey area east of Delaware and that have the

highest likelihood of occurring, at least seasonally, in the survey area and thus are expected to have the potential to be taken by the proposed activities. Though other marine mammal species are known to occur in the Northwest Atlantic Ocean, the temporal and/or spatial occurrence of several of these species is such that take of these species is not expected to occur, and they are therefore not discussed further beyond the explanation provided here. Take of these species is not anticipated either because they have very low densities in the project area (*e.g.,* blue whale, Clymene dolphin, pantropical spotted dolphin, striped dolphin, spinner dolphin, killer whale, false killer whale, pygmy killer whale, short-finned pilot whale), or, are known to occur further offshore than the project area (*e.g.,* beaked whales, rough toothed dolphin, Kogia *spp.*).

For the majority of species potentially present in the specific geographic region, NMFS has designated only a single generic stock (*e.g.,* ''western North Atlantic'') for management purposes. This includes the ''Canadian east coast'' stock of minke whales, which includes all minke whales found in U.S. waters. For humpback and sei whales, NMFS defines stocks on the basis of feeding locations, *i.e.,* Gulf of Maine and Nova Scotia, respectively. However, our reference to humpback whales and sei whales in this document refers to any individuals of the species that are found in the specific geographic region.

North Atlantic Right Whale

The North Atlantic right whale ranges from the calving grounds in the southeastern United States to feeding grounds in New England waters and into Canadian waters (Waring *et al.,* 2016). Surveys have demonstrated the existence of seven areas where North Atlantic right whales congregate seasonally, including Georges Bank, Cape Cod, and Massachusetts Bay (Waring *et al.,* 2016). In the late fall months (*e.g.,* October), right whales generally depart from the feeding grounds in the North Atlantic and move south to their breeding grounds. Movements within and between habitats are extensive, and the area off the mid-Atlantic states is an important migratory corridor (Waring *et al.,* 2016). In 2000, one whale was photographed in Florida waters on January 12, then again 11 days later in Cape Cod Bay, less than a month later off Georgia, and back in Cape Cod Bay five weeks later, effectively making the round-trip migration to the Southeast and back at least twice during the winter season (Brown and Marx 2000). During the proposed survey right whales may be migrating through the proposed survey area and the surrounding waters.

The western North Atlantic population demonstrated overall growth of 2.8 percent per year between 1990 to 2010, despite a decline in 1993 and no growth between 1997 and 2000 (Pace *et al.* 2017). However, since 2010 the population has been in decline, with a 99.99 percent probability of a decline of just under 1 percent per year (Pace *et al.* 2017). Between 1990 and 2015, calving rates varied substantially, with low calving rates coinciding with all three periods of decline or no growth (Pace *et al.* 2017). On average, North Atlantic right whale calving rates are estimated to be roughly half that of southern right whales (*Eubalaena australis*) (Pace *et al.* 2017), which are increasing in abundance (NMFS 2015).

The proposed survey area is part of the Eastern Atlantic Biologically Important Area (BIA) for North Atlantic right whales, which is important for right whale migration in March, April, November and December; this important migratory area is comprised of the waters of the continental shelf offshore the East Coast of the United States and extends from Florida through Massachusetts. Based on the proposed survey schedule (May through December), the majority of the survey would occur outside the months when the BIA is considered important for right whale migration.

NMFS' regulations at 50 CFR part 224.105 designated nearshore waters of the Mid-Atlantic Bight as Mid-Atlantic U.S. Seasonal Management Areas (SMA) for right whales in 2008. SMAs were developed to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds. Within SMAs, mandatory vessel speed restrictions (less than 10 kn) are in place for vessels greater than 65 ft. A portion of one SMA overlaps spatially with the northern section of the proposed survey area. This SMA, which occurs off the mouth of the Delaware Bay, is active from November 1 through April 30 of each year. Any survey vessels greater than 65 ft in length would be required to adhere to the mandatory vessel speed restrictions when operating within the SMA (when the SMA is active from November 1 through April 30).

The current abundance estimate for this stock is 458 individuals (Hayes *et al.,* 2018). Data indicates that the number of adult females fell from 200 in 2010 to 186 in 2015 while males fell from 283 to 272 in the same timeframe (Pace *et al.,* 2017). In addition, elevated North Atlantic right whale mortalities have occurred since June 7, 2017, including a total of 17 confirmed dead stranded whales (12 in Canada; 5 in the United States), and an additional 5 live whale entanglements in Canada, documented to date. This event has been declared an Unusual Mortality Event (UME). More information is available online at: *http://www.nmfs.noaa.gov/pr/health/mmume/2017northatlanticrightwhaleume.html.*

Humpback Whale

Humpback whales are found worldwide in all oceans. The humpback whale population within the North Atlantic has been estimated to include approximately 11,570 individuals (Waring *et al.,* 2016). Humpback whales utilize the mid-Atlantic as a migration pathway between calving/mating grounds to the south and feeding grounds in the north (Waring *et al.* 2007). During winter, the majority of humpback whales from North Atlantic feeding areas (including the Gulf of Maine) mate and calve in the West Indies, where spatial and genetic mixing among feeding groups occurs, though significant numbers of animals are found in mid- and high-latitude regions at this time and some individuals have been sighted repeatedly within the same winter season indicating that not all humpback whales migrate south every winter (Waring *et al.,* 2016).

A key question with regard to humpback whales off the mid-Atlantic states is their stock identity. Using fluke photographs of living and dead whales observed in the region, Barco *et al.* (2002) reported that 43 percent of 21 live whales matched to the Gulf of Maine, 19 percent to Newfoundland, and 4.8 percent to the Gulf of St Lawrence, while 31.6 percent of 19 dead humpbacks were known Gulf of Maine whales. Although the population composition of the mid-Atlantic is apparently dominated by Gulf of Maine whales, lack of photographic effort in Newfoundland makes it likely that the observed match rates under-represent the true presence of Canadian whales in the region (Waring *et al.,* 2016). Barco *et al.* (2002) suggested that the mid-Atlantic region primarily represents a supplemental winter feeding ground used by humpbacks.

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through North Carolina. Partial or full necropsy examinations have been conducted on approximately half of the 62 known cases. A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is

not consistent across all of the whales examined so more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. Three previous UMEs involving humpback whales have occurred since 2000, in 2003, 2005, and 2006. More information is available at *www.nmfs.noaa.gov/pr/health/mmume/2017humpbackatlanticume.html.*

Fin Whale

Fin whales are common in waters of the U.S. Atlantic Exclusive Economic Zone (EEZ), principally from Cape Hatteras northward (Waring *et al.,* 2016). Fin whales are present north of 35-degree latitude in every season and are broadly distributed throughout the western North Atlantic for most of the year (Waring *et al.,* 2016). Fin whales are found in small groups of up to 5 individuals (Brueggeman *et al.,* 1987). The main threats to fin whales are fishery interactions and vessel collisions (Waring *et al.,* 2016).

Sei Whale

The Nova Scotia stock of sei whales can be found in deeper waters of the continental shelf edge waters of the northeastern U.S. and northeastward to south of Newfoundland. The southern portion of the stock's range during spring and summer includes the Gulf of Maine and Georges Bank. Spring is the period of greatest abundance in U.S. waters, with sightings concentrated along the eastern margin of Georges Bank and into the Northeast Channel area, and along the southwestern edge of Georges Bank in the area of Hydrographer Canyon (Waring *et al.,* 2015). Sei whales occur in shallower waters to feed. Sei whales are listed as engendered under the ESA, and the Nova Scotia stock is considered strategic and depleted under the MMPA. The main threats to this stock are interactions with fisheries and vessel collisions.

Minke Whale

Minke whales can be found in temperate, tropical, and high-latitude waters. The Canadian East Coast stock can be found in the area from the western half of the Davis Strait (45° W) to the Gulf of Mexico (Waring *et al.,* 2016). This species generally occupies waters less than 100 m deep on the continental shelf. There appears to be a strong seasonal component to minke whale distribution in which spring to fall are times of relatively widespread and common occurrence, and when the whales are most abundant in New England waters, while during winter the species appears to be largely absent (Waring *et al.,* 2016). The main threats to this stock are interactions with fisheries, strandings, and vessel collisions.

Sperm Whale

The distribution of the sperm whale in the U.S. EEZ occurs on the continental shelf edge, over the continental slope, and into mid-ocean regions (Waring *et al.,* 2014). The basic social unit of the sperm whale appears to be the mixed school of adult females plus their calves and some juveniles of both sexes, normally numbering 20–40 animals in all. There is evidence that some social bonds persist for many years (Christal *et al.,* 1998). This species forms stable social groups, site fidelity, and latitudinal range limitations in groups of females and juveniles (Whitehead, 2002). In summer, the distribution of sperm whales includes the area east and north of Georges Bank and into the Northeast Channel region, as well as the continental shelf (inshore of the 100-m isobath) south of New England. In the fall, sperm whale occurrence south of New England on the continental shelf is at its highest level, and there remains a continental shelf edge occurrence in the mid-Atlantic bight. In winter, sperm whales are concentrated east and northeast of Cape Hatteras. The current abundance estimate for this stock is 2,288 (Hayes *et al.,* 2017).

Long-Finned Pilot Whale

Long-finned pilot whales are found from North Carolina and north to Iceland, Greenland and the Barents Sea (Waring *et al.,* 2016). In U.S. Atlantic waters the species is distributed principally along the continental shelf edge off the northeastern U.S. coast in winter and early spring and in late spring, pilot whales move onto Georges Bank and into the Gulf of Maine and more northern waters and remain in these areas through late autumn (Waring *et al.,* 2016). Long-finned pilot whales are not listed under the ESA. The Western North Atlantic stock is considered strategic under the MMPA. The main threats to this species include interactions with fisheries and habitat issues including exposure to high levels of polychlorinated biphenyls and chlorinated pesticides, and toxic metals including mercury, lead, cadmium, and selenium (Waring *et al.,* 2016).

Atlantic White-Sided Dolphin

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100-m depth contour from central West Greenland to North Carolina (Waring *et al.,* 2016). The Gulf of Maine stock is most common in continental shelf waters from Hudson Canyon to Georges Bank, and in the Gulf of Maine and lower Bay of Fundy. Sighting data indicate seasonal shifts in distribution (Northridge *et al.,* 1997). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), with even lower numbers south of Georges Bank, as documented by a few strandings collected on beaches of Virginia to South Carolina. From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, occur year round but at low densities. The main threat to this species is interactions with fisheries.

Atlantic Spotted Dolphin

Atlantic spotted dolphins are found in tropical and warm temperate waters ranging from southern New England, south to Gulf of Mexico and the Caribbean to Venezuela (Waring *et al.,* 2014). This stock regularly occurs in continental shelf waters south of Cape Hatteras and in continental shelf edge and continental slope waters north of this region (Waring *et al.,* 2014). There are two forms of this species, with the larger ecotype inhabiting the continental shelf and is usually found inside or near the 200 m isobaths (Waring *et al.,* 2014). Atlantic spotted dolphins are not listed under the ESA, and the stock is not considered depleted or strategic under the MMPA. The main threat to this species is interactions with fisheries.

Short-Beaked Common Dolphin

The short-beaked common dolphin is found world-wide in temperate to subtropical seas. In the North Atlantic, short-beaked common dolphins are commonly found over the continental shelf between the 100-m and 2000-m isobaths and over prominent underwater topography and east to the mid-Atlantic Ridge (Waring *et al.,* 2016). Only the western North Atlantic stock may be present in the Lease Area. The current abundance estimate for this

stock is 70,184 animals (Hayes *et al.,* 2017). The main threat to this species is interactions with fisheries.

Bottlenose Dolphin

There are two distinct bottlenose dolphin morphotypes in the western North Atlantic: the coastal and offshore forms (Waring *et al.,* 2016). The offshore form is distributed primarily along the outer continental shelf and continental slope in the Northwest Atlantic Ocean from Georges Bank to the Florida Keys. The coastal morphotype is morphologically and genetically distinct from the larger, more robust morphotype that occupies habitats further offshore. Spatial distribution data, tag-telemetry studies, photo-ID studies and genetic studies demonstrate the existence of a distinct Northern Migratory stock of coastal bottlenose dolphins (Waring *et al.,* 2014). During summer months (July-August), this stock occupies coastal waters from the shoreline to approximately the 25 m isobath between the Chesapeake Bay mouth and Long Island, New York; during winter months (January-March), the stock occupies coastal waters from Cape Lookout, North Carolina, to the North Carolina/Virginia border (Waring *et al.,* 2014). The Western North Atlantic northern migratory coastal stock and the Western North Atlantic offshore stock may be encountered by the proposed survey.

The main threat to bottlenose dolphins is interactions with fisheries. Bottlenose dolphins are not listed as threatened or endangered under the ESA. The Western North Atlantic offshore stock is not a strategic stock under the MMPA, but the Northern Migratory Coastal Stock is a strategic stock under the MMPA due to the depleted listing under the MMPA.

Harbor Porpoise

In the Lease Area, only the Gulf of Maine/Bay of Fundy stock may be present. This stock is found in U.S. and Canadian Atlantic waters and is concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Waring *et al.,* 2016). They are seen from the coastline to deep waters (≤1800 m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf (Waring *et al.,* 2016). The current abundance estimate for this stock is 79,883 (Hayes *et al.,* 2017). The main threat to the species is interactions with fisheries, with documented take in the U.S. northeast sink gillnet, mid-Atlantic gillnet, and northeast bottom trawl fisheries and in the Canadian herring weir fisheries (Waring *et al.,* 2016).

Harbor Seal

The harbor seal is found in all nearshore waters of the North Atlantic and North Pacific Oceans and adjoining seas above about 30° N (Burns, 2009). In the western North Atlantic, harbor seals are distributed from the eastern Canadian Arctic and Greenland south to southern New England and New York, and occasionally to the Carolinas (Waring *et al.,* 2016). Haulout and pupping sites are located off Manomet, MA and the Isles of Shoals, ME, but generally do not occur in areas in southern New England (Waring *et al.,* 2016). The current abundance estimate for this stock is 75,834 (Hayes *et al.,* 2017). The main threat to this species is interactions with fisheries.

Gray Seal

There are three major populations of gray seals found in the world; eastern Canada (western North Atlantic stock), northwestern Europe and the Baltic Sea. Gray seals in the survey area belong to the western North Atlantic stock. The range for this stock is thought to be from New Jersey to Labrador. Though gray seals are not regularly sighted in Delaware their range has been expanding southward in recent years, and they have been observed recently as far south as the barrier islands of Virginia. Current population trends show that gray seal abundance is likely increasing in the U.S. Atlantic EEZ (Waring *et al.,* 2016). Although the rate of increase is unknown, surveys conducted since their arrival in the 1980s indicate a steady increase in abundance in both Maine and Massachusetts (Waring *et al.,* 2016). It is believed that recolonization by Canadian gray seals is the source of the U.S. population (Waring *et al.,* 2016).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 Hertz (Hz) and 35 kilohertz (kHz);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz.
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz;

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Eleven marine mammal species (nine cetacean and two pinniped (both phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, five are classified as low-frequency cetaceans

(*i.e.,* all mysticete species), six are classified as mid-frequency cetaceans (*i.e.,* all delphinid species and the sperm whale), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The ''Estimated Take'' section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section considers the content of this section, the ''Estimated Take'' section, and the ''Proposed Mitigation'' section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Background on Sound

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and is generally characterized by several variables. Frequency describes the sound's pitch and is measured in Hz or kHz, while sound level describes the sound's intensity and is measured in decibels (dB). Sound level increases or decreases exponentially with each dB of change. The logarithmic nature of the scale means that each 10-dB increase is a 10-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power). A 10-fold increase in acoustic power does not mean that the sound is perceived as being 10 times louder, however. Sound levels are compared to a reference sound pressure (micro-Pascal) to identify the medium. For air and water, these reference pressures are ''re: 20 micro Pascals (μPa)'' and ''re: 1 μPa,'' respectively. Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1975). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels. This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units rather than by peak pressures.

When sound travels (propagates) from its source, its loudness decreases as the distance traveled by the sound increases. Thus, the loudness of a sound at its source is higher than the loudness of that same sound one km away. Acousticians often refer to the loudness of a sound at its source (typically referenced to one meter from the source) as the source level and the loudness of sound elsewhere as the received level (*i.e.,* typically the receiver). For example, a humpback whale 3 km from a device that has a source level of 230 dB may only be exposed to sound that is 160 dB loud, depending on how the sound travels through water (*e.g.,* spherical spreading (6 dB reduction with doubling of distance) was used in this example). As a result, it is important to understand the difference between source levels and received levels when discussing the loudness of sound in the ocean or its impacts on the marine environment.

As sound travels from a source, its propagation in water is influenced by various physical characteristics, including water temperature, depth, salinity, and surface and bottom properties that cause refraction, reflection, absorption, and scattering of sound waves. Oceans are not homogeneous and the contribution of each of these individual factors is extremely complex and interrelated. The physical characteristics that determine the sound's speed through the water will change with depth, season, geographic location, and with time of day (as a result, in actual active sonar operations, crews will measure oceanic conditions, such as sea water temperature and depth, to calibrate models that determine the path the sonar signal will take as it travels through the ocean and how strong the sound signal will be at a given range along a particular transmission path). As sound travels through the ocean, the intensity associated with the wavefront diminishes, or attenuates. This decrease in intensity is referred to as propagation loss, also commonly called transmission loss.

Acoustic Impacts

Geophysical surveys may temporarily impact marine mammals in the area due to elevated in-water sound levels. Marine mammals are continually exposed to many sources of sound. Naturally occurring sounds such as lightning, rain, sub-sea earthquakes, and biological sounds (*e.g.,* snapping shrimp, whale songs) are widespread throughout the world's oceans. Marine mammals produce sounds in various contexts and use sound for various biological functions including, but not limited to: (1) Social interactions; (2) foraging; (3) orientation; and (4) predator detection. Interference with producing or receiving these sounds may result in adverse impacts. Audible distance, or received levels of sound depend on the nature of the sound source, ambient noise conditions, and the sensitivity of the receptor to the sound (Richardson *et al.,* 1995). Type and significance of marine mammal reactions to sound are likely dependent on a variety of factors including, but not limited to, (1) the behavioral state of the animal (*e.g.,* feeding, traveling, etc.); (2) frequency of the sound; (3) distance between the animal and the source; and (4) the level of the sound relative to ambient conditions (Southall *et al.,* 2007).

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range. For mid-frequency cetaceans, functional hearing estimates occur between approximately 150 Hz and 160 kHz with best hearing estimated to occur between approximately 10 to less than 100 kHz (Finneran *et al.,* 2005 and 2009, Natchtigall *et al.,* 2005 and 2008; Yuen *et al.,* 2005; Popov *et al.,* 2011; and Schlundt *et al.,* 2011).

Hearing Impairment

Marine mammals may experience temporary or permanent hearing impairment when exposed to loud sounds. Hearing impairment is classified by temporary threshold shift (TTS) and permanent threshold shift (PTS). PTS is considered auditory injury (Southall *et al.,* 2007) and occurs in a specific frequency range and amount. Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007). There are no empirical data for onset of PTS in any marine mammal; therefore, PTS-onset

must be estimated from TTS-onset measurements and from the rate of TTS growth with increasing exposure levels above the level eliciting TTS-onset. PTS is presumed to be likely if the hearing threshold is reduced by ≥ 40 dB (that is, 40 dB of TTS).

TTS is the mildest form of hearing impairment that can occur during exposure to a loud sound (Kryter 1985). While experiencing TTS, the hearing threshold rises and a sound must be stronger in order to be heard. At least in terrestrial mammals, TTS can last from minutes or hours to (in cases of strong TTS) days, can be limited to a particular frequency range, and can occur to varying degrees (*i.e.,* a loss of a certain number of dBs of sensitivity). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the noise ends.

Marine mammal hearing plays a critical role in communication with conspecifics and in interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animals is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during a time when communication is critical for successful mother/calf interactions could have more serious impacts if it were in the same frequency band as the necessary vocalizations and of a severity that it impeded communication. The fact that animals exposed to levels and durations of sound that would be expected to result in this physiological response would also be expected to have behavioral responses of a comparatively more severe or sustained nature is also notable and potentially of more importance than the simple existence of a TTS.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocaena phocaenoides*)) and three species of pinnipeds (northern elephant seal (*Mirounga angustirostris*), harbor seal, and California sea lion (*Zalophus californianus*)) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran *et al.,* 2002 and 2010; Nachtigall *et al.,* 2004; Kastak *et al.,* 2005; Lucke *et al.,* 2009; Mooney *et al.,* 2009; Popov *et al.,* 2011; Finneran and Schlundt, 2010). In general, harbor seals (Kastak *et al.,* 2005; Kastelein *et al.,* 2012a) and harbor porpoises (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b) have a lower TTS onset than other measured pinniped or cetacean species. However, even for these animals, which are better able to hear higher frequencies and may be more sensitive to higher frequencies, exposures on the order of approximately 170 dB rms or higher for brief transient signals are likely required for even temporary (recoverable) changes in hearing sensitivity that would likely not be categorized as physiologically damaging (Lucke *et al.,* 2009). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Finneran (2016).

Scientific literature highlights the inherent complexity of predicting TTS onset in marine mammals, as well as the importance of considering exposure duration when assessing potential impacts (Mooney *et al.,* 2009a, 2009b; Kastak *et al.,* 2007). Generally, with sound exposures of equal energy, quieter sounds (lower sound pressure levels (SPL)) of longer duration were found to induce TTS onset more than louder sounds (higher SPL) of shorter duration (more similar to sub-bottom profilers). For intermittent sounds, less threshold shift will occur than from a continuous exposure with the same energy (some recovery will occur between intermittent exposures) (Kryter *et al.,* 1966; Ward 1997). For sound exposures at or somewhat above the TTS-onset threshold, hearing sensitivity recovers rapidly after exposure to the sound ends; intermittent exposures recover faster in comparison with continuous exposures of the same duration (Finneran *et al.,* 2010). NMFS considers TTS as Level B harassment that is mediated by physiological effects on the auditory system.

Animals in the Lease Area during the HRG survey are unlikely to incur TTS hearing impairment due to the characteristics of the sound sources, which include low source levels (208 to 221 dB re 1 μPa-m) and generally very short pulses and duration of the sound. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which may have increased sensitivity to TTS (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b), individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS) (Mooney *et al.,* 2009a; Finneran *et al.,* 2010). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim through at such a close range. Further, the restricted beam shape of the sub-bottom profiler and other HRG survey equipment makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel. Boebel *et al.* (2005) concluded similarly for single and multibeam echosounders and, more recently, Lurton (2016) conducted a modeling exercise and concluded similarly that likely potential for acoustic injury from these types of systems is negligible but that behavioral response cannot be ruled out. Animals may avoid the area around the survey vessels, thereby reducing exposure. Any disturbance to marine mammals is likely to be in the form of temporary avoidance or alteration of opportunistic foraging behavior near the survey location.

Masking

Masking is the obscuring of sounds of interest to an animal by other sounds, typically at similar frequencies. Marine mammals are highly dependent on sound, and their ability to recognize sound signals amid other sound is important in communication and detection of both predators and prey (Tyack 2000). Background ambient sound may interfere with or mask the ability of an animal to detect a sound signal even when that signal is above its absolute hearing threshold. Even in the

absence of anthropogenic sound, the marine environment is often loud. Natural ambient sound includes contributions from wind, waves, precipitation, other animals, and (at frequencies above 30 kHz) thermal sound resulting from molecular agitation (Richardson *et al.,* 1995).

Background sound may also include anthropogenic sound, and masking of natural sounds can result when human activities produce high levels of background sound. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. Ambient sound is highly variable on continental shelves (Myrberg 1978; Desharnais *et al.,* 1999). This results in a high degree of variability in the range at which marine mammals can detect anthropogenic sounds.

Although masking is a phenomenon which may occur naturally, the introduction of loud anthropogenic sounds into the marine environment at frequencies important to marine mammals increases the severity and frequency of occurrence of masking. For example, if a baleen whale is exposed to continuous low-frequency sound from an industrial source, this would reduce the size of the area around that whale within which it can hear the calls of another whale. The components of background noise that are similar in frequency to the signal in question primarily determine the degree of masking of that signal. In general, little is known about the degree to which marine mammals rely upon detection of sounds from conspecifics, predators, prey, or other natural sources. In the absence of specific information about the importance of detecting these natural sounds, it is not possible to predict the impact of masking on marine mammals (Richardson *et al.,* 1995). In general, masking effects are expected to be less severe when sounds are transient than when they are continuous. Masking is typically of greater concern for those marine mammals that utilize low-frequency communications, such as baleen whales, because of how far low-frequency sounds propagate. Marine mammal communications would not likely be masked appreciably by the signals from HRG survey equipment given the directionality of the signals and the brief period when an individual mammal is likely to be within its beam.

Non-Auditory Physical Effects (Stress)

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg 2000; Seyle 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses.

In the case of many stressors, an animal's first and sometimes most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effect on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal system (also known as the HPA axis in mammals). Unlike stress responses associated with the autonomic nervous system, virtually all neuro-endocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg 1987; Rivier 1995), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic function, which impairs those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and its fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (Seyle 1950) or ''allostatic loading'' (McEwen and Wingfield 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiments; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Information has also been collected on the physiological responses of marine mammals to exposure to anthropogenic sounds (Fair and Becker 2000; Romano *et al.,* 2002). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales.

Studies of other marine animals and terrestrial animals would also lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to high frequency, mid-frequency and low-frequency sounds. For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (for example, elevated respiration and

increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b), for example, identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and to communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, it seems reasonable to assume that reducing an animal's ability to gather information about its environment and to communicate with other members of its species would be stressful for animals that use hearing as their primary sensory mechanism. Therefore, we assume that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses because terrestrial animals exhibit those responses under similar conditions (NRC 2003). More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg 2000), we also assume that stress responses are likely to persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

In general, there are few data on the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007). There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to an anthropogenic sound source. In addition, marine mammals that show behavioral avoidance of survey vessels and related sound sources are unlikely to incur non-auditory impairment or other physical effects. NMFS does not expect that the generally short-term, intermittent, and transitory HRG and geotechnical activities would create conditions of long-term, continuous noise and chronic acoustic exposure leading to long-term physiological stress responses in marine mammals.

Behavioral Disturbance

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud, pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart 2007; NRC 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark 2000; Costa *et al.,* 2003; Ng and Leung 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a,b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive

behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008) and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Marine mammals are likely to avoid the HRG survey activity, especially the naturally shy harbor porpoise, while the harbor seals might be attracted to them out of curiosity. However, because the sub-bottom profilers and other HRG survey equipment operate from a moving vessel, and the maximum radius to the Level B harassment threshold is relatively small, the area and time that this equipment would be affecting a given location is very small. Further, once an area has been surveyed, it is not likely that it will be surveyed again, thereby reducing the likelihood of repeated HRG-related impacts within the survey area.

We have also considered the potential for severe behavioral responses such as stranding and associated indirect injury or mortality from GSOE's use of HRG survey equipment, on the basis of a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system. An investigation of the event indicated that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, while providing the caveat that there is no unequivocal and easily identifiable single cause (Southall *et al.,* 2013). The investigatory panel's conclusion was based on (1) very close temporal and spatial association and directed movement of the survey with the stranding event; (2) the unusual nature of such an event coupled with previously documented apparent behavioral sensitivity of the species to

other sound types (Southall *et al.,* 2006; Brownell *et al.,* 2009); and (3) the fact that all other possible factors considered were determined to be unlikely causes. Specifically, regarding survey patterns prior to the event and in relation to bathymetry, the vessel transited in a north-south direction on the shelf break parallel to the shore, ensonifying large areas of deep-water habitat prior to operating intermittently in a concentrated area offshore from the stranding site; this may have trapped the animals between the sound source and the shore, thus driving them towards the lagoon system. The investigatory panel systematically excluded or deemed highly unlikely nearly all potential reasons for these animals leaving their typical pelagic habitat for an area extremely atypical for the species (*i.e.,* a shallow lagoon system). Notably, this was the first time that such a system has been associated with a stranding event. The panel also noted several site- and situation-specific secondary factors that may have contributed to the avoidance responses that led to the eventual entrapment and mortality of the whales. Specifically, shoreward-directed surface currents and elevated chlorophyll levels in the area preceding the event may have played a role (Southall *et al.,* 2013). The report also notes that prior use of a similar system in the general area may have sensitized the animals and also concluded that, for odontocete cetaceans that hear well in higher frequency ranges where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts. It is, however, important to note that the relatively lower output frequency, higher output power, and complex nature of the system implicated in this event, in context of the other factors noted here, likely produced a fairly unusual set of circumstances that indicate that such events would likely remain rare and are not necessarily relevant to use of lower-power, higher-frequency systems more commonly used for HRG survey applications. The risk of similar events recurring may be very low, given the extensive use of active acoustic systems used for scientific and navigational purposes worldwide on a daily basis and the lack of direct evidence of such responses previously reported.

Tolerance

Numerous studies have shown that underwater sounds from industrial activities are often readily detectable by marine mammals in the water at distances of many km. However, other studies have shown that marine mammals at distances more than a few km away often show no apparent response to industrial activities of various types (Miller *et al.,* 2005). This is often true even in cases when the sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to underwater sound from sources such as airgun pulses or vessels under some conditions, at other times, mammals of all three types have shown no overt reactions (*e.g.,* Malme *et al.,* 1986; Richardson *et al.,* 1995; Madsen and Mohl 2000; Croll *et al.,* 2001; Jacobs and Terhune 2002; Madsen *et al.,* 2002; Miller *et al.,* 2005). In general, pinnipeds seem to be more tolerant of exposure to some types of underwater sound than are baleen whales. Richardson *et al.* (1995) found that vessel sound does not seem to affect pinnipeds that are already in the water. Richardson *et al.* (1995) went on to explain that seals on haul-outs sometimes respond strongly to the presence of vessels and at other times appear to show considerable tolerance of vessels, and Brueggeman *et al.* (1992) observed ringed seals (*Pusa hispida*) hauled out on ice pans displaying short-term escape reactions when a ship approached within 0.16–0.31 miles (0.25–0.5 km). Due to the relatively high vessel traffic in the Lease Area it is possible that marine mammals are habituated to noise (*e.g.,* DP thrusters) from project vessels in the area.

Vessel Strike

Ship strikes of marine mammals can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus 2001; Laist *et al.,* 2001; Vanderlaan and Taggart 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus 2001; Laist *et al.,* 2001; Jensen and Silber 2003; Vanderlaan and Taggart 2007). In assessing records with known vessel speeds, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 knots (kn)). Given the slow vessel speeds and predictable course necessary for data acquisition, ship strike is unlikely to occur during the geophysical and geotechnical surveys. Marine mammals would be able to easily avoid the survey vessel due to the slow vessel speed. Further, GSOE would implement measures (*e.g.,* protected species monitoring, vessel speed restrictions and separation distances; see *Proposed Mitigation Measures*) set forth in the BOEM lease to reduce the risk of a vessel strike to marine mammal species in the survey area.

Marine Mammal Habitat

The HRG survey equipment will not contact the seafloor and does not represent a source of pollution. We are not aware of any available literature on impacts to marine mammal prey from HRG survey equipment. However, as the HRG survey equipment introduces noise to the marine environment, there is the potential for it to result in avoidance of the area around the HRG survey activities on the part of marine mammal prey. Any avoidance of the area on the part of marine mammal prey would be expected to be short term and temporary.

Because of the temporary nature of the disturbance, and the availability of similar habitat and resources (*e.g.,* prey species) in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Impacts on marine mammal habitat from the proposed activities will be temporary, insignificant, and discountable.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment, as use of the HRG equipment has the potential to result in disruption of behavioral patterns for individual marine mammals. NMFS has determined take by Level A harassment is not an expected outcome of the proposed activity; and, thus, we do not propose to authorize the take of any marine mammals by Level A harassment. This is discussed in greater detail below. As described previously, no mortality or serious injury is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated for this project.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) and the number of days of activities. Below, we describe these components in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS uses acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the sound source (*e.g.,* frequency, predictability, duty cycle); the environment (*e.g.,* bathymetry); and the receiving animals (hearing, motivation, experience, demography, behavioral context); therefore can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2011). NMFS uses a generalized acoustic threshold based on received level to estimate the onset of Level B (behavioral) harassment. NMFS predicts that marine mammals may be behaviorally harassed when exposed to underwater anthropogenic noise above received levels 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic HRG equipment) or intermittent (*e.g.,* scientific sonar) sources. GSOE's proposed activity includes the use of impulsive sources. Therefore, the 160 dB re 1 μPa (rms) criteria is applicable for analysis of Level B harassment.

Level A harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NMFS 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Technical Guidance identifies the received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity for all underwater anthropogenic sound sources, reflects the best available science, and better predicts the potential for auditory injury than does NMFS' historical criteria.

These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product, and are provided in Table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.* As described above, GSOE's proposed activity includes the use of intermittent and impulsive sources.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT IN MARINE MAMMALS

Hearing group	PTS onset thresholds	
	Impulsive *	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	$L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	$L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	$L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	$L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	$L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	$L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	$L_{E,OW,24h}$: 219 dB.

Note: * Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 μPa, and cumulative sound exposure level (LE) has a reference value of 1μPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into estimating the area ensonified above the acoustic thresholds.

The proposed survey would entail the use of HRG survey equipment. The distance to the isopleth corresponding to the threshold for Level B harassment was calculated for all HRG survey equipment with the potential to result in harassment of marine mammals using the spherical transmission loss (TL) equation: $TL = 20\log_{10}r$. Results of acoustic modeling indicated that, of the HRG survey equipment planned for use that has the potential to result in harassment of marine mammals, the AA Dura Spark would be expected to produce sound that would propagate the furthest in the water (Table 4); therefore, for the purposes of the take calculation, it was assumed the AA Dura Spark would be active during the entirety of the survey. Thus the distance to the isopleth corresponding to the threshold for Level B harassment for the AA Dura Spark (estimated at 447 m; Table 4) was used as the basis of the Level B take calculation for all marine mammals.

TABLE 4—MODELED RADIAL DISTANCES FROM HRG SURVEY EQUIPMENT TO ISOPLETHS CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

HRG system	Radial distance (m) to Level B harassment threshold (160 dB re 1 μPa)
TB Chirp	70.79
EdgeTech Chirp	6.31
AA Boomer	5.62
AA S-Boom	141.25
Bubble Gun	63.1
800J Spark	141.25
AA Dura Spark	446.69

Predicted distances to Level A harassment isopleths, which vary based on marine mammal functional hearing groups (Table 5), were also calculated by GSOE. The updated acoustic thresholds for impulsive sounds (such as HRG survey equipment) contained in the Technical Guidance (NMFS, 2016) were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure level metrics. As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.,* metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group. In recognition of the fact that calculating Level A harassment ensonified areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL_{cum} thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to facilitate the estimation of take numbers. GSOE used the NMFS optional User Spreadsheet to calculate distances to Level A harassment isopleths based on SEL_{cum} and used the spherical spreading loss model (similar to the method used to calculate Level B isopleths as described above) to calculate distances to Level A harassment isopleths based on peak pressure. Modeling of distances to isopleths corresponding to Level A harassment was performed for all types of HRG equipment planned for use with the potential to result in harassment of marine mammals. Of the HRG equipment types modeled, the AA Dura Spark resulted in the largest distances to isopleths corresponding to Level A harassment for all marine mammal functional hearing groups; therefore, to be conservative, the isopleths modeled for the AA Dura Spark were used to estimate potential Level A take. Modeled distances to isopleths corresponding to Level A harassment thresholds for the AA Dura Spark are shown in Table 5 (modeled distances to Level A harassment isopleths for all other types of HRG equipment planned for use are shown in Table 6 of the IHA application).

TABLE 5—MODELED RADIAL DISTANCES TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Functional hearing group (Level A harassment thresholds)	Distance to Level A isopleth (m)
Low harassmentfrequency cetaceans ($L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB)	[1] 6.57
Mid frequency cetaceans ($L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB)	[1] 0.04
High frequency cetaceans ($L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB)	[2] 25.12

TABLE 5—MODELED RADIAL DISTANCES TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS—Continued

Functional hearing group (Level A harassment thresholds)	Distance to Level A isopleth (m)
Phocid Pinnipeds (Underwater) ($L_{pk,flat}$: 218 dB; $L_{E,HF,24h}$: 185 dB)	[2] 1.78

Note: Distances to isopleths shown are the greater of the two distances calculated based on the dual metric acoustic thresholds for impulsive sounds (SEL_{cum} and peak SPL). "1" indicates distance is based on SEL_{cum}, "2" indicates distance is based on peak SPL.

Due to the small estimated distances to Level A harassment thresholds for all marine mammal functional hearing groups, based on both SEL_{cum} and peak SPL (Table 5), and in consideration of the proposed mitigation measures (see the Proposed Mitigation section for more detail), NMFS has determined that the likelihood of Level A take of marine mammals occurring as a result of the proposed survey is so low as to be discountable.

We note that because of some of the assumptions included in the methods used, isopleths produced may be overestimates to some degree. Most of the acoustic sources proposed for use in GSOE's survey (including the AA Dura-Spark) do not radiate sound equally in all directions but were designed instead to focus acoustic energy directly toward the sea floor. Therefore, the acoustic energy produced by these sources is not received equally in all directions around the source but is instead concentrated along some narrower plane depending on the beamwidth of the source. However, the calculated distances to isopleths do not account for this directionality of the sound source and are therefore conservative. For mobile sources, such as the proposed survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

The best available scientific information was considered in calculating marine mammal exposure estimates (the basis for estimating take). For cetacean species, densities calculated by Roberts *et al.* (2016) were used. The density data presented by

Roberts *et al.* (2016) incorporates aerial and shipboard line-transect survey data from NMFS and from other organizations collected over the period 1992–2014. Roberts *et al.* (2016) modeled density from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controlled for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. NMFS considers the models produced by Roberts *et al.* (2016) to be the best available source of data regarding cetacean densities for this project. More information, including the model results and supplementary information for each model, is available online at: *seamap.env.duke.edu/models/Duke-EC-GOM-2015/.*

For the purposes of the take calculations, density data from Roberts *et al.* (2016) were mapped using a geographic information system (GIS), using density data for the months May through December. Mean density per month for each species within the survey area was calculated by selecting 11 random raster cells selected from 100 km² grid cells that were inside the Delaware Wind Energy Area (WEA) and an additional buffer of 10 km outside the WEA boundary (see Figure 1 in the IHA application). Estimates provided by the models are based on a grid cell size of 100 km²; therefore, model grid cell values were then divided by 100 to determine animals per square km. Data from the months of May and December were not included from the estimates as GSOE expects that the proposed survey is very likely to occur during the summer and fall, and it is very unlikely that surveys will occur in May and December; therefore, months were selected for the density calculation that were expected to be most representative of actual marine mammal densities that would be encountered by the proposed survey and to avoid the potential for density estimates to be skewed by data for months that are less likely be actively surveyed.

Systematic, offshore, at-sea survey data for pinnipeds are more limited than those for cetaceans. The best available information concerning pinniped densities in the proposed survey area is the U.S. Navy's Operating Area (OPAREA) Density Estimates (NODEs) (DoN, 2007). These density models utilized vessel-based and aerial survey data collected by NMFS from 1998–2005 during broad-scale abundance studies. Modeling methodology is detailed in DoN (2007). For the purposes of the take calculations, NODEs Density Estimates (DoN, 2007) as reported for the summer and fall seasons in the ''Mid Atlantic'' area were used to estimate harbor seal densities. NODEs reports a density value of 0 for gray seals throughout the year in the ''Mid Atlantic'' area; however, the survey data used to develop the OPAREA Density Estimates for gray seal are nearly 20 years old; and, based on the best available information (Hayes *et al.,* 2018), gray seals are expected to occur in the survey area, especially during the fall months. Therefore, density data for harbor seals for the summer and fall seasons in the ''Mid Atlantic'' area were used to estimate gray seal density in the survey area. We acknowledge that this probably represents a conservative approach to estimating gray seal density in the survey area, however this approach is based on the best available information.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to harassment thresholds are calculated, as described above. Those distances are then used to calculate the area(s) around the HRG survey equipment predicted to be ensonified to sound levels that exceed harassment thresholds. The area estimated to be ensonified to relevant thresholds in a single day of the survey is then calculated, based on areas predicted to be ensonified around the HRG survey equipment and the estimated trackline distance traveled per day by the survey vessel. GSOE estimates a daily track line distance of 110 km per day during HRG surveys. Based on the maximum estimated distance to the Level B harassment threshold of 447 m (Table 4) and the estimated daily track line distance of 110 km, an area of 98.9 km² would be ensonified to the Level B harassment threshold per day during HRG surveys.

The number of marine mammals expected to be incidentally taken per day is then calculated by estimating the number of each species predicted to occur within the daily ensonified area, using estimated marine mammal densities as described above. Estimated numbers of each species taken per day are then multiplied by the number of survey days, and the product is then rounded, to generate an estimate of the total number of each species expected to be taken over the duration of the survey (Table 6).

The applicant estimated a total of 4 takes by Level A harassment of harbor porpoises and 3 takes each by Level A harassment for harbor seals and gray seals would occur, in the absence of mitigation. However, as described above, due to the very small estimated distances to Level A harassment thresholds (Table 5), and in consideration of the proposed mitigation measures, the likelihood of the proposed survey resulting in take in the form of Level A harassment is considered so low as to be discountable; therefore, we do not propose to authorize take of any marine mammals by Level A harassment. Although there are no exclusion zones (EZs) proposed for pinnipeds, the estimated distance to the isopleth corresponding to the Level A harassment threshold for pinnipeds is less than 2 m (Table 5); therefore, we determined the likelihood of an animal being taken within this proximity of the survey equipment to be so low as to be discountable. Proposed take numbers are shown in Table 6.

TABLE 6—TOTAL NUMBERS OF POTENTIAL INCIDENTAL TAKE OF MARINE MAMMALS PROPOSED FOR AUTHORIZATION AND PROPOSED TAKES AS A PERCENTAGE OF POPULATION

Species	Density (#/100 km²)	Proposed Level A takes	Estimated Level B takes	Proposed Level B takes	Total proposed takes	Total proposed takes as a percentage of population[1]
North Atlantic right whale	0.0078	0	1	1	1	0.2
Humpback whale	0.0344	0	6	6	6	0.4
Fin whale	0.1004	0	18	18	18	0.4
Sei whale[2]	0.0036	0	1	6	6	0.1
Minke whale	0.0244	0	4	4	4	0.2

TABLE 6—TOTAL NUMBERS OF POTENTIAL INCIDENTAL TAKE OF MARINE MAMMALS PROPOSED FOR AUTHORIZATION AND PROPOSED TAKES AS A PERCENTAGE OF POPULATION—Continued

Species	Density (#/100 km²)	Proposed Level A takes	Estimated Level B takes	Proposed Level B takes	Total proposed takes	Total proposed takes as a percentage of population[1]
Sperm whale	0.0053	0	1	1	1	<0.1
Long-finned pilot whale[2]	0.0507	0	9	32	32	0.2
Bottlenose dolphin—W. North Atlantic Offshore[3]	6.3438	0	1148	1148	1148	1.18
Bottlenose dolphin—W. North Atlantic Northern Migratory Coastal[3]	6.3438	0	1148	1148	1148	17.3
Atlantic Spotted dolphin	0.1323	0	24	24	24	<0.1
Short-beaked common dolphin	2.9574	0	535	535	535	0.6
Atlantic white-sided dolphin	0.4342	0	79	79	79	0.2
Harbor porpoise	0.5625	0	102	102	102	0.2
Harbor seal	6.4933	0	1175	1175	1175	1.6
Gray seal	6.4933	0	1175	1175	1175	4.3

[1] Estimates of total proposed takes as a percentage of population are based on marine mammal abundance estimates provided by Roberts *et al.* (2016), when available, to maintain consistency with density estimates which are derived from data provided by Roberts *et al.* (2016). In cases where abundances are not provided by Roberts *et al.* (2016), total proposed takes as a percentage of population are based on abundance estimates in the NMFS Atlantic SARs (Hayes *et al.,* 2018).

[2] The proposed number of authorized takes (Level B harassment only) for these species has been increased from the estimated take to mean group size. Source for sei whale group size estimate is: Schilling *et al.* (1992). Source for long-finned pilot whale group size estimate is: Augusto *et al.* (2017).

[3] A total of 1,148 takes of bottlenose dolphins are proposed for authorization. Proposed takes could be from either the Western North Atlantic Offshore or Western North Atlantic Northern Migratory Coastal stocks. For purposes of calculating proposed takes as a percentage of population we assume 50 percent of bottlenose dolphins taken will be from the Western North Atlantic Offshore stock and 50 percent will be from the Western North Atlantic Northern Migratory Coastal stock.

Species with Take Estimates Less than Mean Group Size: Using the approach described above to estimate take, the take estimates for the sei whale and long-finned pilot whale were less than the average group sizes estimated for these species (Table 6). However, information on the social structures and life histories of these species indicates these species are often encountered in groups. The results of take calculations support the likelihood that the proposed survey is expected to encounter and to incidentally take these species, and we believe it is likely that these species may be encountered in groups. Therefore it is reasonable to conservatively assume that one group of each of these species will be taken during the proposed survey. We propose to authorize the take of the average group size for these species and stocks to account for the possibility that the proposed survey encounters a group of any of these species or stocks (Table 6). Note that the take estimate for the North Atlantic right whale was not increased to average group size because the proposed exclusion zone for right whales (500 m) (see the Mitigation section), which exceeds the estimated isopleth corresponding to the Level B harassment threshold, is expected to avoid the potential for takes that exceed the take estimate. Also, the take estimate for the sperm whale was not increased to average group size because, based on water depths in the proposed survey area (16 to 28 m (52 to 92 ft)), it is very unlikely that groups of sperm whales, which tend to prefer deeper depths, would be encountered by the proposed survey.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as relative cost and impact on operations.

Proposed Mitigation Measures

Based on the applicant's request, the BOEM Lease stipulations associated with ESA-listed marine mammals, and specific information regarding the zones ensonified above NMFS thresholds, NMFS is proposing the following mitigation measures during the proposed marine site characterization surveys.

Marine Mammal Exclusion Zones and Watch Zone

Marine mammal EZs would be established around the HRG survey equipment and monitored by protected species observers (PSO) during HRG surveys, as follows:

• 500 m EZ for North Atlantic right whales;
• 200 m EZ for all other ESA-listed cetaceans (including fin whale, sei whale and sperm whale); and
• 25 m EZ for harbor porpoises.

The applicant proposed a 500 m EZ for North Atlantic right whales and 200 m EZ for all other marine mammals; however, for non-ESA-listed marine mammals, based on estimated distances to isopleths corresponding with Level A harassment thresholds (Table 5), we determined the EZs described above to be sufficiently protective in that they would be expected to prevent all potential incidences of Level A harassment as well as significant incidences of Level B harassment. In addition to the EZs described above, PSOs will visually monitor to the extent of the estimated Level B harassment zone (447 m), referred to as the Watch Zone or, as far as possible if the extent of the Watch Zone is not fully visible.

Visual Monitoring

As per the BOEM lease, visual and acoustic monitoring of the established exclusion and monitoring zones will be performed by qualified and NMFS-approved PSOs. It would be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate and enforce the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate. PSOs would be equipped with binoculars and would estimate distances to marine mammals located in proximity to the vessel and/or exclusion zone using range finders. Reticulated binoculars would also be available to PSOs for use as appropriate based on conditions and visibility to support the siting and monitoring of marine species. Position data will be recorded using hand-held or vessel global positioning system (GPS) units for each sighting. Observations will take place from the highest available vantage point on the survey vessel. During surveys conducted at night, night-vision equipment with infrared light-emitting diodes spotlights and/or infrared video monitoring will be available for PSO use, and passive acoustic monitoring (PAM; described below) will be used.

Pre-Clearance of the Exclusion Zone

Prior to initiating HRG survey activities, GSOE would implement a 30-minute pre-clearance period of the relevant EZs. During this period, the PSOs would ensure that no marine mammals are observed within the relevant EZs. If HRG survey equipment is shut down due to a marine mammal being observed within or approaching the relevant EZ (described below), ramp up of survey equipment would not commence until the animal(s) has been observed exiting the relevant EZ, or until an additional time period has elapsed with no further sighting of the animal (*e.g.,* 15 minutes for small delphinoid cetaceans and pinnipeds and 30 minutes for all other species). This pre-clearance requirement would include small delphinoids that approach the vessel (*e.g.,* bow ride). PSOs would also continue to monitor the zone for 30 minutes after survey equipment is shut down or survey activity has concluded.

Passive Acoustic Monitoring

As proposed by the applicant, PAM will be used to support monitoring during night time operations to provide for optimal acquisition of species detections at night. The PAM system will consist of an array of hydrophones with both broadband (sampling mid-range frequencies of 2 kHz to 200 kHz) and at least one low-frequency hydrophone (sampling range frequencies of 75 Hz to 30 kHz). The PAM operator(s) will monitor acoustic signals in real time both aurally (using headphones) and visually (via sound analysis software). PAM operators will communicate nighttime detections to the lead PSO on duty who will ensure the implementation of the appropriate mitigation measure. However, PAM detection alone would not trigger a requirement for any mitigation action be taken upon acoustic detection of marine mammals.

Ramp-Up of Survey Equipment

As proposed by the applicant, where technically feasible, a ramp-up procedure would be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to detect the presence of the survey and vacate the area prior to the commencement of survey equipment use at full energy. Ramp-up of the survey equipment would not begin until the relevant EZ has been cleared by the PSOs, as described above. Systems will be initiated at their lowest power output and will be incrementally increased to full power. If any marine mammals are detected within the EZ prior to or during the ramp-up, HRG equipment will be shut down (as described below).

Shutdown Procedures

As required in the BOEM lease, if a marine mammal is observed within or approaching the relevant EZ (as described above) an immediate shutdown of the survey equipment is required. Subsequent restart of the survey equipment may only occur after the animal(s) has either been observed exiting the relevant EZ or until an additional time period has elapsed with no further sighting of the animal (*e.g.,* 15 minutes for delphinoid cetaceans and pinnipeds and 30 minutes for all other species).

As required in the BOEM lease, if the HRG equipment shuts down for reasons other than mitigation (*i.e.,* mechanical or electronic failure) resulting in the cessation of the survey equipment for a period greater than 20 minutes, a 30 minute pre-clearance period (as described above) would precede the restart of the HRG survey equipment. If the pause is less than less than 20 minutes, the equipment may be restarted as soon as practicable at its full operational level only if visual surveys were continued diligently throughout the silent period and the EZs remained clear of marine mammals during that entire period. If visual surveys were not continued diligently during the pause of 20 minutes or less, a 30-minute pre-clearance period (as described above) would precede the re-start of the HRG survey equipment. Following a shutdown, HRG survey equipment may be restarted following pre-clearance of the zones as described above.

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within an EZ or within the watch zone, shutdown would occur.

Vessel Strike Avoidance

Vessel strike avoidance measures will include, but are not limited to, the following, as required in the BOEM lease, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

• All vessel operators and crew will maintain vigilant watch for cetaceans and pinnipeds, and slow down or stop their vessel to avoid striking these protected species;
• All vessel operators will comply with 10 knot (18.5 km/hr) or less speed restrictions in any SMA per NOAA guidance;
• All vessel operators will reduce vessel speed to 10 knots (18.5 km/hr) or less when any large whale, any mother/

calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed near (within 100 m (330 ft)) an underway vessel;

- All survey vessels will maintain a separation distance of 500 m (1640 ft) or greater from any sighted North Atlantic right whale;
- If underway, vessels must steer a course away from any sighted North Atlantic right whale at 10 knots (18.5 km/hr) or less until the 500 m (1640 ft) minimum separation distance has been established. If a North Atlantic right whale is sighted in a vessel's path, or within 100 m (330 ft) to an underway vessel, the underway vessel must reduce speed and shift the engine to neutral. Engines will not be engaged until the North Atlantic right whale has moved outside of the vessel's path and beyond 100 m. If stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m;
- All vessels will maintain a separation distance of 100 m (330 ft) or greater from any sighted non-delphinoid cetacean. If sighted, the vessel underway must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved outside of the vessel's path and beyond 100 m. If a survey vessel is stationary, the vessel will not engage engines until the non-delphinoid cetacean has moved out of the vessel's path and beyond 100 m;
- All vessels will maintain a separation distance of 50 m (164 ft) or greater from any sighted delphinoid cetacean. Any vessel underway remain parallel to a sighted delphinoid cetacean's course whenever possible, and avoid excessive speed or abrupt changes in direction. Any vessel underway reduces vessel speed to 10 knots (18.5 km/hr) or less when pods (including mother/calf pairs) or large assemblages of delphinoid cetaceans are observed. Vessels may not adjust course and speed until the delphinoid cetaceans have moved beyond 50 m and/or the abeam of the underway vessel;
- All vessels will maintain a separation distance of 50 m (164 ft) or greater from any sighted pinniped; and
- All vessels underway will not divert or alter course in order to approach any whale, delphinoid cetacean, or pinniped. Any vessel underway will avoid excessive speed or abrupt changes in direction to avoid injury to the sighted cetacean or pinniped.

GSOE will ensure that vessel operators and crew maintain a vigilant watch for cetaceans and pinnipeds by slowing down or stopping the vessel to avoid striking marine mammals. Project-specific training will be conducted for all vessel crew prior to the start of the site characterization survey activities. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew members understand and will comply with the necessary requirements throughout the survey activities.

Seasonal Operating Requirements

As described above, the northern section of the proposed survey area partially overlaps with a portion of one North Atlantic right whale SMA which occurs off the mouth of the Delaware Bay. This SMA is active from November 1 through April 30 of each year. Survey vessels would be required to adhere to the mandatory vessel speed restrictions (≤10 kn) when operating within the SMA during times when the SMA is active. In addition, between watch shifts, members of the monitoring team would consult NMFS' North Atlantic right whale reporting systems for the presence of North Atlantic right whales throughout survey operations. Members of the monitoring team would monitor the NMFS North Atlantic right whale reporting systems for the establishment of a Dynamic Management Area (DMA). If NMFS should establish a DMA in the survey area, within 24 hours of the establishment of the DMA, GSOE would coordinate with NMFS to alter the survey activities as needed to avoid right whales to the extent possible.

The proposed mitigation measures are designed to avoid the already low potential for injury in addition to some Level B harassment, and to minimize the potential for vessel strikes. There are no known marine mammal feeding areas, rookeries, or mating grounds in the survey area that would otherwise potentially warrant increased mitigation measures for marine mammals or their habitat (or both). The proposed survey would occur in an area that has been identified as a biologically important area for migration for North Atlantic right whales. However, given the small spatial extent of the survey area relative to the substantially larger spatial extent of the right whale migratory area, and the relatively limited temporal overlap of the survey with the months that the migratory area is considered biologically important (March, April, November and December), the survey is not expected to appreciably reduce migratory habitat nor to negatively impact the migration of North Atlantic right whales. Thus mitigation to address the proposed survey's occurrence in North Atlantic right whale migratory habitat is not warranted. Further, we believe the proposed mitigation measures are practicable for the applicant to implement.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

• Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

As described above, visual monitoring of the EZs and monitoring zone will be performed by qualified and NMFS-approved PSOs. PSO Qualifications would include completion of a PSO training course and documented field experience on a marine mammal observation vessel and/or aerial surveys. As proposed by the applicant and required by BOEM, an observer team comprising a minimum of four NMFS-approved PSOs and a minimum of two certified PAM operator(s), operating in shifts, will be employed by GSOE during the proposed surveys. PSOs and PAM operators would work in shifts such that no one monitor will work more than 4 consecutive hours without a 2-hour break or longer than 12 hours during any 24-hour period. During daylight hours the PSOs will rotate in shifts of one on and three off, while during nighttime operations PSOs will work in pairs. The PAM operators will also be on call as necessary during daytime operations should visual observations become impaired. Each PSO will monitor 360 degrees of the field of vision. GSOE will provide resumes of all proposed PSOs and PAM operators (including alternates) to NMFS for review and approval at least 45 days prior to the start of survey operations.

Also as described above, PSOs will be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or exclusion zone using range finders. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the siting and monitoring of marine species. During night operations, PAM and night-vision equipment with infrared light-emitting diode spotlights and/or infrared video monitoring will be used to increase the ability to detect marine mammals. Position data will be recorded using hand-held or vessel global positioning system (GPS) units for each sighting. Observations will take place from the highest available vantage point on the survey vessel. General 360-degree scanning will occur during the monitoring periods, and target scanning by the PSO will occur when alerted of a marine mammal presence.

Data on all PAM/PSO observations will be recorded based on standard PSO collection requirements. This will include dates, times, and locations of survey operations; time of observation, location and weather; details of marine mammal sightings (*e.g.,* species, numbers,behavior); and details of any observed taking (*e.g.,*behavioral disturbances or injury/mortality).

Proposed Reporting Measures

Within 90 days after completion of survey activities, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals estimated to have been taken during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

In addition to the final technical report, GSOE will provide the reports described below as necessary during survey activities. In the unanticipated event that GSOE's survey activities lead to an injury (Level A harassment) or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement) of a marine mammal, DWW would immediately cease the specified activities and report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report would include the following information:

Time, date, and location (latitude/longitude) of the incident;

• Name and type of vessel involved;

• Vessel's speed during and leading up to the incident;

• Description of the incident;

• Status of all sound source use in the 24 hours preceding the incident;

• Water depth;

• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

• Description of all marine mammal observations in the 24 hours preceding the incident;

• Species identification or description of the animal(s) involved;

• Fate of the animal(s); and

• Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the event. NMFS would work with GSOE to minimize reoccurrence of such an event in the future. GSOE would not resume activities until notified by NMFS.

In the event that GSOE discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition), GSOE would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with GSOE to determine if modifications in the activities are appropriate.

In the event that GSOE discovers an injured or dead marine mammal and determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), GSOE would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, and the NMFS Greater Atlantic Regional Stranding Coordinator, within 24 hours of the discovery. GSOE would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. GSOE may continue its operations under such a case.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive

time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all the species listed in Table 6, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature.

NMFS does not anticipate that serious injury or mortality would occur as a result of GSOE's proposed survey, even in the absence of proposed mitigation. Thus the proposed authorization does not authorize any serious injury or mortality. As discussed in the *Potential Effects* section, non-auditory physical effects and vessel strike are not expected to occur.

We expect that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area, a reaction that is considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007). Potential impacts to marine mammal habitat were discussed previously in this document (see *Potential Effects of the Specified Activity on Marine Mammals and their Habitat*). Marine mammal habitat may be impacted by elevated sound levels, but these impacts would be temporary. In addition to being temporary and short in overall duration, the acoustic footprint of the proposed survey is small relative to the overall distribution of the animals in the area and their use of the area. Feeding behavior is not likely to be significantly impacted, as no areas of biological significance for marine mammal feeding are known to exist in the survey area. Prey species are mobile and are broadly distributed throughout the project area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. In addition, there are no rookeries or mating or calving areas known to be biologically important to marine mammals within the proposed project area. The proposed survey area is within a biologically important migratory area for North Atlantic right whales (effective March–April and November–December) that extends from Massachusetts to Florida (LaBrecque, *et al.,* 2015). Off the coast of Delaware, this biologically important migratory area extends from the coast to beyond the shelf break. Due to the fact that the proposed survey is temporary and short in overall duration, the majority of the survey would occur outside the months when the BIA is considered important for right whale migration, and the acoustic footprint of the proposed survey is very small relative to the spatial extent of the available migratory habitat in the area, right whale migration is not expected to be impacted by the proposed survey.

The proposed mitigation measures are expected to reduce the number and/or severity of takes by (1) giving animals the opportunity to move away from the sound source before HRG survey equipment reaches full energy; and (2) preventing animals from being exposed to sound levels that may otherwise result in injury. Additional vessel strike avoidance requirements will further mitigate potential impacts to marine mammals during vessel transit to and within the survey area.

NMFS concludes that exposures to marine mammal species and stocks due to GSOE's proposed survey would result in only short-term (temporary and short in duration) effects to individuals exposed. Marine mammals may temporarily avoid the immediate area but are not expected to permanently abandon the area. Impacts to breeding, feeding, sheltering, resting, or migration are not expected, nor are shifts in habitat use, distribution, or foraging success. NMFS does not anticipate the marine mammal takes that would result from the proposed survey would impact annual rates of recruitment or survival.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality, serious injury, or Level A harassment is anticipated or authorized;
- The anticipated impacts of the proposed activity on marine mammals would be temporary behavioral changes due to avoidance of the area around the survey vessel;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity;
- The proposed project area does not contain areas of significance for feeding, mating or calving;
- Effects on species that serve as prey species for marine mammals from the proposed survey are not expected;
- The proposed mitigation measures, including visual and acoustic monitoring, exclusion zones, and shutdown measures, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The numbers of marine mammals that we propose for authorization to be taken, for all species and stocks, would be considered small relative to the relevant stocks or populations (less than 17 percent for the Western North Atlantic Northern Migratory Coastal stock of bottlenose dolphins, and less than 5 percent for all other species and stocks) (Table 6). Bottlenose dolphins taken by the proposed survey could originate from either the Western North Atlantic Offshore or Western North Atlantic Northern Migratory Coastal stocks, based on water depths and

distances to shore in the proposed survey area. For purposes of calculating proposed takes as a percentage of population we assume 50 percent of bottlenose dolphins taken will originate from the Western North Atlantic Offshore stock and 50 percent will originate from the Western North Atlantic Northern Migratory Coastal stock. Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

The NMFS Office of Protected Resources Permits and Conservation Division is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA: the North Atlantic right, fin, sei and sperm whale. The Permits and Conservation Division has requested initiation of Section 7 consultation with the NMFS Greater Atlantic Regional Fisheries Office for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to GSOE for conducting marine site assessment surveys offshore Delaware and along potential submarine cable routes from the date of issuance for a period of one year, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This IHA is valid for a period of one year from the date of issuance.

2. This IHA is valid only for marine site characterization survey activity in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0482) and along submarine cable routes between the Lease area and Maryland or Delaware.

3. General Conditions

(a) A copy of this IHA must be in the possession of GSOE, the vessel operator and other relevant personnel, the lead PSO, and any other relevant designees of GSOE operating under the authority of this IHA.

(b) The species authorized for taking are listed in Table 6. The taking, by Level B harassment only, is limited to the species and numbers listed in Table 6. Any taking of species not listed in Table 6, or exceeding the authorized amounts listed in Table 6, is prohibited and may result in the modification, suspension, or revocation of this IHA.

(c) The taking by injury, serious injury or death of any species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(d) GSOE shall ensure that the vessel operator and other relevant vessel personnel are briefed on all responsibilities, communication procedures, marine mammal monitoring protocols, operational procedures, and IHA requirements prior to the start of survey activity, and when relevant new personnel join the survey operations.

4. Mitigation Requirements—the holder of this Authorization is required to implement the following mitigation measures:

(a) GSOE shall use at least four (4) NMFS-approved protected species observers (PSOs) during HRG surveys. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval prior to commencement of the survey.

(b) Visual monitoring must begin no less than 30 minutes prior to initiation of survey equipment and must continue until 30 minutes after use of survey equipment ceases.

(c) Exclusion Zones and Watch Zone—PSOs shall establish and monitor marine mammal Exclusion Zones and Watch Zone. The Watch Zone shall represent the extent of the Level B harassment zone (447 m). Exclusion Zones are as follows:

(i) 500 m Exclusion Zone for North Atlantic right whales;

(ii) 200 m Exclusion Zone for fin whales, sei whales, and sperm whales; and

(iii) 25 m Exclusion Zone for harbor porpoises.

(d) Shutdown requirements—If a marine mammal is observed within, entering, or approaching the relevant Exclusion Zones as described under 4(c) while geophysical survey equipment is operational, the geophysical survey equipment must be immediately shut down.

(i) Any PSO on duty has the authority to call for shutdown of survey equipment. When there is certainty regarding the need for mitigation action on the basis of visual detection, the relevant PSO(s) must call for such action immediately.

(ii) When a shutdown is called for by a PSO, the shutdown must occur and any dispute resolved only following shutdown.

(iii) Upon implementation of a shutdown, survey equipment may be reactivated when all marine mammals have been confirmed by visual observation to have exited the relevant Exclusion Zone or an additional time period has elapsed with no further sighting of the animal that triggered the shutdown (15 minutes for small delphinoid cetaceans and 30 minutes for all other species).

(iv) If geophysical equipment shuts down for reasons other than mitigation (*i.e.,* mechanical or electronic failure) resulting in the cessation of the survey equipment for a period of less than 20 minutes, the equipment may be restarted as soon as practicable if visual surveys were continued diligently throughout the silent period and the relevant Exclusion Zones are confirmed by PSOs to have remained clear of marine mammals during the entire 20-minute period. If visual surveys were not continued diligently during the pause of 20 minutes or less, a 30-minute pre-clearance period shall precede the restart of the geophysical survey equipment as described in 4(e). If the period of shutdown for reasons other than mitigation is greater than 20 minutes, a pre-clearance period shall precede the restart of the geophysical survey equipment as described in 4(e).

(v) If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Exclusion Zone or Watch Zone, shutdown must occur.

(e) Pre-clearance observation—30 minutes of pre-clearance observation shall be conducted prior to initiation of geophysical survey equipment. Geophysical survey equipment shall not be initiated if marine mammals are observed within the relevant Exclusion Zones as described under 4(d) during the pre-clearance period. If a marine mammal is observed within the relevant Exclusion Zones during the pre-clearance period, initiation of the geophysical survey equipment will be delayed until the marine mammal(s) departs the relevant Exclusion Zone.

(f) Ramp-up—when technically feasible, survey equipment shall be ramped up at the start or re-start of survey activities. Ramp-up will begin with the power of the smallest acoustic equipment at its lowest practical power output appropriate for the survey. When technically feasible the power will then be gradually turned up and other acoustic sources added in way such that the source level would increase gradually.

(g) Vessel Strike Avoidance—Vessel operator and crew must maintain a vigilant watch for all marine mammals and slow down or stop the vessel or alter course, as appropriate, to avoid striking any marine mammal, unless such action represents a human safety concern. Survey vessel crew members responsible for navigation duties shall receive site-specific training on marine mammal sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures shall include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

(i) The vessel operator and crew shall maintain vigilant watch for cetaceans and pinnipeds, and slow down or stop the vessel to avoid striking marine mammals;

(ii) The vessel operator shall reduce vessel speed to 10 knots (18.5 km/hr) or less when any large whale, any mother/calf pairs, whale or dolphin pods, or larger assemblages of non-delphinoid cetaceans are observed near (within 100 m (330 ft)) an underway vessel;

(iii) The survey vessel shall maintain a separation distance of 500 m (1,640 ft) or greater from any sighted North Atlantic right whale;

(iv) If underway, the vessel must steer a course away from any sighted North Atlantic right whale at 10 knots (18.5 km/hr) or less until the 500 m (1,640 ft) minimum separation distance has been established. If a North Atlantic right whale is sighted in a vessel's path, or within 100 m (330 ft) to an underway vessel, the underway vessel must reduce speed and shift the engine to neutral. Engines will not be engaged until the North Atlantic right whale has moved outside of the vessel's path and beyond 100 m. If stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m;

(v) The vessel shall maintain a separation distance of 100 m (330 ft) or greater from any sighted non-delphinoid cetacean. If sighted, the vessel underway must reduce speed and shift the engine to neutral and must not engage the engines until the non-delphinoid cetacean has moved outside of the vessel's path and beyond 100 m. If a survey vessel is stationary, the vessel will not engage engines until the non-delphinoid cetacean has moved out of the vessel's path and beyond 100 m;

(vi) The vessel shall maintain a separation distance of 50 m (164 ft) or greater from any sighted delphinoid cetacean. Any vessel underway remain parallel to a sighted delphinoid cetacean's course whenever possible and avoid excessive speed or abrupt changes in direction. Any vessel underway reduces vessel speed to 10 knots (18.5 km/hr) or less when pods (including mother/calf pairs) or large assemblages of delphinoid cetaceans are observed. Vessels may not adjust course and speed until the delphinoid cetaceans have moved beyond 50 m and/or the abeam of the underway vessel;

(vii) All vessels shall maintain a separation distance of 50 m (164 ft) or greater from any sighted pinniped; and

(viii) All vessels underway shall not divert or alter course in order to approach any whale, delphinoid cetacean, or pinniped. Any vessel underway will avoid excessive speed or abrupt changes in direction to avoid injury to the sighted cetacean or pinniped.

(ix) The vessel operator shall comply with 10 knot (18.5 km/hr) or less speed restrictions in any Seasonal Management Area per NMFS guidance.

(x) If NMFS should establish a Dynamic Management Area (DMA) in the area of the survey, within 24 hours of the establishment of the DMA, GSOE shall work with NMFS to shut down and/or alter survey activities as appropriate.

5. Monitoring Requirements—The Holder of this Authorization is required to conduct marine mammal visual monitoring and passive acoustic monitoring (PAM) during geophysical survey activity. Monitoring shall be conducted in accordance with the following requirements:

(a) A minimum of four NMFS-approved PSOs and a minimum of two certified (PAM) operator(s), operating in shifts, shall be employed by GSOE during geophysical surveys.

(b) Observations shall take place from the highest available vantage point on the survey vessel. General 360-degree scanning shall occur during the monitoring periods, and target scanning by PSOs will occur when alerted of a marine mammal presence.

(c) PSOs shall be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or Exclusion Zones using range finders. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine species.

(d) PAM shall be used during nighttime geophysical survey operations. The PAM system shall consist of an array of hydrophones with both broadband (sampling mid-range frequencies of 2 kHz to 200 kHz) and at least one low-frequency hydrophone (sampling range frequencies of 75 Hz to 30 kHz). PAM operators shall communicate detections or vocalizations to the Lead PSO on duty who shall ensure the implementation of the appropriate mitigation measure.

(e) During night surveys, night-vision equipment with infrared light-emitting diode spotlights and/or infrared video monitoring shall be used in addition to PAM. Specifications for night-vision equipment shall be provided to NMFS for review and acceptance prior to start of surveys.

(f) PSOs and PAM operators shall work in shifts such that no one monitor will work more than 4 consecutive hours without a 2 hour break or longer than 12 hours during any 24-hour period. During daylight hours the PSOs shall rotate in shifts of 1 on and 3 off, and while during nighttime operations PSOs shall work in pairs.

(g) PAM operators shall also be on call as necessary during daytime operations should visual observations become impaired.

(h) Position data shall be recorded using hand-held or vessel global positioning system (GPS) units for each sighting.

(i) A briefing shall be conducted between survey supervisors and crews, PSOs, and GSOE to establish responsibilities of each party, define

chains of command, discuss communication procedures, provide an overview of monitoring purposes, and review operational procedures.

(j) GSOE shall provide resumes of all proposed PSOs and PAM operators (including alternates) to NMFS for review and approval at least 45 days prior to the start of survey operations.

(k) PSO Qualifications shall include completion of a PSO training course and documented field experience on a marine mammal observation vessel and/or aerial surveys.

(a) Data on all PAM/PSO observations shall be recorded based on standard PSO collection requirements. PSOs must use standardized data forms, whether hard copy or electronic. The following information shall be reported:

(i) PSO names and affiliations

(ii) Dates of departures and returns to port with port name

(iii) Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort

(iv) Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts

(v) Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change

(vi) Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon

(vii) Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions)

(viii) Survey activity information, such as acoustic source power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.,* pre-ramp-up survey, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.)

(ix) If a marine mammal is sighted, the following information should be recorded:

(A) Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

(B) PSO who sighted the animal;

(C) Time of sighting;

(D) Vessel location at time of sighting;

(E) Water depth;

(F) Direction of vessel's travel (compass direction);

(G) Direction of animal's travel relative to the vessel;

(H) Pace of the animal;

(I) Estimated distance to the animal and its heading relative to vessel at initial sighting;

(J) Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;

(K) Estimated number of animals (high/low/best) ;

(L) Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

(M) Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

(N) Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

(O) Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

(P) Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other); and

(Q) Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

6. Reporting—a technical report shall be provided to NMFS within 90 days after completion of survey activities that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, estimates the number of marine mammals that may have been taken during survey activities, describes the effectiveness of the various mitigation techniques (*i.e.* visual observations during day and night compared to PAM detections/operations) and provides an interpretation of the results and effectiveness of all monitoring tasks. Any recommendations made by NMFS shall be addressed in the final report prior to acceptance by NMFS.

(a) Reporting injured or dead marine mammals:

(i) In the event that the specified activity clearly causes the take of a marine mammal in a manner not prohibited by this IHA (if issued), such as serious injury or mortality, GSOE shall immediately cease the specified activities and immediately report the incident to the NMFS Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report must include the following information:

(A) Time, date, and location (latitude/longitude) of the incident;

(B) Vessel's speed during and leading up to the incident;

(C) Description of the incident;

(D) Status of all sound source use in the 24 hours preceding the incident;

(E) Water depth;

(F) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(G) Description of all marine mammal observations in the 24 hours preceding the incident;

(H) Species identification or description of the animal(s) involved;

(I) Fate of the animal(s); and

(J) Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with GSOE to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. GSOE may not resume their activities until notified by NMFS.

(ii) In the event that GSOE discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), GSOE shall immediately report the incident to the NMFS Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report must include the same information identified in condition 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with GSOE to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that GSOE discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the specified activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), GSOE shall report the incident to the NMFS Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator within 24 hours of the discovery. GSOE shall provide photographs or video footage or other documentation of the sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact

on the species or stock of affected marine mammals.

Request for Public Comments

We request comment on our analyses, the draft authorization, and any other aspect of this Notice of Proposed IHA for the proposed marine site characterization surveys. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a one-year renewal IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned, or (2) the activities would not be completed by the time the IHA expires and renewal would allow completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA.
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: March 30, 2018.

Elaine T. Saiz,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG131

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Bravo Wharf Recapitalization Project

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for an incidental harassment authorization (IHA) that would cover a subset of the take authorized in an IHA previously issued to the Navy to incidentally take bottlenose dolphins, by Level B harassment only, during construction activities associated with a wharf recapitalization project at Bravo Wharf, Naval Station Mayport, Florida. The project has been delayed, such that only a subset of the work covered in the 2017 IHA has been completed and, therefore, the Navy requested that an IHA be issued to cover the remainder of their work. NMFS is proposing to issue a second IHA to cover the remainder of the incidental take analyzed and authorized in the first IHA. The authorized take numbers would be adjusted (*i.e.,* reduced) to account for the reduction in work (because a subset was already completed) and a revision of the source level based on a recent measurement, and the required mitigation, monitoring, and reporting would remain the same as authorized in the 2017 IHA referenced above. NMFS is requesting comments on its proposal to issue this IHA to incidentally take marine mammals during the Navy's specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 4, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.daly@noaa.gov*.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/node/23111* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427–8438. Electronic copies of the original application and supporting documents (including NMFS FR notices of the original proposed and final authorizations), as well as a list of the references cited in this document, may be obtained online at *https://www.fisheries.noaa.gov/node/23111*. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is

not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), the Navy prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from the Bravo Wharf recapitalization project. NMFS made the Navy's EA available to the public for review and comment, in relation to its suitability for adoption by NMFS in order to assess the impacts to the human environment of issuance of an IHA to the Navy. Also in compliance with NEPA and the CEQ regulations, as well as NOAA Administrative Order 216–6, NMFS has reviewed the Navy's EA, determined it to be sufficient, and adopted that EA and signed a Finding of No Significant Impact (FONSI) in July, 2016. The 2016 NEPA documents are available at *https://www.fisheries.noaa.gov/node/23111*.

Since this proposed IHA covers a subset of the same work covered in a former IHA, NMFS is preliminarily proposing to rely on this same EA and FONSI document. However, we will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the current IHA request.

History of Request

On July 21, 2015, we received a request from the Navy for authorization of the taking, by Level B harassment only, of marine mammals incidental to pile driving (predominantly vibratory pile driving, with a small amount of impact pile driving as a contingency plan in case of difficult piles) in association with the Bravo Wharf Recapitalization Project at Naval Station Mayport, Florida. A final version of the application, which we deemed adequate and complete, was submitted on November 17, 2015. We published a notice of a proposed IHA and request for comments on December 7, 2015 (80 FR 75978), and subsequently published final notice of our issuance of the IHA on August 9, 2016 (81 FR 52637). In-water work associated with the project was expected to be completed within the one-year timeframe of the IHA (effective dates originally December 1, 2016 through November 30, 2017). The specified activities are expected to result in the take of individuals from four stocks of bottlenose dolphins (*Tursiops truncatus*).

On January 23, 2017, the Navy informed NMFS that no work had been performed relevant to the specified activity considered in the MMPA analysis. On February 22, 2017, we published a notice of a revision of the IHA (82 FR 11344), revising the effective authorization dates from March 13, 2017, through March 12, 2018.

On December 5, 2017, the Navy informed NMFS that construction had not yet begun on one of two construction phases authorized under the revised IHA. The Navy attributed delays in progress and inaccuracies in original construction planning due to a combination of: (1) Rain delays, hurricane preparation, and Hurricane Irma, (2) Inefficiencies by the contractor, and (3) Activities influenced by tides, originally unaccounted for in the schedule.

On January 9, 2018, the Navy formally requested that NMFS issue an IHA for one year from May 14, 2018, to May 13, 2019 in order to complete a subset of the construction activity previously covered by the 2017 IHA.

Because this IHA will cover a subset of the take already analyzed and authorized through the previous IHA, we primarily refer back to our previous documents and analysis, which remain germane, and describe any changes here.

Description of the Proposed Activity and Anticipated Impacts

The 2017 IHA covered the installation of 880 single sheet piles installed with a vibratory hammer over 110 days and 20 days of contingency impact driving, for a total of up to 130 construction days. The 2017 IHA authorized the Level B harassment of 370 bottlenose dolphins (330 takes from vibratory pile driving, 40 from impact pile driving), which could occur to any of the four stocks in the area. The Navy did not complete that work, and now requests that this second IHA cover the installation of the remaining 356 steel sheet piles over the course of 43 pile-driving days, plus 10 contingency impact driving days, for a total of 53 days.

To support public review and comment on the IHA that NMFS is proposing to issue here, we refer to the documents related to the previously issued IHA as well as discussing any new or changed information. These previous documents include the **Federal Register** notice of the issuance of the 2017 IHA for the Navy's Bravo Wharf (82 FR 11344, February 22, 2017), the Navy's application, the **Federal Register** notice of the proposed IHA (81 FR 52637; December 1, 2016), and all associated references and documents.

Detailed Description of the Action—A detailed description of the proposed vibratory and impact pile driving activities at Bravo Wharf is found in these previous documents. The location, timing (*e.g.,* lack of seasonality), and nature of the pile driving operations, including the type and size of piles and the methods of pile driving, are identical to those described in the previous notices, except that only a subset of the number of piles are proposed to be driven here (356 piles over 53 days, versus 880 over 130 days).

Description of Marine Mammals—A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to this IHA as well. In addition, NMFS has reviewed recent draft Stock Assessment Reports (SARs), information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the current IHA. Since issuing the 2017 IHA, NMFS published draft SARs (82 FR 60181; 19 December 2017). In the draft SARs, stock abundance information has preliminary changed for species that have the potential to occur in the activity area but for which take is not anticipated or authorized, which includes North Atlantic right whales and humpback whales. Abundance has changed for two stocks of bottlenose dolphins for which take is authorized: the Western North Atlantic, Northern Florida Coastal, and the Western North Atlantic, southern migratory coastal stocks. However, proposed abundance changes do not affect our estimated take numbers or negligible impact and small numbers determinations, and therefore these changes do not affect our analysis.

Potential Effects on Marine Mammals—A description of the

potential effects of the specified activities on marine mammals and their habitat is found in these previous documents, which remains applicable to this IHA. There is no new information on potential effects.

Estimated Take—A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in these previous documents. The methods of estimating take are identical to those used in the previous IHA, as is the density of marine mammals. One input into the take estimate, the source levels, was changed to reflect newer information. The original IHA reflected a vibratory pile driving source level of 151 decibels (dB) root mean square (rms), but more recent measurements (measurements of vibratory driving of steel sheet piles during the first year of construction at nearby Wharf C–2 at Naval Station Mayport (DoN 2015) support a higher source level (156 dB rms). The impact pile driving source level of was also corrected from 189 dB rms to 190 rms (CalTrans 2015). The Navy modified their take estimates to reflect these newer values, which NMFS used for issuance of another IHA at Bravo Wharf (83 FR 9287; March 5, 2018). Using the same take estimate methodology described in the 2017 IHA and the updated source levels (which extends the vibratory pile driving Level B harassment isopleth from 1,166 meters (m) to 2,512 m, and the impact pile driving Level B harassment isopleth from 858 m to 1000 m), the Navy has requested 242 Level B harassment takes of bottlenose dolphins during vibratory driving and 22 during impact driving, for a total of 264 requested Level B bottlenose dolphin takes, which NMFS agrees is an accurate estimate of incidental take that may occur.. There are four stocks of bottlenose dolphins to which takes could accrue: Jacksonville Estuarine System; Western North Atlantic, northern Florida coastal; Western North Atlantic, offshore; and Western North Atlantic, southern migratory coastal.

The change in source levels results in only minimal changes to Level A Harassment zones (it is still less than 2 m for mid-frequency species and increased slightly from 40 m to 46 m for low frequency species during impact driving) and our conclusions remain unchanged. Level A incidental take is not expected to occur for the same reasons discussed in the previous documents (combination of improbability of animals entering the small zone and the expected effectiveness of the mitigation) and none is proposed for authorization.

Description of Proposed Mitigation, Monitoring and Reporting Measures—A description of proposed mitigation, monitoring, and reporting measures is found in the previous documents, which are identical in this proposed IHA. In summary, mitigation includes soft start techniques, as well as a 15-m shutdown zone for vibratory pile driving and 40-m shutdown for impact pile driving. Two trained observers will monitor to implement shutdowns and collect information.

On January 9, 2018, the Navy submitted a monitoring report for construction that had been completed under the 2017 IHA. The Navy complied with all mitigation, monitoring, and reporting protocols. Recorded takes were below the number authorized for the corresponding amount of work. The monitoring report can be viewed on NMFS's website at *https://www.fisheries.noaa.gov/node/23111*.

Preliminary Determinations

The Navy proposes to conduct a subset of activities identical to those covered in the previous 2017 IHA, As described above, the number of estimated takes of the same stocks of bottlenose dolphins (Jacksonville Estuarine System; northern Florida coastal; Western North Atlantic, offshore; and southern migratory coastal) is significantly lower than the 330 Level B harassment takes from vibratory pile driving and 40 Level B harassment takes from impact pile driving that were found to meet the negligible impact and small numbers standards and authorized under the 2017 IHA. The proposed IHA includes identical required mitigation, monitoring, and reporting measures as the 2017 IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

However, no incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, we are proposing to issue an IHA to the Navy to conduct the specified activities in Naval Station Mayport, FL from May 14, 2018, through May 13, 2019, provided the previously described mitigation, monitoring, and reporting requirements are incorporated.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Incidental Harassment Authorization (IHA) is valid from May 14, 2018, through May 13, 2019.

2. This IHA is valid only for pile driving activities associated with the Bravo Wharf Recapitalization Project at Naval Station Mayport, Florida.

3. General Conditions

(a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.

(b) The species authorized for taking is the bottlenose dolphin (*Tursiops truncatus*) from any of the four following stocks: Jacksonville Estuarine System; Western North Atlantic, Northern Florida coastal; Western North Atlantic, offshore; and Western North Atlantic, southern migratory coastal.

(c) The taking is limited to 264 Level B harassment takes from any of the aforementioned stocks of bottlenose dolphins.

(d) The taking by injury (Level A harassment), serious injury, or death of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) The Navy shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

(a) For all pile driving, the Navy shall implement a minimum shutdown zone of 15 m radius around the pile. For impact driving of steel piles, the minimum shutdown zone shall be a 40 m radius. If a marine mammal comes within or approaches the shutdown zone, such operations shall cease.

(b) The Navy shall establish monitoring locations as described below. Please also refer to the Marine Mammal Monitoring Plan (available at *https://www.fisheries.noaa.gov/node/23111*).

i. For all pile driving activities, a minimum of two observers shall be deployed, with one positioned to achieve optimal monitoring of the shutdown zone and the second positioned to achieve optimal monitoring of surrounding waters of the turning basin, the entrance to that basin, and portions of the Atlantic Ocean. If practicable, the second observer should be deployed to an elevated position, preferably opposite Bravo Wharf and with clear sight lines to the wharf and out the entrance channel.

ii. These observers shall record all observations of marine mammals, regardless of distance from the pile being driven, as well as behavior and potential behavioral reactions of the animals. Observations within the turning basin shall be distinguished from those in the entrance channel and nearshore waters of the Atlantic Ocean.

iii. All observers shall be equipped for communication of marine mammal observations amongst each other and to other relevant personnel (*e.g.,* those necessary to effect activity delay or shutdown).

(c) Monitoring shall take place from fifteen minutes prior to initiation of pile driving activity through thirty minutes post-completion of pile driving activity. Pile driving may commence when observers have declared the shutdown zone clear of marine mammals. In the event of a delay or shutdown of activity resulting from marine mammals in the shutdown zone, animals shall be allowed to remain in the shutdown zone (*i.e.,* must leave of their own volition) and their behavior shall be monitored and documented. Monitoring shall occur throughout the time required to drive a pile. The shutdown zone must be determined to be clear during periods of good visibility (*i.e.,* the entire shutdown zone and surrounding waters must be visible to the naked eye).

(d) If a marine mammal approaches or enters the shutdown zone, all pile driving activities at that location shall be halted. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or fifteen minutes have passed without re-detection of the animal.

(e) Monitoring shall be conducted by qualified observers, as described in the Monitoring Plan. Trained observers shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start and in accordance with the monitoring plan, and shall include instruction on species identification (sufficient to distinguish the species listed in 3(b)), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

(f) The Navy shall use soft start techniques recommended by NMFS for impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer.

(g) Pile driving shall only be conducted during daylight hours.

(h) If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the monitoring zone, pile driving and removal activities must shut down immediately using delay and shut-down procedures. Activities must not resume until the animal has been confirmed to have left the area or fifteen minutes have passed without re-detection of the animal.

5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during pile driving activity. Marine mammal monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

(a) The Navy shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. All observers shall be trained in marine mammal identification and behaviors, and shall have no other construction-related tasks while conducting monitoring.

(b) For all marine mammal monitoring, the information shall be recorded as described in the Monitoring Plan.

6. Reporting

The holder of this Authorization is required to:

(a) Submit a draft report on all monitoring conducted under the IHA within ninety days of the completion of marine mammal monitoring, or sixty days prior to the issuance of any subsequent IHA for projects at Naval Station Mayport, whichever comes first. A final report shall be prepared and submitted within thirty days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at minimum (see *https://www.fisheries.noaa.gov/node/23111*), and shall also include:

i. Detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any.

ii. Description of attempts to distinguish between the number of individual animals taken and the number of incidents of take, such as ability to track groups or individuals.

iii. Estimated total take extrapolated from the number of marine mammals observed during the course of construction activities, if necessary.

(b) Reporting injured or dead marine mammals:

i. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, Navy shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the Southeast Regional Stranding

Coordinator, NMFS. The report must include the following information:

A. Time and date of the incident;

B. Description of the incident;

C. Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

D. Description of all marine mammal observations in the 24 hours preceding the incident;

E. Species identification or description of the animal(s) involved;

F. Fate of the animal(s); and

G. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Navy to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Navy may not resume their activities until notified by NMFS.

ii. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), Navy shall immediately report the incident to the Office of Protected Resources, NMFS, and the Southeast Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that Navy discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), Navy shall report the incident to the Office of Protected Resources, NMFS, and the Southeast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. Navy shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS. The Navy can continue its operations under such a case.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

Request for Public Comments

We request comment on our analyses, the draft authorization, and any other aspect of this Notice of Proposed IHA for Navy's Bravo wharf construction activities. Please include with your comments any supporting data or literature citations to help inform our final decision on Navy's request for an MMPA authorization.

Dated: March 29, 2018.

Elaine T. Saiz,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–06772 Filed 4–3–18; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 18–C0001]

Polaris Industries Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of the Consumer Product Safety Commission's regulations. Published below is a provisionally-accepted Settlement Agreement with Polaris Industries Inc. containing a civil penalty in the amount of twenty seven million, two hundred and fifty thousand dollars ($27,250,000), to be paid within thirty (30) days of service of the Commission's final Order accepting the Settlement Agreement.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by April 19, 2018.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 18–C0001, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 820, Bethesda, Maryland 20814–4408.

FOR FURTHER INFORMATION CONTACT: Daniel R. Vice, Trial Attorney, Division of Compliance, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–6996.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: March 30, 2018.

Alberta E. Mills,

Secretary.

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: POLARIS INDUSTRIES INC.

CPSC Docket No.: 18–C0001

SETTLEMENT AGREEMENT

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. §§ 2051–2089 (''CPSA'') and 16 CFR § 1118.20, Polaris Industries Inc. (''Polaris''), and the United States Consumer Product Safety Commission (''Commission''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

THE PARTIES

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for the enforcement of, the CPSA, 15 U.S.C. §§ 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR § 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. Polaris is a corporation, organized and existing under the laws of the state of Minnesota, with its principal place of business in Medina, Minnesota.

STAFF CHARGES

4. Between February 2012 and April 2016, Polaris manufactured or imported, distributed and offered for sale in the United States approximately 133,000 Model Year 2013–2016 RZR 900 and Model Year 2014–2016 RZR 1000 recreational off-road vehicles (''RZRs'').

5. Between April 2013 and April 2017, Polaris manufactured or imported, distributed and offered for sale approximately 93,500 Model Year 2014–2015 Ranger XP 900, XP 900 EPS and CREW 900 off-road vehicles (''Rangers'').

6. The RZRs and Rangers (collectively, the ''Vehicles'') are ''consumer products'' that were ''distribut[ed] in commerce,'' as those terms are defined or used in sections 3(a)(5) and (8) of the CPSA, 15 U.S.C. § 2052(a)(5) and (8). Polaris is a ''manufacturer'' of the Vehicles and imported the Vehicles, as such terms are defined in sections 3(a)(9) and (11) of the CPSA, 15 U.S.C. § 2052(a)(9) and (11).

Violation of CPSA Section 19(a)(4)

Staff Charges Regarding RZR 900s and 1000s

7. The RZRs contained one or more defects which could create a substantial product hazard and create an unreasonable risk of serious injury or death because the RZRs could catch fire while consumers were driving, posing fire and burn hazards to drivers and passengers.

8. Despite information that reasonably supported the conclusion that the RZRs contained one or more defects that could create a substantial product hazard or create an unreasonable risk of serious injury or death, Polaris did not immediately report to CPSC.

9. Instead, Polaris filed a Full Report concerning the fire risk associated with MY 2014 to MY 2016 RZRs on February 19, 2016. By that time, Polaris reported that it had received reports of 150 fires on MY 14–MY 16 RZRs that had resulted in the death of a 15-year-old passenger from a rollover that resulted in a fire, 11 reports of burn injuries, and a fire that burned ten acres of land.

10. Polaris and the CPSC announced a recall of 133,000 MY 13–16 RZRs on April 19, 2016, because the RZRs could catch fire while consumers were driving, posing fire and burn hazards to drivers and passengers. The repair remedy offered to consumers for this recall differed from the repair remedy offered for an earlier recall, jointly announced by Polaris and CPSC in October 2015 on MY 15 RZR 900s and 1000s, involving a pinched fuel tank vent line. By the time Polaris announced the April 2016 recall, it had received more than 160 reports of fires in MY 13–16 RZRs, including the fatality previously reported to CPSC and 19 reports of injuries, including first, second and third degree burns.

Staff Charges Regarding Ranger 900s

11. The Rangers contained a defect which could create a substantial product hazard and create an unreasonable risk of serious injury or death because the heat shield could fall off the vehicle, posing fire and burn hazards to riders.

12. Between December 2013 and July 2016, Polaris received 36 reports of fires associated with the MY 14 Rangers, including two incidents that resulted in minor burns to consumers. Polaris also implemented design changes to increase the attachment screw length and require the attachment screws to be fastened to a steel frame member to prevent the heat shields from becoming loose and falling off. The first design change was implemented on MY 15 Rangers and the latter on MY 16 Rangers.

13. Despite information that reasonably supported the conclusion that the MY 14 Rangers contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury or death, Polaris did not immediately report to CPSC.

14. Instead, Polaris filed a Full Report on the MY 14 Rangers with the Commission, under 15 U.S.C. § 2064(b), on July 12, 2016.

15. Polaris and the Commission jointly announced a recall of 42,500 MY 14 Rangers on September 15, 2016 (''First Ranger Recall'') because the heat shields could fall off the vehicle, posing fire and burn hazards to riders.

16. Subsequent to the First Ranger Recall, Polaris received reports of heat shields coming loose or falling off on the MY 15 Ranger, including two reports of fire. Polaris did not immediately report this information to CPSC.

17. Instead, Polaris filed a Full Report on MY 15 Ranger 900s in March 2017, when the number of heat shield incidents on Rangers had reached 10, including five reports of fires. Polaris and CPSC jointly announced a recall of the MY 15 Rangers on April 13, 2017.

Staff Charges of Failure to Report Immediately

18. Despite having information reasonably supporting the conclusion that the Vehicles contained a defect or created an unreasonable risk of serious injury, Polaris did not notify the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. § 2064(b)(3) and (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

19. Because the information in Polaris' possession about the Vehicles constituted actual and presumed knowledge, Polaris knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d).

20. Pursuant to section 20 of the CPSA, 15 U.S.C. § 2069, Polaris is subject to civil penalties for its knowing violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4).

RESPONSE OF POLARIS

21. Polaris conducted reasonable, expeditious, and diligent investigations into the reports of thermal events relating to the RZR and Ranger Vehicles. The RZR and Ranger Vehicles are four-wheel vehicles that have automotive-style controls and seating. Particularly in gasoline-powered vehicles, fires and other thermal events are notoriously difficult to evaluate and often do not allow for, and in fact impede, the prompt identification of root causes. Fires can, and do, occur in gasoline-powered vehicles for reasons unrelated to any potential defect in the vehicles. The causes of the fires varied. Polaris identified these causes over time in the course of its investigations. The issues involved in the RZR recall announced on April 19, 2016 were unrelated to an earlier recall, jointly announced in October 2015 on MY 2015 RZR 900s and 1000s, involving a pinched fuel tank vent line. Many of the RZR incidents received attention in the public media.

22. The signing of this Agreement does not constitute an admission by Polaris of the staff's charges in paragraphs 4 through 20, including, but not limited to, the charges that (a) the Vehicles contained defects that could create a substantial product hazard and created an unreasonable risk of serious injury; (b) Polaris failed to notify the Commission in a timely manner, in accordance with sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. §§ 2064(b)(3) and (4); (c) Polaris failed to furnish information as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. § 2064(b)(3) and (4), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4); and (d) there was any ''knowing'' violation of the CPSA as that term is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d).

23. The voluntary recalls of the RZR and Ranger Vehicles, as well as the voluntary section 15(b) reporting, by Polaris were conducted out of an abundance of caution and without Polaris having determined or concluded that the RZR Vehicles or Ranger Vehicles contained a defect or posed an unreasonable risk of serious injury.

24. Polaris enters this Agreement to settle this matter without the delay and unnecessary expense of litigation.

AGREEMENT OF THE PARTIES

25. Under the CPSA, the Commission has jurisdiction over the matter involving the Vehicles and over Polaris.

26. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Polaris or a determination by the Commission that Polaris violated the CPSA's reporting requirements.

27. In settlement of staff's charges of violations of the CPSA, 15 U.S.C. § 2068(a)(4), and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, Polaris shall pay a civil penalty in the amount of twenty seven million, two hundred and fifty thousand dollars ($27,250,000) within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via *http://www.pay.gov,* for allocation to, and credit against, the payment obligations of Polaris under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

28. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by Polaris to the United States, and interest shall accrue and be paid by Polaris at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter ''Default Payment Amount'' and ''Default Interest Balance''). Polaris shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and Polaris agrees not to contest, and hereby waives and discharges any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. Polaris shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

29. After staff receives this Agreement executed on behalf of Polaris, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the *Federal Register*, in accordance with the procedures set forth in 16 CFR § 1118.20(e). If the Commission does not receive any written request not to

accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the *Federal Register*, in accordance with 16 CFR § 1118.20(f).

30. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR § 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon Polaris, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

31. Effective upon the later of: (i) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon Polaris and (ii) the date of issuance of the final Order, for good and valuable consideration, Polaris hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission of whether Polaris failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

32. After receipt of the payment set forth in paragraph 27 above, the Commission releases and agrees that it will not seek civil penalties from Polaris, including its current and former directors, officers, employees, successors and assigns, for any violation of section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4), regarding a hazard or defect reported in connection with a model year vehicle for which Polaris, as of June 29, 2017, had submitted an Initial or Full Report under CPSA section 15(b), 15 U.S.C. § 2064(b), and 16 CFR § 1115.13(c) and (d). This paragraph does not relieve Polaris from the continuing duty to report to the Commission any new, additional or different information as required by CPSA section 15(b), 15 U.S.C. § 2064(b), and the regulations at 16 CFR part 1115.

33. Polaris represents and warrants that the information supplied by Polaris to the Commission in connection with the matters addressed in the Agreement was, at the time provided to the Commission, full, complete and accurate, to the best of Polaris' knowledge.

34. Polaris shall maintain a compliance program designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by Polaris, and which shall contain the following elements: (i) written standards, policies and procedures, including those designed to ensure that information that may relate to or impact CPSA compliance is conveyed effectively to personnel responsible for CPSA compliance, whether or not an injury is referenced; (ii) a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary; (iii) effective communication of company compliance-related policies and procedures regarding the CPSA to all applicable employees through training programs or otherwise; (iv) Polaris' senior management responsibility for, and general board oversight of, CPSA compliance; and (v) retention of all CPSA compliance-related records for at least five (5) years, and availability of such records to staff upon request.

35. Polaris shall maintain and enforce a system of internal controls and procedures designed to ensure that, with respect to all consumer products imported, manufactured, distributed or sold by Polaris: (i) information required to be disclosed by Polaris to the Commission is recorded, processed and reported in accordance with applicable law; (ii) all reporting made to the Commission is timely, truthful, complete, accurate and in accordance with applicable law; and (iii) prompt disclosure is made to Polaris' management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, Polaris' ability to record, process and report to the Commission in accordance with applicable law.

36. Upon reasonable request of staff, Polaris shall provide written documentation of its internal controls and procedures, including, but not limited to, the effective dates of the procedures and improvements thereto. Polaris shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff to evaluate Polaris' compliance with the terms of the Agreement.

37. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

38. Polaris represents that the Agreement: (i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of Polaris, enforceable against Polaris in accordance with its terms. Polaris will not directly or indirectly receive any reimbursement, indemnification, insurance-related payment, or other payment in connection with the civil penalty to be paid by Polaris pursuant to the Agreement and Order. The individuals signing the Agreement on behalf of Polaris represent and warrant that they are duly authorized by Polaris to execute the Agreement.

39. The signatories represent that they are authorized to execute this Agreement.

40. The Agreement is governed by the laws of the United States.

41. The Agreement and the Order shall apply to, and be binding upon, Polaris and each of its successors, transferees, and assigns; and a violation of the Agreement or Order may subject Polaris, and each of its successors, transferees, and assigns, to appropriate legal action.

42. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

43. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

44. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR § 1118.20(h). The Agreement may be executed in counterparts.

45. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Polaris agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

POLARIS INDUSTRIES INC.

Dated: March 16, 2018
By:

Lucy Clark-Dougherty
Senior Vice President, General Counsel, Compliance Officer and Secretary

POLARIS INDUSTRIES INC.

Dated: March 16, 2018
By:

Erika Z. Jones
Counsel to Polaris Industries Inc.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Patricia Hanz
General Counsel
Dated: March 16, 2018

Mary B. Murphy
Assistant General Counsel
Dated: March 16, 2018

Daniel R. Vice
Trial Attorney
Division of Compliance
Office of the General Counsel

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: POLARIS INDUSTRIES, INC.

CPSC Docket No.: 18–C0001

ORDER

Upon consideration of the Settlement Agreement entered into between Polaris Industries Inc. (''Polaris''), and the U.S. Consumer Product Safety Commission (''Commission''), and the Commission having jurisdiction over the subject matter and over Polaris, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

ORDERED that the Settlement Agreement be, and is, hereby, accepted; and it is

FURTHER ORDERED that Polaris shall comply with the terms of the Settlement Agreement and shall pay a civil penalty in the amount of twenty seven million, two hundred and fifty thousand dollars ($27,250,000), within thirty (30) days after service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: *http://www.pay.gov.* Upon the failure of Polaris to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Polaris at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b). If Polaris fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 20th day of March, 2018.

BY ORDER OF THE COMMISSION:

Alberta E. Mills, Secretary
U.S. Consumer Product Safety Commission

[FR Doc. 2018–06820 Filed 4–3–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Proposed New Survey

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA invites public comment on the proposed collection of information, Form EIA–806, *Weekly Natural Gas Liquids Report,* as required under the Paperwork Reduction Act of 1995. Form EIA–806 will collect data on production and stocks of natural gas liquids (NGL) on a weekly basis. The new survey will allow EIA to improve accuracy of weekly propane production and, for the first time, allow EIA to report weekly natural gas liquids production using actual data collected from gas processing plants.

DATES: EIA must receive all comments on this proposed information collection no later than June 4, 2018. If you anticipate any difficulties in submitting your comments by the deadline, contact the person listed in the **ADDRESSES** section of this notice as soon as possible.

ADDRESSES:

Send your comments to: U.S. Energy Information Administration, EI–25 Room BG–041, 1000 Independence Ave. SW, Washington, DC 20585, Attn: Sasha Abdalla.

If you prefer, you can email your comments to *sasha.abdalla@eia.gov.*

FOR FURTHER INFORMATION CONTACT: If you need additional information or copies of the information collection instrument, send your request to Sasha Abdalla at 202–287–6323 or email it to *Sasha.Abdalla@eia.gov.* The draft form and instructions are available at *https://www.eia.gov/survey/#eia-806.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* New Survey;

(2) *Information Collection Request Title:* Weekly Natural Gas Liquids Report;

(3) *Type of Request:* New;

(4) Purpose: Weekly petroleum and biofuels supply surveys are used to gather data on petroleum refinery operations, blending, biofuels production, inventory levels, and imports of crude oil, petroleum products, and biofuels from samples of operating companies, with the sampling frame and sampled companies being different for the various surveys. EIA's Office of Petroleum and Biofuels Statistics (PBS) proposes to begin collecting weekly production and inventory of natural gas liquids (NGL) from operators of natural gas processing plants and inventory data from operators of natural gas liquids fractionation plants using a new Form EIA–806 ''Weekly Natural Gas Liquids Report.'' Data collected on Form EIA–806 will be comparable but less detailed than the data collected on Form EIA–816 ''Monthly Natural Gas Liquids Report''. Implementing Form EIA–806 will allow EIA to improve timeliness and accuracy of product supplied data in the Weekly Petroleum Status Report in order to better support policy and business decisions relating to the natural gas processing industry and NGL markets such as heating fuels, transportation fuels, and petrochemicals. Production of NGL from gas processors has increased in recent years, and EIA projections show continued growth of natural gas liquids production through 2025. Form EIA–806 will allow EIA to improve the accuracy of weekly propane production and, for the first time, allow EIA to report weekly natural gas liquids production using actual data collected from gas processing plants. Current Weekly Petroleum Status Report (WPSR) methodology uses the last-available NGL production reported in the Petroleum Supply Monthly (PSM) as a constant value until a new PSM number is published. Form EIA–806 will provide weekly estimates of total NGL production based on actual values. These weekly estimates will replace the monthly values that are derived from data reported on Form EIA–816. EIA estimates the burden per response to Form EIA–806 to be thirty (30) minutes. NGL production from gas processing plants is used in the WPSR calculation of U.S. total petroleum demand. Annual NGL production from gas processing plants increased as a percent of U.S. total petroleum demand from just under 10 percent in 2000 to nearly 18 percent in 2016.

(5) *Annual Estimated Number of Respondents:* 275;

(6) *Annual Estimated Number of Total Responses:* 14,300;

(7) *Annual Estimated Number of Burden Hours:* 7,150;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The cost of the burden hours is estimated to be $541,183.50 (7,150 burden hours times $75.69 per hour). EIA estimates that respondents will have no additional costs associated with the surveys other the burden hours.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

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

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2018–06866 Filed 4–3–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Supplemental Notice of Technical Conference

	Docket Nos.
Participation of Distributed Energy Resource, Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators.	RM18–9–000.
Distributed Energy Resources-Technical Considerations for the Bulk Power System.	AD18–10–000.

As announced in a Notice of Technical Conference issued on February 15, 2018, Federal Energy Regulatory Commission (Commission) staff will hold a technical conference on Tuesday, April 10, 2018 and Wednesday, April 11, 2018, to discuss the participation of distributed energy resource (DER) aggregations in Regional Transmission Organization (RTO) and Independent System Operator (ISO) markets and to more broadly discuss the potential effects of DERs on the bulk power system. On April 10, 2018, the conference will commence at 10:15 a.m. and end at 4:45 p.m. On April 11, 2018, the conference will commence at 9:00 a.m. and end at 5:00 p.m. The conference will be held at the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Commissioners will lead the second panel of the technical conference. Commission staff will lead the other six panels, and Commissioners may attend.

The agenda for this technical conference is attached. As stated in the Notice of Technical Conference, Commission staff seeks to discuss two broad sets of issues related to DERs. First, the technical conference will gather additional information to help the Commission determine what action to take on the DER aggregation reforms proposed in its Notice of Proposed Rulemaking on Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators (NOPR).[1] In the NOPR, the Commission proposed to require each RTO/ISO to define DER aggregators as a type of market participant that can participate in the RTO/ISO markets under the participation model that best accommodates the physical and operational characteristics of its DER aggregation.[2] As discussed in Order No. 841, the Commission is taking no further action in Docket No. RM16–23–000 regarding the proposed DER aggregation reforms.[3] Instead, the Commission will continue to explore the proposed DER aggregation reforms under Docket No. RM18–9–000. All comments previously filed in response to the NOPR in Docket No. RM16–23–000 are incorporated by reference into Docket No. RM18–9–000, and any further comments regarding the proposed DER aggregation reforms, including discussion of those reforms during this technical conference, should be filed henceforth in Docket No. RM18–9–000.[4] Second, the technical conference will explore issues related to the potential effects of DERs on the bulk power system and any comments related to these issues should be filed in Docket No. AD18–10–00. A schedule for submitting post-technical conference comments will be discussed at the technical conference.

All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line by April 3, 2018 at: *https://www.ferc.gov/whats-new/registration/04-10-18-form.asp.* In-person attendees should allow time to pass through building security procedures before the start time of the technical conference.

The Commission will transcribe and webcast this conference. Transcripts will be available immediately for a fee from Ace Reporting (202–347–3700). A link to the webcast of this event will be available in the Commission Calendar of Events at *www.ferc.gov.* The Capitol Connection provides technical support for the webcasts and offers the option of listening to the conference via phone-bridge for a fee. For additional information, visit *www.CapitolConnection.org* or call (703) 993–3100.

While this conference is not for the purpose of discussing specific cases, it may address matters at issue in the following Commission proceedings that are pending:

- *PJM Interconnection, L.L.C.: See* Advanced Energy Economy, Docket No. EL17–75–001

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 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact David Kathan at (202) 502–6404, *david.kathan@ferc.gov*, or Louise Nutter at (202) 502–8175, *louise.nutter@ferc.gov*. For information related to logistics, please contact Sarah McKinley at (202) 502–8368, *sarah.mckinley@ferc.gov*.

Dated: March 29, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06896 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *See Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators,* FERC Stats. & Regs. 32,718 (2016) (NOPR).

[2] *Id.* P 1.

[3] *See Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 841, FERC Stats. & Regs. 31,398 (2018) (crossed-referenced at 162 FERC 61,127).

[4] Further comments regarding the proposed DER aggregation reforms should no longer be filed in Docket No. RM16–23–000.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX18–1–000]

Notice of Filing; AEP Energy Partners, Inc.

Take notice that on March 28, 2018, pursuant to section 211 of the Federal Power Act[1] and part 36 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure,[2] AEP Energy Partners, Inc., LLC filed an application requesting that the Commission issue an order directing Sharyland Utlities, L.P., AEP Texas, Inc. and Electric Transmission of Texas, LLC to provide transmission services for power flows to, from, and over the Sharyland DC Tie, the Eagle Pass DC Tie and the Laredo VFT Tie, respectively.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene

[1] 16 U.S.C. 824j (2012).

[2] 18 CFR 36.1 *et seq.*

or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 18, 2018.

Dated: March 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06800 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–130–000]

ANR Storage Company; Notice of Request Under Blanket Authorization

Take notice that on March 22, 2018, ANR Storage Company (ANR Storage), 700 Louisiana Street, Houston, Texas 77002–2700, filed in Docket No. CP18–130–000, a prior notice request pursuant to sections 157.205 and 157.213(b) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA) and ANR Storage's blanket authorizations issued in Docket No. CP82–523–000. ANR Storage seeks authorization to construct and operate one new injection/withdrawal (I/W) well, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

ANR Storage proposes to construct and operate in Kalkaska County, Michigan, one new horizontal I/W well, designated Cold Springs 12–17, and related pipelines and appurtenances at ANR Storage's Cold Springs 12 Storage Field, located in Kalkaska County, Michigan. ANR Storage states that the new well is to replace the plugged and abandoned CS12–2 and to improve the field's deliverability. There will be no change in the certificated physical parameters of the field, including existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated storage capacity, as a result of the proposed project. The total cost is approximately $4,250,000.

Any questions regarding this Application should be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, ANR Storage Company, 700 Louisiana Street, Suite 700, Houston, Texas, 77002–2700, by phone (832) 320–5685, by fax (832) 320–6685, or by email at *linda_farquhar@transcanada.com.*

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: March 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06786 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6795–023]

Notice of Transfer of Exemption; Town of Pownal, Hoosic River Hydro, LLC

1. By letter filed December 15, 2017, William F. Scully, on behalf of the Town of Pownal and the Hoosic River Hydro, LLC, informed the Commission that the exemption from licensing for the Pownal Hydroelectric Project No. 6795, originally issued April 1, 1983,[1]

[1] Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less.

has been transferred to Hossic River Hydro, LLC. The project is located on the Hoosic River in Bennington, County, Vermont. The transfer of an exemption does not require Commission approval.

2. Hoosic River Hydro, LLC is now the exemptee of the Pownal Hydroelectric Project No. 6795. All correspondence should be forwarded to: Mr. William Scully, Hoosic River Hydro, LLC, P.O. Box 338, North Bennington, VT 05257, Phone: 802–379–2469.

Dated: March 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06799 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–135–000]

Ohio Valley Electric Corporation v. First Energy Solutions Corp.; Notice of Complaint

Take notice that on March 26, 2018, pursuant to section 306 of the Federal Power Act, 16 U.S.C. 825e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2018), the Ohio Valley Electric Corporation and its wholly-owned subsidiary, Indiana-Kentucky Electric Corporation (collectively, Complainant), filed a formal complaint against FirstEnergy Solutions Corp. (Respondent) asserting that the Respondent will breach the Inter-Company Power Agreement, and also alleges that said breach will constitute a violation of its obligations under that agreement, all as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 16, 2018.

Dated: March 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06784 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–145–000]

Notice of Application; Transcontinental Gas Pipe Line Company, LLC

Take notice that on March 27, 2018, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP18–145–000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) requesting an order permitting and approving revised certificated pressures and storage capacity parameters at its Eminence Storage Field, located in Covington County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Ingrid Germany, Staff Regulatory Analyst, Transcontinental Gas Pipe Line Co., P.O. Box 1396, Houston, Texas 77251–1396 at (713) 215–4015.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will

Pownal Hydropower Corporation, 23 FERC 62,004 (1983).

consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 19, 2018.

Dated: March 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06797 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–135–000]

National Fuel Gas Supply Company; Notice of Request Under Blanket Authorization

Take notice that on March 23, 2018, National Fuel Gas Supply Company (National Fuel), 6363 Main Street, Williamsville, New York 14221–5887, filed in Docket No. CP18–135–000 a prior notice request pursuant to sections 157.205, 157.208, 157.210 and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), requesting authorization to construct, own, and operate: (1) Approximately 4.5 miles of 12-inch-diameter pipeline and appurtenances; (2) a metering and regulating station/delivery point; (3) a pipeline connection; and (4) modifications to certain existing facilities and appurtenances, all located in Beaver and Washington Counties, Pennsylvania (Line N to Monaca Project). The Line N to Monaca Project would deliver 133,000 dekatherms per day of firm transportation service. The cost of the Line N to Monaca Project is estimated to be $20,200,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Randy C. Rucinski, Deputy General Counsel, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221–5887, by telephone at (716) 857–7237, by fax at (716) 857–7206, or by email at *rucinskir@natfuel.com*; or Janet R. Bayer, Senior Regulatory Analyst, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 14221–5887, by telephone at (716) 857–7429, by fax at (716) 857–7206, or by email at *jrbferc@natfuel.com*.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: March 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06787 Filed 4–3–18; 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: RP18–514–000.
Applicants: UGI Mt. Bethel Pipeline Company, LLC.
Description: Annual Retainage Adjustment Filing of UGI Mt. Bethel Pipeline Company, LLC.
Filed Date: 2/28/18.
Accession Number: 20180228–5278.
Comments Due: 5 p.m. ET 4/5/18.

Docket Numbers: RP17–322–002.
Applicants: Golden Triangle Storage, Inc.
Description: Compliance filing Compliance Filing Pursuant to February 2018 Order in Docket No. RP17–322–001 to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5065.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–594–000.
Applicants: ANR Storage Company.
Description: § 4(d) Rate Filing: Seller's Use—Fuel Filing 2018 to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5063.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–595–000.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Mississippi Canyon Section-Based Baseline Tariff to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5077.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–596–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032818 Negotiated Rates—Mercuria Energy America, Inc. R–7540–14 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5087.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–597–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032818 Negotiated Rates—Mercuria Energy America, Inc. R–7540–15 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5088.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–598–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Devon 10–18) to be effective 3/28/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5089.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–600–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: § 4(d) Rate Filing: Garden Banks Section-Based Baseline Tariff to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5117.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–601–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Apr 18) to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5135.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–602–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement (EOG April 2018) to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5149.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–603–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Agreement Update Filing (Noble) to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5150.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–604–000.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: Tariff Cancellation: Mississippi Canyon Cancellation of Sheet-Based Tariff to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5151.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–606–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Tariff Cancellation: Garden Banks Cancellation of Sheet-Based Tariff to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5153.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–608–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Sequent contract 911362 eff 4–1–2018 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5212.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–609–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Exelon 8950516 eff 4–1–2018 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5218.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–610–000.
Applicants: Northern Border Pipeline Company.
Description: § 4(d) Rate Filing: Compressor Usage Surcharge 2018 to be effective 5/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5221.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–611–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—EDF Contract 8950432 eff 4/1/2018 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5222.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–612–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—DTE contract 796213 to be effective 4/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5228.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–613–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Update to Fuel Exemption Route Filing to be effective 4/27/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5231.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–614–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Filing-Castleton Commodities Merchant Trading to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5000.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–615–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Service Agreement—

Mercuria LPS 4/1/2018 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5005.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–616–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Service Agreement—Revised Peoples AVC FTS Agreement to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5006.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–617–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Neg Rate Agmt Filing (KU 35799) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5009.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–618–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (FPL 41618 to DTE 49073) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5010.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–619–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Neg Rate Agmt and Amendment Filing (FPL 48381, 48381–1) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5011.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–620–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta 8438 to various eff 4/1/18) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5012.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–622–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (TVA 35342) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5016.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–623–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (XTO 1846 to SW Energy 1954, 1955) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5017.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–624–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Atmos 45527 to CenterPoint 49258) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5020.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–625–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (BHP 31591 to Tenaska 37046) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5021.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–626–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—NJR 911491 eff 4/1/2018 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5043.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–627–000.
Applicants: Golden Triangle Storage, Inc.
Description: § 4(d) Rate Filing: GTS Section 11 Tariff Filing to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5065.
Comments Due: 5 p.m. ET 4/10/18.

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 29, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06895 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–69–000.
Applicants: NC 102 Project LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of NC 102 Project LLC.
Filed Date: 3/29/18.
Accession Number: 20180329–5136.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: EG18–70–000.
Applicants: 64KT 8ME LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of 64KT 8ME LLC.
Filed Date: 3/29/18.
Accession Number: 20180329–5275.
Comments Due: 5 p.m. ET 4/19/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2095–004.
Applicants: Midwest Generation, LLC.
Description: Compliance filing: Refund Report Informational Filing to be effective N/A.
Filed Date: 3/29/18.
Accession Number: 20180329–5231.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER17–775–004.
Applicants: PJM Interconnection, LLC.
Description: Compliance filing: Errata to the Further Compliance Filing Submitted in Docket No. ER17–775–003 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5088.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–572–000.
Applicants: South Central MCN LLC.
Description: Response of South Central MCN LLC to the February 26, 2018 Letter and Updated Limited Revisions to the Transmission Formula Rate.
Filed Date: 3/26/18.
Accession Number: 20180326–5272.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: ER18–934–001.
Applicants: PJM Interconnection, LLC.
Description: Tariff Amendment: Amendment to Revisions Submitted in Docket No. ER18–934–000 to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5104.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: ER18–1197–001.

Applicants: Camilla Solar Energy LLC.
Description: Tariff Amendment: Supplement to Application for Market-Based Rate Authorization to be effective 5/28/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5090.
Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1209–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: RS126 Bentonville Depreciation Rate Update to be effective 5/31/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5244.
Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1210–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Revised and Restated Prescott PSA to be effective 1/1/2018.
Filed Date: 3/28/18.
Accession Number: 20180328–5252.
Comments Due: 5 p.m. ET 4/18/18.

Docket Numbers: ER18–1211–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP–SCE&G IA RS No 97 Amendment to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5007.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1212–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2646R5 Kansas Municipal Energy Agency NITSA NOA to be effective 3/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5058.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1213–000.
Applicants: Emera Maine, ISO New England Inc.
Description: § 205(d) Rate Filing: Changes to ISO New England Tariff Schedule 21–EM to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5064.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1214–000.
Applicants: South Carolina Electric & Gas Company.
Description: § 205(d) Rate Filing: IA between DEP and SCEG to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5089.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1215–000.
Applicants: Radford's Run Wind Farm, LLC.
Description: Baseline eTariff Filing: Rate Schedule for Reactive Supply and Voltage Control to be effective 5/28/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5115.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1216–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: ETEC and NTEC PSA to be effective 5/31/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5118.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1217–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Amended and Restated NTEC PSA to be effective 5/31/2017.
Filed Date: 3/29/18.
Accession Number: 20180329–5120.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1218–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Revised and Restated Prescott PSA to be effective 7/1/2014.
Filed Date: 3/29/18.
Accession Number: 20180329–5129.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1219–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–03–29_SA 3105 EMI–EMI GIA (J477) to be effective 3/15/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5156.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1221–000.
Applicants: NC 102 Project LLC.
Description: Baseline eTariff Filing: Application For Market Based Rate Authority to be effective 3/30/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5191.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1222–000.
Applicants: PSEG Energy Resources & Trade LLC.
Description: § 205(d) Rate Filing: Filing to Add Keys and Sewaren 7 Revenue Requirement to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5192.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1223–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Pay for Performance Enhancements to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5193.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1225–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Revised and Restated Minden PSA to be effective 5/31/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5197.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1226–000.
Applicants: PA Solar Park, LLC.
Description: Baseline eTariff Filing: PA Solar Park, LLC Reactive Power Rate Filing to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5200.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1227–000.
Applicants: Southwestern Public Service Company.
Description: § 205(d) Rate Filing: SPS-Caprock Solar 1 E & P—686–0.1.0–NOC to be effective 3/30/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5202.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1228–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP-Revised Depreciation Rates in RS No. 199 to be effective 3/16/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5244.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1229–000.
Applicants: Duke Energy Carolinas, LLC, PJM Interconnection, LLC.
Description: § 205(d) Rate Filing: Amended Dynamic Transfer Agreement, Service Agreement No. 5047 to be effective 6/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5246.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1230–000.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–DEP—Revised Depreciation Rates in Attachment H.1 to be effective 3/16/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5247.
Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1231–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205 filing of Invertar-Based Energy Storage tariff revisions to be effective 5/30/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5249.

Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1232–000.

Applicants: Westar Energy, Inc.

Description: § 205(d) Rate Filing: Request to Recover Costs in Formula Rates, TFR, Actual Gross Rev to be effective 6/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5252.

Comments Due: 5 p.m. ET 4/19/18.

Docket Numbers: ER18–1233–000.

Applicants: Duke Energy Carolinas, LLC, PJM Interconnection, LLC.

Description: § 205(d) Rate Filing: Amended and Restated Dynamic Transfer Agreement DEC–NCEMC–PJM to be effective 6/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5263.

Comments Due: 5 p.m. ET 4/19/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES18–25–000.

Applicants: ISO New England Inc.

Description: Application under Section 204 of the Federal Power Act for an Order Authorizing Future Drawdowns Under Existing Authorized Securities of ISO New England Inc.

Filed Date: 3/28/18.

Accession Number: 20180328–5255.

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 29, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–06894 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–10–000]

Commission Information Collection Activities (FERC–921); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–921 (Ongoing Electronic Delivery of Data from Regional Transmission Organization and Independent System Operators).

DATES: Comments on the collection of information are due June 4, 2018.

ADDRESSES: You may submit comments (identified by Docket No. IC18–10–000) by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–921, Ongoing Electronic Delivery of Data from Regional Transmission Organization and Independent System Operators.

OMB Control No.: 1902–0257.

Type of Request: Three-year extension of the FERC–921 information collection requirements with no changes to the current reporting requirements.

Abstract: The collection of data in the FERC–921 is an effort by the Commission to detect potential anti-competitive or manipulative behavior or ineffective market rules by requiring Regional Transmission Organizations (RTO) and Independent System Operators (ISO) to electronically submit, on a continuous basis, data relating to physical and virtual offers and bids, market awards, resource outputs, marginal cost estimates, shift factors, financial transmission rights, internal bilateral contracts, uplift, and interchange pricing. Individual datasets that the Commission is requesting may be produced or retained by the market monitoring units (MMUs). The Commission directed each RTO and ISO either to: (1) Request such data from its MMU, so that the RTO or ISO can deliver such data to the Commission; or (2) request its MMU to deliver such data directly to the Commission. All data for this collection has (and is expected to continue to) come from each RTO orISO and not the MMUs. Therefore, any associated burden is counted as burden on RTO andISO.

Each RTO or ISO may make changes to their individual markets with Commission approval. Each RTO or ISO may also change the data being sent to the Commission to ensure compliance with Order No. 760. Such changes typically require respondents to alter the ongoing delivery of data under FERC–921. For this reason, the burden estimate has been updated to reflect the incremental burden associated with such changes. The burden associated with a changes varies considerably based on the significance of the specific change, therefore, the estimate reflects the incremental burden for an average change. Based on historical patterns of change, staff estimates there to be about one and a half changes per RTO or ISO per year.

Type of Respondent: Regional transmission organizations and independent system operators.

Estimate of Annual Burden:[1] The Commission estimates the total annual burden and cost[2] for this information collection as follows.

[1] "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[2] Costs (for wages and benefits) are based on wage figures from the Bureau of Labor Statistics (BLS) for May 2016 (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information (for December 2017, issued March 20, 2018, at *https://www.bls.gov/news.release/ecec.nr0.htm*). The ongoing electronic delivery of data requires a

FERC-921—ONGOING ELECTRONIC DELIVERY OF DATA FROM REGIONAL TRANSMISSION ORGANIZATIONS AND INDEPENDENT SYSTEM OPERATORS

Category	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden and cost per response	Total annual burden hours and cost	Annual cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Ongoing electronic delivery of data	6	1	[3] 6	52 hrs.; $2,460	312 hrs.; $14,758	$2,460
Changes to the delivered data made by the RTO/ISO	6	1	[4] 6	480 hrs.: $37,848	2,880 hrs.: $227,088	37,848
Total	6	2	12	532 hrs. $40,308	3,192 hrs. $241,846	40,308

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: March 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06798 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–118–000]

Rover Pipeline LLC; Notice of Application

On March 15, 2018, Rover Pipeline LLC (Rover), 1300 Main Street, Houston, Texas 77002, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA), in Docket No. CP18–118–000, for authorization to construct a new meter station on its Burgettstown Lateral in Jefferson County, Ohio to operate as a second receipt point for Range-Resources-Appalachia, LLC (UGS-Crawford Meter Station Project). Rover states that the project would consist of an ultrasonic meter skid and ancillary facilities near Mile Post 30.5 on the Burgettstown Lateral. The UGS-Crawford Meter Station would receive up to 350,000 dekatherms per day of natural gas from an interconnect with the gathering facilities of Utica Gas Services, LLC. There would be no change in mainline capacity. Rover estimates the cost of the project to be approximately $4,723,718, all as more fully set forth in the request which is on file with the Commission and open to public inspection. The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the application should be directed to Blair Lichtenwalter, Senior Director, Regulatory Affairs, Rover Pipeline LLC, 1300 Main Street, Houston, Texas 77002, at (713) 989–2605.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as

computer support specialist (code 15–1150), at an hourly cost (wages plus benefits) of $47.30 (rounded).

Changes to the delivered data require a database administrator (code 15–1141), legal review (code 23–0000), and executive review (code 11–1000). According to BLS, the hourly cost (wages plus benefits) is $65.07, $143.68, and $96.68, respectively. We estimate the fraction of time for each skill set for each response to be ¾, ⅛, and ⅛ respectively, so the weighted hourly cost (wages plus benefits) is $78.85 (rounded). We estimate the total time required per change to be 320 hours. Because a response encompasses one year where there are, on average, 1.5 changes, the total time per response is 480 hours (1.5 × 320 hours).

[3] Each RTO/ISO electronically submits data daily. To match with past filings, we are considering the collection of daily responses to be a single response.

[4] Each RTO/ISO is estimated to make one and a half changes yearly. To be consistent with the formulation that the submissions over the course of a year constitute a single response, for the purpose of this calculation, we are assuming that each response requires one and a half changes over the course of the year and estimating burden accordingly.

possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 18, 2018.

Dated: March 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06785 Filed 4–3–18; 8:45 am]

BILLING CODE 6717–01–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on April 12, 2018, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056, *aultmand@fca.gov.*

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*

- March 8, 2018

B. *Reports*

- Quarterly Report on Economic Conditions and FCS Condition and Performance
- Farm Credit System Building Association Auditor's Report on 2017 Financial Audit

Closed Session *

- Office of Examination Quarterly Report

Closed Executive Session **

- Executive Session—FCS Building Association Auditor's Report

Dated: April 2, 2018.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2018–06945 Filed 4–2–18; 4:15 pm]

BILLING CODE 6705–01–P

* Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

** Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(2).

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012460–001.

Title: COSCO Shipping/PIL/WHL Vessel Sharing and Slot Charter Agreement.

Parties: COSCO Shipping Lines Co., Ltd.; Pacific International Lines (PTE) Ltd.; Wan Hai Lines (Singapore) PTE Ltd.; and Wan Hai Lines Ltd.

Filing Party: Eric Jeffrey; Nixon Peabody LLP; 799 9th Street NW, Suite 500, Washington, DC 20001.

Synopsis: The amendment deletes one of the joint strings and updates the slot exchanges among the Parties.

Agreement No.: 010099–066.

Title: International Council of Containership Operators.

Parties: China COSCO Shipping Corporation Limited; CMA CGM S.A; Crowley Maritime Corp.; Evergreen Marine Corporation (Taiwan) Ltd.; Hapag-Lloyd AG, Hapag-Lloyd USA LLC, and United Arab Shipping Company Limited (acting as one party); Hyundai Merchant Marine Co., Ltd.; Maersk Line A/S; MSC Mediterranean Shipping Company S.A.; Orient Overseas Container Line Ltd.; Pacific International Lines (Pte) Ltd.; Wan Hai Lines Ltd.; Yang Ming Marine Transport Corp.; and Zim Integrated Shipping Services Ltd.

Filing Party: John Longstreth; K&L Gates LLP; 1601 K Street NW, Washington, DC 20006.

Synopsis: The amendment removes Kawaski Kisen Kaisha (K Line), Nippon Yusen Kabushiki Kaisha (NYK) and Mitsui O.S.K. Lines (MOL) pursuant to their merger into ONE (Ocean Network Express). The amendment also removes Hamburg Süd, due to their acquisition by Maersk.

Dated: March 30, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–06885 Filed 4–3–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has formally requested that the parties to the below listed agreements provide additional information pursuant to 46 U.S.C. 40304(d). This action prevents the agreements from becoming effective as originally scheduled. Interested parties may file comments within fifteen (15) days after publication of this notice appears in the **Federal Register**.

Agreement No.: 201241.

Title: Tacoma Marine Terminal Operator Conference Agreement.

Parties: Husky Terminal and Stevedoring, Inc. and Washington United Terminals, Inc.

Agreement No.: 201242.

Title: Tacoma Marine Terminal Operator Cooperative Working Agreement.

Parties: Husky Terminal and Stevedoring, Inc. and Washington United Terminals, Inc.

By Order of the Federal Maritime Commission.

Dated: March 30, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–06889 Filed 4–3–18; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10416]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 4, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ___, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10416 Blueprint for Approval of State-based Health Insurance Exchanges

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Blueprint for Approval of State-based Health Insurance Exchanges; *Use:* The original information collection request for the State Exchange Blueprint Data Collection Tool specified a single reporting tool for all the various exchange types and was partially paper based. Subsequent revisions simplified the tool by having separate collection tools for each type of exchange and on-line implementation of the tool to reduce the burden. This revision updates the tool to reflect current State Exchange model options (a State-based Exchange (SBE) or a State-based Exchange on the Federal Platform (SBE–FP,)) program requirements, updated regulatory requirements promulgated through the 2017, 2018 and the 2019 Payment Notice, as well as through the Marketplace Stabilization Rule, and replaces the requirement for document and evidence submissions with attestations across all sections to further reduce the burden.

Given the innovative nature of Exchanges and the statutorily-prescribed relationship between the secretary and States in their development and operation, it is critical that the Secretary work closely with States to provide necessary guidance and technical assistance to ensure that States can meet the prescribed timelines, federal requirements, and goals of the statute.

States seeking to establish a SBE or SBE–FP must build an Exchange that meets the requirements set out in Section 1311(d) of the Affordable Care Act and pursuant to CFR 155.105, FFE states that seek to operate an SBE or SBE–FP must complete and submit an

Exchange Blueprint Application. The Blueprint Application documents that an Exchange will meet the legal and operational requirements associated with the Exchange model a state chooses to pursue. As part of its Blueprint submission, a state will also agree to demonstrating operational readiness to implement and execute the required Exchange activities described in the Blueprint Application. *Form Number:* CMS–10416 (OMB control number: 0938–1172); *Frequency:* Once; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 21; *Total Annual Responses:* 21; *Total Annual Hours:* 664. (For policy questions regarding this collection contact Christy Woods at 301–492–5140).

Dated: March 30, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–06852 Filed 4–3–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10637]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 4, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB Control Number); *Title of Information Collection:* Marketplace Operations; *Use:* The data collections and third-party disclosure requirements will assist HHS in determining Exchange compliance with Federal standards and monitoring QHP issuers in FFEs for compliance with Federal QHP issuer standards. The data collection will assist HHS in monitoring Web-brokers for compliance with Federal Web-broker standards. The data collected by health insurance issuers and Exchanges will help to inform HHS, Exchanges, and health insurance issuers as to the participation of individuals, employers, and employees in the individual Exchange, the SHOP, and the premium stabilization programs. *Form Number:* CMS–10637 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 3,902; *Number of Responses:* 3,902; *Total Annual Hours:* 2,336,190. (For questions regarding this collection, contact Leigha Basini at (301) 492–4380.)

Dated: March 30, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–06850 Filed 4–3–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Tribal Consultation Meetings

AGENCY: Office of Head Start, Administration for Children and Families, HHS.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Improving Head Start for School Readiness Act of 2007, notice is hereby given of six 1-day Tribal Consultation Sessions to be held between the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Head Start (OHS) leadership and the leadership of tribal governments operating Head Start (including Early Head Start) programs. The purpose of these consultation sessions is to discuss ways to better meet the needs of American Indian and Alaska Native children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

DATES:

May 2, 2018, from 1:00 p.m. to 3:00 p.m.

May 21, 2018, from 1:00 p.m. to 3:00 p.m.
June 13, 2018, from 1:00 p.m. to 3:00 p.m.
August 6, 2018, from 1:00 p.m. to 3:00 p.m.
October 2018, Date and time to be determined
November 2018, Date and time to be determined

ADDRESSES:

- May 2, 2018—Grand Casino Hinckley, 777 Lady Luck Dr., Hinckley, MN 55037
- May 21, 2018—The University Union, Union WELL Inc., Sacramento State, 6000 J Street, Sacramento, CA 95819–6017
- June 13, 2018—Sheraton Music City, 777 Mcgavock Pike, Nashville, TN
- August 6, 2018—Northern Quest Hotel and Casino, 100 N Hayford Rd., Airway Heights, WA 99001 (near Spokane airport)
- October 2018—Anchorage, AK (Location to be provided at a later date)
- November 2018—Albuquerque, NM (Location to be provided at a later date)

FOR FURTHER INFORMATION CONTACT: Angie Godfrey, Regional Program Manager, Region XI/AIAN, Office of Head Start, email *Angie.Godfrey@acf.hhs.gov,* or phone (202) 205–5811. Additional information and online meeting registration will be available at *http://eclkc.ohs.acf.hhs.gov/hslc/hs/calendar/tc2018.*

SUPPLEMENTARY INFORMATION: In accordance to the Improving Head Start for School Readiness Act of 2007, Public Law 110–134 [42 U.S.C. 9835, Section 640(l)(4)], ACF announces OHS tribal consultations for leaders of tribal governments operating Head Start and Early Head Start programs. The agenda for the scheduled OHS tribal consultations in Hinckley, Minnesota; Sacramento, California; Nashville, Tennessee; Spokane, Washington; Anchorage, Alaska; and Albuquerque, New Mexico will be organized around the statutory purposes of Head Start tribal consultations related to meeting the needs of American Indian and Alaska Native children and families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. In addition, OHS will share actions taken and in progress to address the issues and concerns raised in the 2017 OHS Tribal Consultations.

The consultation sessions will be conducted with elected or appointed leaders of tribal governments and their designated representatives. Designees must have a letter from the tribal government authorizing them to represent the tribe. Tribal governments must submit the designee letter at least 3 days in advance of the consultation sessions to Angie Godfrey at *Angie.Godfrey@acf.hhs.gov.* Other representatives of tribal organizations and Native non-profit organizations are welcome to attend as observers.

A detailed report of each consultation session will be prepared and made available within 45 days of the consultation sessions to all tribal governments receiving funds for Head Start and Early Head Start programs. Tribes wishing to submit written testimony for the report should send testimony to Angie Godfrey at *Angie.Godfrey@acf.hhs.gov* either prior to each consultation session or within 30 days after each meeting. OHS will summarize oral testimony and comments from the consultation sessions in each report without attribution, along with topics of concern and recommendations.

Dated: March 20, 2018.

Ann Linehan,

Acting Director, Office of Head Start.

[FR Doc. 2018–06891 Filed 4–3–18; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Membership on the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

Authority: 42 U.S.C. 300aa–5, Section 2105 of the Public Health Service (PHS) Act, as amended. The National Vaccine Advisory Committee is governed by the provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The National Vaccine Program Office (NVPO), a program office within the Office of the Assistant Secretary for Health, Department of Health and Human Services (HHS), is soliciting nominations of qualified candidates to be considered for appointment as public members to the National Vaccine Advisory Committee (NVAC). The activities of this Committee are governed by the Federal Advisory Committee Act (FACA). Management and support of the NVAC and its activities are the responsibility of the NVPO.

The NVAC serves an advisory role, providing recommendations to the Assistant Secretary for Health in his/her capacity as the Director of the National Vaccine Program, on matters related to the Program's responsibilities. Specifically, the Committee studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States; recommends research priorities and other measures to enhance the safety and efficacy of vaccines. The Committee also advises the Assistant Secretary for Health in the implementation of Sections 2102 and 2103 of the PHS Act; and identifies annually the most important areas of government and non-government cooperation that should be considered in implementing Sections 2102 and 2103 of the PHS Act.

DATES: All nominations for membership on the Committee must be received no later than 5:00 p.m. EDT on May 4, 2018, to the address listed below.

ADDRESSES: Nominations should be emailed to *nvac@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, Department of Health and Human Services, 200 Independence Avenue SW, Room 715–H, Washington, DC 20201; (202) 690–5566; *nvac@hhs.gov.*

A copy of the committee charter which includes the NVAC's structure and functions as well as a list of the current membership can be obtained by accessing the NVAC website at: *http://www.hhs.gov/nvpo/nvac/index.html.*

SUPPLEMENTARY INFORMATION:

Committee Function, Qualifications, and Information Required: As part of an ongoing effort to enhance deliberations and discussions with the public on vaccine and immunization policy, nominations are being sought for interested individuals to serve on the NVAC. Committee members provide peer review, consultation, advice, and recommendations to the Assistant Secretary for Health, in his/her capacity as the Director of the National Vaccine Program, on matters related to the Program's responsibilities. Individuals selected for appointment to the NVAC will serve as voting members. The NVAC consists of 17 voting members: 15 public members, including the Chair, and two representative members. Individuals selected for appointment to the NVAC can be invited to serve terms of up to four years. Selection of members is based on candidates'

qualifications to contribute to the accomplishment of NVAC's objectives. Interested candidates should demonstrate a willingness to commit time to NVAC activities and the ability to work constructively and effectively on committees.

Public Members: Public members are individuals who are appointed to the NVAC to exercise their own independent best judgment on behalf of the government. It is expected that public members will discuss and deliberate in a manner that is free from conflicts of interest. Public members to the NVAC shall be selected from individuals who are engaged in vaccine research or the manufacture of vaccines, or who are physicians, members of parent organizations concerned with immunizations, representatives of state or local health agencies, or public health organizations.

Representative Members: Representative members are individuals who are appointed to the NVAC to provide the views of industry or a special interest group. While they may be experts in various topic areas discussed by the Committee, they should not present their own viewpoints, but rather those of the industry or special interest group they represent. NVAC representative members shall serve specifically to represent the viewpoints or perspectives of the vaccine manufacturing industry or groups engaged in vaccine research or the manufacture of vaccines.

This announcement is to solicit nominations of qualified candidates to fill positions in the public and representative member category of the NVAC, including positions that are scheduled to be vacated during the 2019 calendar year. Applications received in response and not appointed may also be considered for future vacancies that occur.

Travel reimbursement and compensation for services provided to the committee: All NVAC members are authorized to receive the prescribed per diem allowance and reimbursement for travel expenses that are incurred to attend meetings and conduct authorized NVAC-related business, in accordance with standard government travel regulations. Members appointed to the NVAC as public members (see definition above) also are authorized to receive a stipend for services provided at public meetings of the Committee. All other services that are performed by the public members outside the Committee meetings shall be provided without compensation. Representative members (see definition above) will serve without compensation.

Expertise sought for the National Vaccine Advisory Committee: In accordance with the charter, persons nominated for appointment as members of the NVAC should be among authorities knowledgeable in areas related to vaccine safety, vaccine effectiveness, and vaccine supply. In order to enhance the diversity of expertise included in Committee discussions, NVPO is seeking nominations of individuals to serve on the National Vaccine Advisory Committee as public members in the following disciplines/topic areas:

- Vaccine research and development, vaccine clinical trials, and vaccine regulatory science;
- vaccine safety and post-marketing surveillance;
- vaccine access and financing;
- health information technologies and immunization information systems;
- immunization program implementation and management; and
- vaccine communications.

How to submit nominations: Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity); and a statement that the nominee is willing to serve as a member of the Committee (2) the nominator's name, address, and daytime telephone number, home and/or work address, telephone number, and email address; (3) a current copy of the nominee's curriculum vitae (no longer than ten pages); and (4) a short biographical sketch (no more than 350 words). All required documentation must be received in order for a nomination to be considered.

Please note that nominees will not receive updates on the status of their nomination. Information on nominees appointed to the Committee by the Department will be posted to the NVAC website at *http://www.hhs.gov/nvpo/nvac/members/index.html.*

Individuals can nominate themselves for consideration of appointment to the Committee. All nominations must include the required information. Incomplete nominations will not be processed for consideration. The names of federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of HHS federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made that a broad representation of geographic areas, gender, ethnic and minority groups, and the disabled are given consideration for membership on HHS federal advisory committees. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Individuals appointed to serve as public members of federal advisory committees are classified as special government employees (SGEs). SGEs are government employees for purposes of the conflict of interest laws. Therefore, individuals appointed to serve as public members of NVAC are subject to an ethics review. The ethics review is conducted to determine if the individual has any interests and/or activities in the private sector that may conflict with performance of their official duties as a member of the NVAC. Individuals appointed to serve as public members of the NVAC will be required to disclose information regarding financial holdings, consultancies, research grants and/or contracts, and the absence of an appearance of a loss of impartiality.

Dated: March 30, 2018.

Roula Sweis,

Deputy Director, National Vaccine Program Office.

[FR Doc. 2018–06890 Filed 4–3–18; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member

Conflict: Neurobiology of Alcohol Toxicity and Chemosensation

Date: April 11, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 29, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06776 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD P50 Review.

Date: May 9, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Cochlear Implant Clinical Trial Review.

Date: May 30, 2018.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Aphasia Treatment Clinical Trial Review.

Date: May 31, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 30, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06844 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Alzheimer's Disease Drug Development.

Date: May 4, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *Parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 30, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06840 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy And Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PHS 2018–1 Small Business Innovation Research (SBIR) Program Phase II Contract Solicitation (TOPIC 35) (N01).

Date: April 23, 2018.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Room 3F40, MSC 9823, Rockville, MD 20892–9823, 240–669–5035, *unferrc@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; RFA–HL–18–023: Stimulating Access to Research in Residency (StARR) (R38).

Date: April 27, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Ann Marie M. Cruz, Ph.D., Program Management & Operations Branch, Scientific Review Program, National Institutes of Health, NIAID, 5601 Fishers Lane, RM 3E71, Rockville, MD 20852, 301–761–3100, *cruza@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 30, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06842 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–115: Optimization of Monoclonal Antibodies for Eliminating the HIV Reservoir.

Date: April 18, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 30, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06839 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; In vitro models of hepatoxicity.

Date: April 11, 2018.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 29, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06777 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed 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 purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will provide information to internal NCI committees that will decide whether NCI should support requests and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Feb2018 Cycle 28 NExT SEP Committee Meeting.

Date: April 25, 2018.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To evaluate the NCI Experimental Therapeutics Program Portfolio.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Wing C; 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Persons: Barbara Mroczkowski, Ph.D., Executive Secretary, Discovery Experimental Therapeutics Program, National Cancer Institute, NIH, 31 Center Drive, Room 3A44, Bethesda, MD 20817, (301) 496–4291, *mroczkoskib@mail.nih.gov.*

Toby Hecht, Ph.D., Executive Secretary, Development Experimental Therapeutics Program, National Cancer Institute, NIH,

9609 Medical Center Drive, Room 3W110, Rockville, MD 20850, (240) 276–5683, *toby.hecht2@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 29, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06771 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Detection of HIV for Self-Testing (R61/R33).

Date: May 1–2, 2018.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grants (R34).

Date: May 1, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Thomas F. Conway, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G51, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–507–9685, *thomas.conway@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 30, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06843 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Omics & Spatial Interrogation of Alzheimer's Disease.

Date: May 8, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Branch, National Institute of Aging, National Institutes of Health, Suite 2W200, Bethesda, Md 20892, 301–496–9667, *nijaguna.prasad@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 30, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–06841 Filed 4–3–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0164]

National Boating Safety Advisory Council

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The National Boating Safety Advisory Council and its Subcommittees will meet to discuss issues relating to recreational boating safety. These meetings will be open to the public.

DATES: *Meetings:* The National Boating Safety Advisory Council will meet on Tuesday, May 8, 2018, from 12:30 p.m. to 6:00 p.m. and on Thursday, May 10, 2018 from 8:30 a.m. to 11:30 a.m. The Boats and Associated Equipment Subcommittee will meet on Wednesday, May 9, 2018, from 8:30 a.m. to 10:30 a.m. The Prevention through People Subcommittee will meet on Wednesday, May 9, 2018, from 10:45 a.m. to 2:15 p.m. The Recreational Boating Safety Strategic Planning Subcommittee will meet on Wednesday, May 9, 2018, from 2:30 p.m. to 5:00 p.m. Please note that these meetings may conclude early if the National Boating Safety Advisory Council has completed all business.

Comments and supporting documents: To ensure your comments are received by Council members before the meetings, submit your written comments no later than April 30, 2018. Written comments must be submitted using Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below.

ADDRESSES: All meetings will be held in Portland, Oregon at the Broadway Room of the Hilton Portland Downtown, 921 SW Sixth Avenue, Portland, OR 97204. *http://www3.hilton.com/en/hotels/oregon/hilton-portland-downtown-PDXPHHH/.*

For information on facilities or services for individuals with disabilities or to request special assistance at the

meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Council members to review your comment before the meetings, please submit your comments no later than April 30, 2018. We are particularly interested in the comments in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2010–0164. *http://www.regulations.gov.* Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. For more information about privacy and docket, review the Privacy and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov* insert USCG–2010–0164 in the ''Search'' box, press Enter, then click the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Ludwig, Alternate Designated Federal Officer of the National Boating Safety Advisory Council, telephone (202) 372–1061, or at *jeffrey.a.ludwig@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the *Federal Advisory Committee Act,* Title 5, U.S.C, Appendix. Congress established the National Boating Safety Advisory Council in the *Federal Boat Safety Act of 1971* (Pub. L. 92–75). The National Boating Safety Advisory Council currently operates under the authority of 46 U.S.C. 13110 and 46 U.S.C. 4302(c). The latter requires the Secretary of Homeland Security and the Commandant of the U.S. Coast Guard by delegation to consult with the National Boating Safety Advisory Council in prescribing regulations for recreational vessels and associated equipment and on other major safety matters.

Agenda

Day 1

The agenda for the National Boating Safety Advisory Council meeting is as follows:

Tuesday, May 8, 2018

(1) Opening remarks.

(2) Receipt and discussion of the following reports:

(a) Chief, Office of Auxiliary and Boating Safety update on the U.S. Coast Guard's implementation of National Boating Safety Advisory Council Resolutions and Recreational Boating Safety Program report.

(b) Alternate Designated Federal Officer's report concerning Council administrative and logistical matters.

(3) Presentation on effects of not wearing life jackets.

(4) Presentation on US Army Corps of Engineers life jacket requirements in northern Mississippi.

(5) Presentation on observed life jacket wear in ''risky'' situations.

(6) Presentation on role of Coast Guard District Recreational Boating Safety Specialists.

(7) Public comment period.

(8) Meeting Recess.

Day 2

Wednesday, May 9, 2018

The day will be dedicated to Subcommittee sessions:

(1) *Boats and Associated Equipment Subcommittee.* Issues to be discussed include alternatives to pyrotechnic visual distress signals; grant projects related to boats and associated equipment; and situational awareness.

(2) *Prevention Through People Subcommittee.* Issues to be discussed include paddlesports participation; human factors and classification system integration into accident reporting; and licensing requirements for on-water boating safety instruction providers.

(3) *Recreational Boating Safety Strategic Planning Subcommittee.* Issues to be discussed include progress on implementation of the 2017–2021 Strategic Plan.

DAY 3

Thursday, May 10, 2018

The full Council will resume meeting.

(1) Receipt and discussion of the Boats and Associated

Equipment, Prevention through People and Recreational Boating Safety Strategic Planning Subcommittee reports.

(2) Discussion of any recommendations to be made to the U.S. Coast Guard.

(3) Public comment period.

(4) Voting on any recommendations to be made to the U.S. Coast Guard.

(5) Adjournment of meeting.

There will be a comment period for the National Boating Safety Advisory Council members and a comment period for the public after each report presentation, but before each is voted on by the Council. The Council members will review the information presented on each issue, deliberate on any recommendations presented in the Subcommittees' reports, and formulate recommendations for the Department's consideration.

The meeting agenda and all meeting documentation can be found at: *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/nbsac.*

Alternatively, you may contact Mr. Jeff Ludwig as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the meeting as the Council discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, following the call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: March 29, 2018.

Jason D. Neubauer,

Captain, U.S. Coast Guard, Acting Director of Inspections and Compliance.

[FR Doc. 2018–06865 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1471]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On March 16, 2015, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 80 FR 13593–13594. The table provided here represents the proposed flood hazard determinations and communities affected for Atlantic County, New Jersey (All Jurisdictions).

DATES: Comments are to be submitted on or before July 3, 2018.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the

respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1471, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 80 FR 13593–13594 in the March 16, 2015, issue of the **Federal Register**, FEMA published a table titled ''Atlantic County, New Jersey (All Jurisdictions)''. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 22, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Atlantic County, New Jersey (All Jurisdictions) **Project: 15–02–1283S Preliminary Dates: May 30, 2014 and January 30, 2015**	
Borough of Buena	Buena Borough Construction and Permits Office, 616 Central Avenue, Minotola, NJ 08341.
Borough of Folsom	Borough Hall, 1700 12th Street, Folsom, NJ 08037.
Borough of Longport	Borough Hall, 2305 Atlantic Avenue, Longport, NJ 08403.
City of Absecon	City Hall, 500 Mill Road, Absecon, NJ 08201.
City of Brigantine	City Hall, 1417 West Brigantine Avenue, Brigantine, NJ 08203.
City of Linwood	Construction Office, 400 Poplar Avenue, Linwood, NJ 08221.
City of Margate City	Construction Office, 9001 Winchester Avenue, Margate City, NJ 08402.
Town of Hammonton	Town Engineer's Office, 215 Bellevue Avenue, Hammonton, NJ 08037.
Township of Buena Vista	Buena Vista Township Hall, 890 Harding Highway, Buena, NJ 08310.
Township of Egg Harbor	Municipal Building, 3515 Bargaintown Road, Egg Harbor Township, NJ 08234.
Township of Hamilton	Hamilton Township Zoning Office, 6101 Thirteenth Street, Mays Landing, NJ 08330.
Township of Mullica	Mullica Township Hall, 4528 White Horse Pike, Elwood, NJ 08217.
Township of Weymouth	Weymouth Township Municipal Building, 45 South Jersey Avenue, Dorothy, NJ 08317.

[FR Doc. 2018–06814 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4340–DR; Docket ID FEMA–2018–0001]

Virgin Islands; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4340–DR), dated September 20, 2017, and related determinations.

DATES: This amendment was issued March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 15, 2018, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the territory of the U.S. Virgin Islands resulting from Hurricane Maria during the period of September 16–22, 2017, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*

Therefore, I amend my declarations of September 20, 2017, and October 3, 2017, to authorize a 60-day extension of the period of 100 percent Federal funding for debris removal and emergency protective measures, including direct Federal assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–06806 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1814]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 3, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1814, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in

support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 8, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Beaufort County, South Carolina and Incorporated Areas Project: MICS_18446 Preliminary Date: June 30, 2017	
City of Beaufort	City Hall, 1911 Boundary Street, Beaufort, SC 29902.
City of Hardeeville	City Hall, 205 Main Street, Hardeeville, SC 29927.
Town of Bluffton	Town Hall, 20 Bridge Street, Bluffton, SC 29910.
Town of Hilton Head Island	Town Hall, 1 Town Center Court, Hilton Head Island, SC 29928.
Town of Port Royal	Town Hall, 700 Paris Avenue, Port Royal, SC 29935.
Town of Yemassee	Town Hall, 101 Town Circle, Yemassee, SC 29945.
Unincorporated Areas of Beaufort County	Beaufort County Building Codes Department, 100 Ribaut Road, Beaufort, SC 29902.
Greenwood County, South Carolina and Incorporated Areas Project: 16–04–8538S Preliminary Date: February 10, 2017	
Unincorporated Areas of Greenwood County	Greenwood County Courthouse, 528 Monument Street, Greenwood, SC 29646.
Laurens County, South Carolina and Incorporated Areas Project: 16–04–8538S Preliminary Date: February 10, 2017	
Unincorporated Areas Laurens County	Laurens County Administration Office, 100 Hillcrest Square, Suite C, Laurens, SC 29360.
Newberry County, South Carolina and Incorporated Areas Project: 16–04–8538S Preliminary Date: February 10, 2017	
Unincorporated Areas of Newberry County	Newberry County Planning and Zoning Department, 1512 Martin Street, Newberry, SC 29108.

[FR Doc. 2018–06815 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2018–0001]

Virgin Islands; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: This amendment was issued March 15, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 15, 2018, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the territory of the U.S. Virgin Islands resulting from Hurricane Irma during the period of September 5–7, 2017, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*

Therefore, I amend my declarations of September 7, 2017, September 9, 2017, and September 26, 2017, to authorize a 60-day extension of the period of 100 percent Federal funding for debris removal and emergency protective measures, including direct Federal assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to

Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–06805 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4339–DR; Docket ID FEMA–2018–0001]

Puerto Rico; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA–4339–DR), dated September 20, 2017, and related determinations.

DATES: This amendment was issued February 23, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2018, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in the Commonwealth of Puerto Rico resulting from Hurricane Maria during the period of September 17 to November 15, 2017, is of sufficient severity and magnitude that special cost-sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend my declarations of September 20, 2017, September 26, 2017, and November 2, 2017, to authorize a 90-day extension of the period of 100 percent Federal funding for debris removal, including direct Federal assistance, and a 60-day extension of the period of 100 percent Federal funding for emergency protective measures, including direct Federal assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–06804 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0020; OMB No. 1660–0030]

Agency Information Collection Activities: Proposed Collection; Comment Request; Manufactured Housing Operations Forms

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information related to FEMA's temporary housing assistance, which provides temporary housing to eligible survivors of federally declared disasters. This information is required to determine whether a potential site supports the installation of a temporary housing unit, to obtain permission to place the temporary housing unit on the property, to allow ingress and egress to the property where the temporary housing unit is placed, and to document the installation and maintenance of the unit.

DATES: Comments must be submitted on or before June 4, 2018.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2018–0020. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID: FEMA–2018–0020. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth McDowell, Supervisory Program Specialist, FEMA, Recovery Directorate, at (540) 686–3630. You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) authorizes the President to provide temporary housing units to include mobile homes and other readily fabricated dwellings to eligible applicants who require temporary housing as a result of a major disaster. 44 CFR part 206 provides the requirements and procedures for delivering temporary housing assistance to eligible individuals and households with disaster-related housing needs. The information collected provides the facts necessary to determine the feasibility of a potential site for placement of a Temporary Housing Unit (THU), to ensure the landowner will allow for a Mobile Housing Unit (MHU) to be placed on the property, and to document the installation and maintenance of the unit. FEMA is requesting an extension, without change, of a currently approved information collection.

Collection of Information

Title: Manufactured Housing Operations Forms.

Type of Information Collection: Extension without change of a currently approved information collection.

OMB Number: 1660–0030.

FEMA Forms: FEMA Form 010–0–9, Request for the Site Inspection; FEMA Form 010–0–10, Landowner's Authorization Ingress-Egress Agreement; FEMA Form 009–0–130, Manufactured Housing Unit Maintenance Work Order; FEMA Form 009–0–136, Manufactured Housing Unit Installation Work Order; FEMA Form 009–0–138, Manufactured Housing Unit Inspection Report.

Abstract: The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes the President to provide temporary housing units in the form of manufactured housing, recreational vehicles or other readily fabricated dwellings to eligible applicants who require direct temporary housing as a result of a major disaster. The information collected is necessary to determine the feasibility of the site for placement of temporary housing and to provide FEMA with access to place the temporary housing unit as well as retrieve it at the end of the use.

Affected Public: Individuals or households, Business or other for-profits.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses: 25,000.

Estimated Total Annual Burden Hours: 4,167.50.

Estimated Total Annual Respondent Cost: $189,830.

Estimated Respondents' Operation and Maintenance Costs: 0.

Estimated Respondents' Capital and Start-Up Costs: 0.

Estimated Total Annual Cost to the Federal Government: $2,165,310.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: March 27, 2018.

Rachel Frier,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–06807 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 8, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama: Jefferson (FEMA Docket No.: B–1762).	Unincorporated areas of Jefferson County (17–04–7129X).	The Honorable James A. Stephens, Chairman, Jefferson County Board of Commissioners, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	Feb. 12, 2018	010217
Colorado:					
Douglas (FEMA Docket No.: B–1767).	Town of Castle Rock (17–08–0610P).	The Honorable Jennifer Green, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Water Department, 175 Kellogg Court, Castle Rock, CO 80109.	Feb. 16, 2018	080050
Douglas (FEMA Docket No.: B–1767).	Unincorporated areas of Douglas County (17–08–0610P).	The Honorable Roger Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, 100 3rd Street, Castle Rock, CO 80104.	Feb. 16, 2018	080049
Connecticut:					
Fairfield (FEMA Docket No.: B–1803).	City of Bridgeport (17–01–1059P).	The Honorable Joseph P. Ganim, Mayor, City of Bridgeport, 999 Broad Street, Bridgeport, CT 06604..	City Hall, 45 Lyon Terrace, Bridgeport, CT 06604.	Feb. 12, 2018	090002
Fairfield (FEMA Docket No.: B–1803).	Town of Greenwich (17–01–2058P).	The Honorable Peter Tesei, First Selectman, Town of Greenwich Board of Selectmen, 101 Field Point Road, Greenwich, CT 06830.	Planning and Zoning Department, 101 Field Point Road, Greenwich, CT 06830.	Feb. 9, 2018	090008
Florida:					
Broward (FEMA Docket No.: B–1767).	City of Miramar (17–04–7683X).	The Honorable Wayne M. Messam, Mayor, City of Miramar, 2300 Civic Center Place, Miramar, FL 33025.	Public Works Department, 13900 Pembroke Road, Building L, Miramar, FL 33025.	Feb. 22, 2018	120048
Charlotte (FEMA Docket No.: B–1767).	City of Punta Gorda (17–04–4542P).	The Honorable Rachel Keesling, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, FL 33950.	City Hall, 326 West Marion Avenue, Punta Gorda, FL 33950.	Feb. 14, 2018	120062
Lee (FEMA Docket No.: B–1767).	City of Cape Coral (17–04–5713P).	The Honorable Marni Sawicki, Mayor, City of Cape Coral, 1015 Cultural Park Boulevard, Cape Coral, FL 33990.	Department of Community Development, 1015 Cultural Park Boulevard, Cape Coral, FL 33990.	Feb. 23, 2018	125095
Lee (FEMA Docket No.: B–1767).	Unincorporated areas of Lee County (17–04–5713P).	The Honorable John Manning, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	Feb. 23, 2018	125124
Manatee (FEMA Docket No.: B–1767).	Unincorporated areas of Manatee County (17–04–1328P).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Feb. 20, 2018	120153
Monroe (FEMA Docket No.: B–1767).	City of Marathon (17–04–6616P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Feb. 20, 2018	120681
Monroe (FEMA Docket No.: B–1767).	Unincorporated areas of Monroe County (17–04–4988P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	Feb. 8, 2018	125129
Monroe (FEMA Docket No.: B–1767).	Unincorporated areas of Monroe County (17–04–5954P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	Feb. 8, 2018	125129
Monroe (FEMA Docket No.: B–1767).	Unincorporated areas of Monroe County (17–04–6030P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	Feb. 8, 2018	125129
Monroe (FEMA Docket No.: B–1767).	Unincorporated areas of Monroe County (17–04–6434P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	Feb. 13, 2018	125129
Pasco (FEMA Docket No.: B–1767).	Unincorporated areas of Pasco County (17–04–2409P).	The Honorable Mike Moore, Chairman, Pasco County Board of Commissioners, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Building and Construction Services Department, 8731 Citizens Drive, New Port Richey, FL 34654.	Feb. 22, 2018	120230

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Pinellas (FEMA Docket No.: B–1767).	City of Treasure Island (17–04–5547P).	The Honorable Robert Minning, Mayor, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706.	Community Improvement Department, 120 108th Avenue, Treasure Island, FL 33706.	Feb. 20, 2018	125153
Pinellas (FEMA Docket No.: B–1767).	Town of Redington Beach (17–04–4168P).	The Honorable James Simons, Mayor, Town of Redington Beach Commission, 105 164th Avenue, Redington Beach, FL 33708.	Public Works Department, 105 164th Avenue, Redington Beach, FL 33708.	Feb. 12, 2018	125140
Sarasota (FEMA Docket No.: B–1767).	City of Sarasota (17–04–6361P).	The Honorable Shelli Freeland Eddie, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Neighborhood and Development Services Development, 1565 1st Street, Sarasota, FL 34236.	Feb. 20, 2018	125150
Georgia:					
Bulloch (FEMA Docket No.: B–1770).	Unincorporated areas of Bulloch County (16–04–5191P).	The Honorable Roy Thompson, Chairman, Bulloch County Board of Commissioners, 115 North Main Street, Statesboro, GA 30459.	Bulloch County Development Services Department, 115 North Main Street, Statesboro, GA 30459.	Feb. 22, 2018	130019
Effingham (FEMA Docket No.: B–1770).	City of Guyton (16–04–5191P).	The Honorable Jeff Lariscy, Mayor, City of Guyton, 310 Central Boulevard, Guyton, GA 31312.	City Hall, 310 Central Boulevard, Guyton, GA 31312.	Feb. 22, 2018	130456
Effingham (FEMA Docket No.: B–1770).	Unincorporated areas of Effingham County (16–04–5191P).	The Honorable Wesley Corbitt, Chairman, Effingham County Board of Commissioners, 601 North Laurel Street, Springfield, GA 31329.	Effingham County Development Services Department, 601 North Laurel Street, Springfield, GA 31329.	Feb. 22, 2018	130076
Louisiana: Madison (FEMA Docket No.: B–1803).	Unincorporated areas of Madison Parish (17–06–1514P).	The Honorable Robert Fortenberry, President, Madison Parish, 100 North Cedar Street, Tallulah, LA 71282.	Madison Parish Courthouse, 100 North Cedar Street, Tallulah, LA 71282.	Feb. 16, 2018	220122
Massachusetts:					
Middlesex (FEMA Docket No.: B–1767).	Town of Bedford (17–01–1899P).	The Honorable Margot R. Fleischman, Chair, Town of Bedford Board of Selectmen, 10 Mudge Way, Bedford, MA 01730.	Code Enforcement Department, 10 Mudge Way, Bedford, MA 01730.	Feb. 9, 2018	255209
Middlesex (FEMA Docket No.: B–1767).	Town of Billerica (17–01–1899P).	Mr. John C. Curran, Manager, Town of Billerica, 365 Boston Road, Billerica, MA 01821.	Town Hall, 365 Boston Road, Billerica, MA 01821.	Feb. 9, 2018	250183
Middlesex (FEMA Docket No.: B–1767).	Town of Carlisle (17–01–1899P).	The Honorable Luke Ascolillo, Chairman, Town of Carlisle Board of Selectmen, 66 Westford Street, Carlisle, MA 01741.	Town Hall, 66 Westford Street, Carlisle, MA 01741.	Feb. 9, 2018	250187
Middlesex (FEMA Docket No.: B–1767).	Town of Concord (17–01–1899P).	Mr. Christopher Whelan, Manager, Town of Concord, 22 Monument Square, Concord, MA 01742.	Department of Public Works, 133 Keyes Road, Concord, MA 01742.	Feb. 9, 2018	250189
New Mexico:					
Bernalillo (FEMA Docket No.: B–1803).	City of Albuquerque (17–06–4036X).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development Review Services Division, 600 2nd Street Northwest, Albuquerque, NM 87103.	Feb. 5, 2018	350002
Bernalillo (FEMA Docket No.: B–1767).	Unincorporated areas of Bernalillo County (17–06–1386P).	Ms. Julie Morgas Baca, Bernalillo County Manager, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	Feb. 21, 2018	350001
North Carolina:					
Wake (FEMA Docket No.: B–1770).	City of Raleigh (16–04–2666P).	The Honorable Nancy McFarlane, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	Stormwater Management Division, 1 Exchange Plaza, Suite 304, Raleigh, NC 27601.	Feb. 14, 2018	370243
Wake (FEMA Docket No.: B–1770).	Town of Wake Forest (16–04–2666P).	The Honorable Vivian A. Jones, Mayor, Town of Wake Forest, 301 South Brooks Street, Wake Forest, NC 27587.	Town Hall, 301 South Brooks Street, Wake Forest, NC 27587.	Feb. 14, 2018	370244
Wake (FEMA Docket No.: B–1770).	Unincorporated areas of Wake County (16–04–2666P).	The Honorable Jessica Holmes, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, 336 Fayetteville Street, Raleigh, NC 27601.	Feb. 14, 2018	370368
Pennsylvania: Lackawanna (FEMA Docket No.: B–1762).	City of Scranton (17–03–0447P).	The Honorable William L. Courtright, Mayor, City of Scranton, 340 North Washington Avenue, Scranton, PA 18503.	City Hall, 340 North Washington Avenue, Scranton, PA 18503.	Feb. 7, 2018	420538
South Carolina:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Charleston (FEMA Docket No.: B–1767).	Town of Mount Pleasant (17–04–6335P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Feb. 16, 2018	455417
Charleston (FEMA Docket No.: B–1767).	Unincorporated areas of Charleston County (17–04–6335P).	The Honorable A. Victor Rawl, Chairman, Charleston County Council, 4045 Bridge View Drive, Suite B254, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridge View Drive, Suite A311, North Charleston, SC 29405.	Feb. 16, 2018	455413
Dorchester (FEMA Docket No.: B–1767).	Unincorporated areas of Dorchester County (16–04–6961P).	The Honorable Jay Byars, Chairman, Dorchester County Council, 500 North Main Street, Summerville, SC 29483.	Dorchester County Public Works Department, 500 North Main Street, Summerville, SC 29483.	Feb. 8, 2018	450068
Tennessee: Wilson (FEMA Docket No.: B–1803).	City of Mt. Juliet (17–04–6333P).	The Honorable Ed Hagerty, Mayor, City of Mt. Juliet, 2425 North Mt. Juliet Road, Mt. Juliet, TN 37122.	City Hall, 2425 North Mt. Juliet Road, Mt. Juliet, TN 37122.	Feb. 15, 2018	470290
Texas:					
Bexar (FEMA Docket No.: B–1767).	Unincorporated areas of Bexar County (17–06–3197P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	Feb. 9, 2018	480035
Collin (FEMA Docket No.: B–1767).	City of Frisco (17–06–2725P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Feb. 12, 2018	480134
Dallas (FEMA Docket No.: B–1767).	City of Dallas (17–06–2366P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Mobility and Street Services Department, 320 East Jefferson Boulevard, Suite 307, Dallas, TX 75203.	Feb. 20, 2018	480171
Dallas (FEMA Docket No.: B–1767).	City of Hutchins (17–06–1464P).	The Honorable Mario Vasquez, Mayor, City of Hutchins, P.O. Box 500, Hutchins, TX 75141.	City Hall, 321 North Main Street, Hutchins, TX 75141.	Feb. 20, 2018	480179
Dallas (FEMA Docket No.: B–1767).	Unincorporated areas of Dallas County (17–06–1464P).	The Honorable Clay Jenkins, Dallas County Judge, 411 Elm Street, 2nd Floor, Dallas, TX 75202.	Department of Public works, 411 Elm Street, 4th Floor, Dallas, TX 75202.	Feb. 20, 2018	480165
Denton (FEMA Docket No.: B–1767).	Town of Bartonville (17–06–1156P).	The Honorable Bill Scherer, Mayor, Town of Bartonville, 1941 East Jeter Road, Bartonville, TX 76226.	Teague Nall and Perkins, Inc., 1517 Centre Place Drive, Suite 320, Denton, TX 76205.	Feb. 9, 2018	481501
Galveston (FEMA Docket No.: B–1762).	City of Galveston (17–06–2017P).	The Honorable Jim Yarbrough, Mayor, City of Galveston, P.O. Box 779, Galveston, TX 77553.	Building Department, 823 Rosenberg Street, Galveston, TX 77553.	Feb. 6, 2018	485469
Medina (FEMA Docket No.: B–1807).	Unincorporated areas of Medina County (17–06–3375P).	The Honorable Chris Schuchart, Medina County Judge, 1502 Avenue K, Hondo, TX 78861.	Medina County Environmental Health Department, 709 Avenue Y, Hondo, TX 78861.	Feb. 22, 2018	480472
Montgomery (FEMA Docket No.: B–1803).	Unincorporated areas of Montgomery County (17–06–0698P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Commissioners Court Building, 501 North Thompson, Suite 103, Conroe, TX 77301.	Feb. 16, 2018	480483
Wilson (FEMA Docket No.: B–1767).	City of Floresville (17–06–3071P).	The Honorable Cecelia Gonzalez-Dippel, Mayor, City of Floresville, 1120 D Street, Floresville, TX 78114.	City Hall, 1120 D Street, Floresville, TX 78114.	Feb. 15, 2018	480671
Utah: Washington (FEMA Docket No.: B–1767).	City of Washington (17–08–0585P).	The Honorable Ken Neilson, Mayor, City of Washington, 111 North 100 East, Washington, UT 84780.	Public Works Department, 1305 East Washington Dam Road, Washington, UT 84780.	Feb. 13, 2018	490182
Virginia:					
Gloucester (FEMA Docket No.: B–1767).	Unincorporated areas of Gloucester County (17–03–0659P).	The Honorable Phillip Bazzani, Chairman, Gloucester County Board of Supervisors, P.O. Box 329, Gloucester, VA 23061.	Gloucester County Building Inspections Department, 6489 Main Street, Suite 247, Gloucester, VA 23061.	Feb. 9, 2018	510071
Prince William (FEMA Docket No.: B–1767).	City of Manassas Park (17–03–0746P).	Mr. Laszlo A. Palko, Manager, City of Manassas Park, 1 Park Center Court, Manassas Park, VA 20111.	City Hall, 1 Park Center Court, Manassas Park, VA 20111.	Feb. 15, 2018	510123
Prince William (FEMA Docket No.: B–1767).	Unincorporated areas of Prince William County (17–03–0746P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Woodbridge, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Woodbridge, VA 22192.	Feb. 15, 2018	510119

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
West Virginia: Jackson (FEMA Docket No.: B–1767)	Unincorporated areas of Jackson County (17–03–2040P).	The Honorable Dick Waybright, President, Jackson County Commission, P.O. Box 800, Ripley, WV 25271.	Jackson County Emergency Services Department, 100 North Maple Street, Ripley, WV 25271.	Feb. 20, 2018	540063

[FR Doc. 2018–06816 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of July 5, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 22, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Lexington County, South Carolina and Incorporated Areas Docket No.: FEMA–B–1617	
City of Cayce	City Hall, 1800 12th Street, Cayce, SC 29033.
City of Columbia	Department of Utilities and Engineering, 1136 Washington Street, Columbia, SC 29201.
City of West Columbia	City Hall, 200 North 12th Street, West Columbia, SC 29169.
Town of Batesburg-Leesville	Town Hall, 120 West Church Street, Suite A, Batesburg-Leesville, SC 29006.
Town of Gaston	Town Hall, 131 North Carlisle Street, Gaston, SC 29053.
Town of Gilbert	Town Hall, 345 Hampton Street, Gilbert, SC 29054.
Town of Irmo	Town Hall, 7300 Woodrow Street, Irmo, SC 29063.
Town of Lexington	Town Hall, 111 Maiden Lane, Lexington, SC 29072.
Town of Pelion	Town Hall, 1010 Main Street, Pelion, SC 29123.
Town of Pine Ridge	Pine Ridge Town Hall, 2757 Fish Hatchery Road, West Columbia, SC 29172.
Town of South Congaree	South Congaree Town Hall, 119 West Berry Road, West Columbia, SC 29172.
Town of Springdale	Town Hall, 2915 Platt Springs Road, Springdale, SC 29170.
Town of Swansea	Town Hall, 300 West 3rd Street, Swansea, SC 29160.
Unincorporated Areas of Lexington County	Lexington County Planning and GIS Department, County Administration Building, 212 South Lake Drive, Suite 302, Lexington, SC 29072.

[FR Doc. 2018–06813 Filed 4–3–18; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1818]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 22, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Buckeye (17–09–1551P).	The Honorable Jackie A. Meck, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	*https://msc.fema.gov/port al/advanceSearch.*	Jun. 22, 2018	040039
Maricopa	City of Phoenix (18–09–0275P).	The Honorable Greg Stanton Mayor, City of Phoenix 200 West Washington Street, 11th Floor Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor Phoenix, AZ 85003.	*https://msc.fema.gov/port al/advanceSearch.*	Jun. 15, 2018	040051
California:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Riverside	Unincorporated Areas of Riverside County (18–09–0328P).	The Honorable Chuck Washington Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 25, 2018	060245
Sacramento	Unincorporated Areas of Sacramento County (17–09–2390P).	The Honorable Susan Peters, Chair, Board of Supervisors, Sacramento County, 700 H Street, Suite 2450, Sacramento, CA 95814.	Sacramento County Department of Water Resources, 827 7th Street, Suite 301, Sacramento, CA 95814.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 2, 2018	060262
San Diego	City of Oceanside (17–09–0571P).	The Honorable Peter Weiss, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 3, 2018	060294
Florida: Duval	City of Jacksonville (17–04–4852P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2018	120077
Minnesota:						
Clay	City of Moorhead (17–05–3618P).	The Honorable Del Rae Williams, Mayor, City of Moorhead, 500 Center Avenue, Moorhead, MN 56561.	City Hall, 500 Center Avenue, Moorhead, MN 56561.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2018	275244
Clay	Unincorporated Areas of Clay County (17–05–3618P).	The Honorable Kevin Campbell Chairman, Board of Commissioners, Clay County, 807 11th Street North, Moorhead, MN 56560.	Clay County Courthouse, 807 11th Street North, Moorhead, MN 56560.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2018	275235
Missouri: Laclede.	City of Lebanon (17–07–1875P).	The Honorable Jared Carr, Mayor, City of Lebanon, 401 South Jefferson Avenue, Lebanon, MO 65536.	City Hall, 400 South Madison Street, Lebanon, MO 65536.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2018	290197
Nevada:						
Storey	Unincorporated Areas of Storey County (16–09–2438P).	The Honorable Marshall McBride, Chairman, Board of Commissioners, Storey County, P.O. Box 176, Virginia City, NV 89440.	Storey County Courthouse, 26 South B Street, Virginia City, NV 89440.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 18, 2018	320033
Washoe	Unincorporated Areas of Washoe County (16–09–2438P).	The Honorable Bob Lucey, Chairman, Board of Commissioners, Washoe County, 1001 East 9th Street, Reno, NV 89512.	Washoe County Administration Building, Department of Public Works, 1001 East 9th Street, Reno, NV 89512.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 18, 2018	320019
New York:						
Erie	Town of Elma (17–02–0955P).	The Honorable Dennis Powers Supervisor, Town of Elma, 1600 Bowen Road, Elma, NY 14059.	Town Hall, 1910 Bowen Road, Elma, NY 14059.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2018	360239
Erie	Town of Lancaster (17–02–0955P).	The Honorable Johanna M. Coleman, Board Supervisor, Town of Lancaster, 21 Central Avenue, Lancaster, NY 14086.	Building Inspector, 11 West Main Street, Lancaster, NY 14086.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2018	360249
Monroe	Town of Webster (17–02–1830P).	Mr. Ronald W. Nesbitt, Webster Town Supervisor, 1000 Ridge Road, Webster, NY 14580.	Town Hall, 1000 Ridge Road, Webster, NY 14580.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2018	360436
Ohio:						
Franklin	City of Columbus (18–05–0919P).	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, 2nd Floor, Columbus, OH 43215.	Department of Development, 757 Carolyn Avenue, Columbus, OH 43224.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2018	390170

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Franklin	City of Grandview Heights (18–05–0919P).	The Honorable Ray E. DeGraw, Mayor, City of Grandview Heights, 1525 Goodale Boulevard, Grandview Heights, OH 43212.	Development Office, 1525 West Goodale Boulevard, Grandview Heights, OH 43212.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2018	390172
Oregon: Benton	Unincorporated Areas of Benton County (17–10–1169P).	Ms. Annabelle Jaramillo, Chair, Benton County Board of Commissioners, 205 Northwest 5th Street, Corvallis, OR 97339.	Benton County Sheriff's Office, 180 Northwest 5th Avenue, Corvallis, OR 97333.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2018	410008

[FR Doc. 2018–06808 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1817]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 3, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1817, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 22, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Iron County, Utah and Incorporated Areas Project: 16–08–0636S Preliminary Date: December 15, 2009, July 29, 2011, and September 28, 2017	
City of Cedar City	Engineering Department, 10 North Main Street, Cedar City, UT 84720.
City of Enoch	City Manager Office, 900 East Midvalley Road, Enoch, UT 84721.
City of Parowan	Planning and Zoning Committee, 35 East 100 North, Parowan, UT 84761.
Town of Kanarraville	Town Hall, 40 South Main Street, Kanarraville, UT 84742.
Town of Paragonah	Town Hall, 44 North 100 West, Paragonah, UT 84760.
Unincorporated Areas of Iron County	Iron County Engineering Department, 82 North 100 East, Suite 104, Cedar City, UT 84720.
Frederick County, Virginia and Incorporated Areas Project: 12–03–0413S Preliminary Date: September 12, 2017	
Town of Middletown	Town Office, 7735 Main Street, Middletown, VA 22645.
Town of Stephens City	Town Office, 1033 Locus Street, Stephens City, VA 22655.
Unincorporated Areas of Frederick County	Frederick County Administration Building, 107 North Kent Street, Suite 202, Winchester, VA 22601.
Independent City of Winchester, Virginia Project: 12–03–0413S Preliminary Date: September 12, 2017	
City of Winchester	Rouss City Hall, 15 North Cameron Street, Winchester, VA 22601.

[FR Doc. 2018–06809 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of July 19, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 22, 2018.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Essex County, Massachusetts (All Jurisdictions) **Docket No.: FEMA–B–1701**	
City of Haverhill	City Hall, 4 Summer Street, Haverhill, MA 01830.
Noble County, Oklahoma and Incorporated Areas **Docket No.: FEMA–B–1644**	
City of Perry	City Hall, 622 Cedar Street, Perry, OK 73077.
Otoe-Missouria Tribe of Oklahoma	Otoe-Missouria Tribe of Oklahoma Tribal Headquarters, 8151 Highway 177, Red Rock, OK 74651.
Town of Billings	Town Hall, 122 West Main Street, Billings, OK 74630.
Town of Marland	City Hall, 306 North Main Street, Marland, OK 74644.
Town of Red Rock	City Hall, 300 Lillie Street, Red Rock, OK 74651.
Tribe of Ponca Indians of Oklahoma	Tribe of Ponca Indians of Oklahoma Tribal Affairs Building, 20 White Eagle Drive, Ponca City, OK 74601.
Unincorporated Areas of Noble County	Noble County Courthouse, 300 Courthouse Drive #1, Perry, OK 73077.

[FR Doc. 2018–06812 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3397–EM; Docket ID FEMA–2018–0001]

American Samoa; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency major declaration for the territory of American Samoa (FEMA–3397–EM), dated February 11, 2018, and related determinations.

DATES: This amendment was issued March 8, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective February 12, 2018.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–06803 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[DHS–2018–0020]

Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Post-Award Contract Information

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; Extension of a currently approved collection, 1600–0003.

SUMMARY: The DHS Office of the Chief Procurement Officer will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as determining the suitability of contractor personnel accessing DHS facilities; to ensure no organizational conflicts of interest exist during the performance of contracts; to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; and to otherwise ensure firms are performing in the Government's best interest.

DATES: Comments are encouraged and will be accepted until June 4, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0020, at:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0020. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy Harvey, (202) 447–0956, *Nancy.Harvey@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: DHS collects information, when necessary, in administering public contracts for supplies and services. The information is used to determine compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*), the Federal Acquisition Regulation (FAR) (48 CFR chapter 1), and the HSAR (48 CFR chapter 30). Respondents submit information based on the terms of the contract; the instructions in the contract deliverables mandatory reporting requirements; and correspondence from acquisition personnel requesting post-award contract information. The least active contracts and the simplest contracts will have little to no data to report. The most active and complex contracts, however, will contain more reporting requirements. DHS believes that some of this information is already readily

available as part of a company's business processes and that the largest businesses use computers to compile the data. However, a significant amount of time is spent correlating information to specific contract actions and gathering information for more complex contract actions.

The prior information collection request for OMB No. 1600–0003 was approved through February 28, 2019 by OMB. The purpose of this information collection request is to identify the additional clauses that fall under for OMB No. 1600–0003. The collections under the HSAR are as follows:

• 3052.204–70 Security requirements for unclassified information technology resources. (Required in all solicitations and contracts that require submission of an IT Security Plan.) This clause applies to all contractor systems connected to a DHS network and those contracts where the Contractor must have physical or electronic access to sensitive information contained in DHS unclassified systems. The contractor is asked to prepare, provide and maintain an IT Security Plan.

• 3052.204–71 Contractor employee access. (Required when contractor employees require recurring access to Government facilities or access to sensitive info.) Contractors may be subject to background investigations and will have to provide information as required by the DHS Security Office. The information requested is in addition to the information requested through Standard Form (SF) 86.

• 3052.205–70 Advertisements, Publicizing Awards, and Releases. (Required for all contracts exceeding Simplified Acquisition Threshold.) Contractors may have to provide copies of information related to advertisements and release statements to receive approval for publication.

• 3052.209–72 Organizational Conflict of Interest, paragraphs (f) and (g) (Included in solicitations and contracts where a potential organizational conflict of interest exists and mitigation may be possible.) Contractors will have to provide information related to actual or potential conflicts of interest and a mitigation plan.

• 3052.209–75 Prohibited Financial Interests for Lead System Integrators. (Required in solicitations and contracts for the acquisition of a major system when the acquisition strategy envisions the use of a lead system integrator or when the contractor will be the lead system integrator.) Contractors will have to provide information related to changes in financial interests.

• 3052.209–76 Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony, paragraph (h). (Section 2 of the Federal Protective Service Guard Contracting Reform Act of 2008, Pub. L. 110–356, generally prohibits DHS from entering into a contract for guard services under the Federal Protective Service (FPS) guard services program with any business concern owned, controlled, or operated by an individual convicted of a serious felony.) The notification required by paragraph (h) applies to any contractual instrument that may result in the issuance of task orders. Contractors will have to provide information on any felony conviction of personnel who own, control or operate a business during the performance a contract.

• 3052.215–70 Key personnel or facilities. (Required in solicitations and contracts when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel or facilities.) Contractors will have to provide notice of and documentation related to changes in key personnel for evaluation, including, resumes; description of the duties the replacement will assume; description of any change in duties and confirmation that such change will not negatively impact contract performance.

• 3052.216–71 Determination of Award Fee. (Required in solicitations and contracts that include an award fee.) Contractor may submit a performance self-evaluation for each evaluation period.

• 3052.217–91 Performance (U.S. Coast Guard (USCG)). (Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor must request prior approval to conduct dock and sea trials.

• 3052.217–92 Inspection and Manner of Doing Work (USCG). (Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor must maintain complete records of all inspection work and shall make them available to the Government during performance of the contract and for 90 days after the completion of all work required.

• 3052.217–95 Liability and Insurance (USCG). (Required in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico. Also required in negotiated solicitations and contracts to be performed outside the United States.) Contractor shall provide evidence of the insurance and give the Contracting Officer written notice after the occurrence of a loss or damage for which the Government has assumed the risk. If any loss or damage will result in a claim against the Government, the contractor shall provide notice.

• 3052.219–70 Small Business subcontracting plan reporting. (Generally included in solicitations and contracts that offer subcontracting possibilities and are expected to exceed $700,000.) Contractors must use Electronic Subcontracting Reporting System (eSRS) to submit subcontracting reporting data.

• 3052.219–71 DHS Mentor-Protégé Program. (Included in solicitations where subcontracting plans are anticipated.) The amount of credit given to a contractor mentor firm for protégé developmental assistance costs must be calculated on a dollar for dollar basis and reported in the Summary Subcontract Report via the Electronic Subcontracting Reporting System (eSRS) at *www.esrs.gov*.

• 3052.222–70 Strikes or Picketing Affecting Timely Completion of the Contract Work. (Generally included in solicitations and contracts.) Contractor must take all reasonable and appropriate action to end a strike or picketing. Delay caused by a strike or by picketing which constitutes an unfair labor practice is not excusable unless the Contractor takes all reasonable and appropriate action to end such a strike or picketing, such as the filing of a charge with the National Labor Relations Board, the use of other available Government procedures, and the use of private boards or organizations for the settlement of disputes. The contractor may be required to submit information to the contracting officer.

• 3052.222–71 Strikes or Picketing Affecting Access to a DHS Facility. (Generally included in solicitations and contracts.) Contractor is responsible if strike or picketing is directed at the Contractor and impedes access by any person to a DHS facility. Contractor must take all reasonable and appropriate action to end a strike or picketing. The contractor may be required to submit information to the contracting officer.

• 3052.223–70 Removal or disposal of hazardous substances—applicable licenses and permits. (Required in solicitations and contracts involving the removal or disposal of hazardous waste material.) Contractors will have to provide evidence of licenses and permits to perform hazardous substance removal.

• 3052.223–90 Accident and Fire Reporting (USCG). (Included in solicitations and contracts involving the removal of hazardous waste material.) Contractor must report incidents involving fire or accidents at a worksite. Contractors may provide this information using a state, private insurance carrier, or Contractor accident report form.

• 3052.228–91 Loss of or Damage to Leased Aircraft (USCG). (Included in any contract for the lease of an aircraft.) In the event of loss of or damage to an aircraft, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and the Contractor must promptly assign such rights in writing to the Government.

• 3052.228–93 Risk and Indemnities (USCG). (Included in any contract for the lease of an aircraft.) Requires the contractor to provide the Government with evidence of insurance.

• 3052.235.70 Dissemination of Information-Educational Institutions. (Included in contracts with educational institutions for research that are not sensitive or classified.) Contractors must provide advanced electronic copies of articles to the Government covering the results of research it plans to publish.

The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as determining the suitability of contractor personnel accessing DHS facilities; to ensure no organizational conflicts of interest exist during the performance of contracts; to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; and to otherwise ensure firms are performing in the Government's best interest. Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. For example, potentially, contractors who are lead system integrators could acquire direct financial interests in major systems the contractors are contracted to procure, which would compromise the integrity of acquisitions for the Department. In addition, contractors who own, control or operate a business providing protective guard services could possess felony convictions during the performance of contracts, putting the Department at risk. Furthermore, contractors could change key personnel during the performance of contracts and use less experienced or less qualified personnel to reduce costs, which would adversely affect DHS's fulfillment of its mission requirements.

Many sources of the requested information use automated word processing systems, databases, spreadsheets, project management and other commercial software to facilitate preparation of material to be submitted. With Government-wide implementation of e-Government initiatives, it is commonplace within many of DHS's Components for submissions to be electronic.

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act (FOIA), other disclosure statutes, and Federal and agency acquisition regulations.

The burden estimates are based upon definitive contract award data reported by DHS and its Components to the Federal Procurement Data System (FPDS) for Fiscal Year 2016. No program changes occurred, however the burden was adjusted to reflect an increase in the number of respondents within DHS for Fiscal Year 2016, as well as an increase in the average hourly wage rate. The decrease in the previously reported average burden per response (from 14 hours to 6.2 hours) is as a result of the addition of clauses to the burden hour analysis with relatively low burden hours.

This is an extension of a currently approved collection, 1600–0003. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of the Chief Procurement Officer, DHS.

Title: Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Post-Award Contract Information.

OMB Number: 1600–0003.

Frequency: On Occasion.

Affected Public: Individuals or Households.

Number of Respondents: 12,627.

Estimated Time per Respondent: 6.2 hours.

Total Burden Hours: 234,862.

Dated: March 26, 2018.

Melissa Bruce,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2018–06792 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[DHS–2018–0015]

Agency Information Collection Activities: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; extension without change of a currently approved collection, 1601–0014.

SUMMARY: DHS will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

DATES: Comments are encouraged and will be accepted until June 4, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0015, at:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0015. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Deneal Fisher-McGowans, (202) 306–1168, *Deneal.Fisher-McGowans@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

This is an extension of a currently approved collection, 1601–0014. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: The Department of Homeland Security.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1601–0014.

Frequency: One per Request.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Number of Respondents: 215,100.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 34,732 Hours.

Dated: March 26, 2018.

Melissa Bruce,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2018–06791 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2003–14610]

Intent To Request Extension From OMB of One Current Public Collection of Information: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0027, abstracted below that we will submit to OMB for extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves applicant's voluntary submission of biometric and biographic information for TSA's security threat assessment (STA) in order to obtain the hazardous materials endorsement (HME) on a commercial drivers license (CDL) issued by States and the District of Columbia.

DATES: Send your comments by June 4, 2018.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is inviting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to

which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0027; Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License, 49 CFR part 1572. TSA is requesting an extension of the currently approved ICR. The currently approved ICR supports implementation of 49 U.S.C. 5103a,[1] which mandates that no State or the District of Columbia may issue a HME on a CDL unless TSA has first determined that the driver is not a threat to transportation security.

TSA's implementing regulations (codified at 49 CFR part 1572) describe the procedures, standards, and eligibility criteria for STAs on individuals seeking to obtain, renew, or transfer a HME on a CDL. To conduct the STA for the HME, States (or a TSA-designated agent in States that elect to have TSA perform the collection of information) must collect additional information beyond that already collected for the purpose of HME applications (which occur approximately once every five years). The driver is required to submit an application that includes personal biographic information (driver's legal name, current and previous mailing addresses, date of birth, gender, height, weight, eye and hair color, city/state/country of birth, social security number (optional)); information concerning immigration status, mental incapacity; criminal history; and biometrics such as fingerprints.

States or the TSA agent must also submit whether the driver is a new applicant or applying to renew or transfer the HME. This information is necessary for TSA to forecast driver retention, transfer rate, and drop rate to help improve customer service, and reduce program costs. It is also necessary to provide comparability with other Federal background checks, including the Transportation Workers Identification Credential (TWIC).

In addition, the ICR includes the collection of information to expand enrollment options and the potential use of biographic and biometric (*e.g.,* fingerprints, iris scans, and/or photo) information for additional comparability determinations. An example of a comparable determination could be allowing the HME applicant to participate in a program such as the TSA Pre✓® Application Program, TSA's trusted traveler program for air travelers, without requiring an additional background check. This type of comparability determination is currently allowed in tandem with the (TWIC). States have the option to allow for HME STA comparability with the TWIC STA, and applicants in States that allow comparability pay a reduced fee to obtain an HME STA if they already hold a TWIC.

When the STA is complete, TSA makes a final determination on eligibility for the HME and notifies applicants of its decision. Most applicants will receive notification from TSA within two to three weeks of the submission of their completed applications. If initially deemed ineligible by TSA, applicants will have an opportunity to apply for an appeal or waiver. Applicants must submit an application for appeal or waiver within 60 days of issuance of TSA's letter. If an application for appeal or waiver is not received by TSA within the specified amount of time, the agency may make a final determination to deny eligibility. Individuals who TSA determines are ineligible for the HME Threat Assessment Program (HTAP) will be ineligible to hold a state-issued HME on their CDL.

The currently approved ICR also includes an optional survey to gather information regarding the driver's overall customer satisfaction with the service received at the enrollment center utilized by the TSA agent states. The optional survey will be administered at the end of the in-person enrollment service. Please note that the optional survey is only provided for drivers who enroll with a State serviced by TSA's designated enrollment contractor.

TSA estimates an annualized 229,743 respondents will apply for an HME, and that the application and background check process will involve 443,698 annualized hours. TSA estimates that of the 229,743 annualized respondents, 38,923 HME applicants will respond to the customer survey with annualized burden hours of 1,622. The applicant fee remains $86.50, which covers TSA's program costs, TSA's enrollment vendor's costs, and the FBI fee for the criminal history records check. For applicants in States that allow comparability, the reduced fee remains $67.00.

Dated: March 29, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–06868 Filed 4–3–18; 8:45 am]

BILLING CODE 9110–05–P

[1] Which codified sec. 1012 of Public Law 107–56 (115 Stat. 272, 396, Oct. 26, 2001), Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0014]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Affidavit of Support

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 4, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0014 in the body of the letter, the agency name and Docket ID USCIS–2006–0072. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0072;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone

number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0072 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Affidavit of Support.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–134; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Visa applicants use this information collection to demonstrate that they have sponsorship and will not become public charges while in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–134 is 2,500 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,750 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $10,625.

Dated: March 30, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–06778 Filed 4–3–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–WSFR–2018–N043; FF09W25000–178–FXGO166409WSFR0; OMB Control Number 1018–0100]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Administrative Procedures for U.S. Fish and Wildlife Service Financial Assistance Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service, are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before May 4, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0100 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We published a **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information on October 10, 2017 (82 FR 47018). No comments were received in response to that notice.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents,

including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information collection requirements associated with the administrative processes used to administer Service financial assistance programs are currently approved under four different OMB control numbers:

- 1018–0100, ''Migratory Birds and Wetlands Conservation Grant Programs, 50 CFR 17 and 23'';
- 1018–0109, ''Wildlife and Sport Fish Restoration Grants and Cooperative Agreements, 50 CFR 80, 81, 84, 85, and 86'';
- 1018–0123, ''International Conservation Grant Programs''; and
- 1018–0154, ''Wolf-Livestock Demonstration Project Grant Program.''

In this revision, we are consolidating all of the information collection requirements associated with the four OMB Control Numbers identified above into one control number, OMB Control No. 1018–0100, with a new title to more accurately reflect the purpose of the consolidated collection of information. Consolidation of OMB approvals into a single collection reduces burden on the public by ensuring consistency in the application and award administration processes across all Service financial assistance programs. If OMB approves this request, we will discontinue OMB Control Numbers 1018–0109, 1018–0123, and 1018–0154.

We issue financial assistance through grants and cooperative agreement awards to individuals; commercial organizations; institutions of higher education; non-profit organizations; foreign entities; and State, local, and Tribal governments. The Service administers a wide variety of financial assistance programs, authorized by Congress to address the Service's mission, as listed in the Catalog of Federal Domestic Assistance (CFDA). The CFDA is a government-wide compendium of Federal programs, projects, services, and activities that provide assistance or benefits to the American public. It contains financial and non-financial assistance programs administered by departments and establishments of the Federal government. The CFDA listing includes program types and numbers, the specific type of assistance for each program, and includes the applicable authorities for each program within the description. A list of currently authorized Service financial assistance programs can be found at *https://www.cfda.gov/?s=agency&mode=form&tab=program&id=000710afb4d72c15f9fc20a83f7319d0.* The Service currently manages the following types of assistance as categorized by the CFDA:

- Formula Grants
- Project Grants
- Project Grants (Discretionary)
- Cooperative Agreements (Discretionary Grants)
- Direct Payments with Unrestricted Use
- Use of Property, Facilities, and Equipment
- Provision of Specialized Services
- Advisory Services and Counseling
- Dissemination of Technical Information
- Training

Some assistance programs are mandatory and funds are awarded to eligible recipients according to a formula set by law or policy. Other programs are discretionary and award funds based on competitive selection and merit review processes. Mandatory grant recipients must give us specific, detailed project information during the application process so that we may ensure that projects are eligible for the mandatory funding, are substantial in character and design, and comply with all applicable Federal laws. Discretionary grant applicants must give us information as dictated by the program requirements and as requested in the notice of funding opportunity (NOFO), including that information that addresses ranking criteria. All recipients must submit financial and performance reports that contain information necessary for us to track costs and accomplishments. The recipients' reports must adhere to schedules and rules in 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which was effective as of December 26, 2014. Part 200 prescribes the information that Federal agencies must collect, and financial assistance recipients must provide, and also supports this information collection.

The Service uses the grant process to provide technical and financial assistance to other Federal agencies, States, local governments, Native American tribes, non-governmental organizations, citizen groups, and private landowners, for the conservation and management of fish and wildlife resources. The process begins with the submission of an application. The respective program reviews and prioritizes proposed projects based on their respective project selection criteria. Pending availability of funding, applicants can submit their application documents to the Service through the Federal *Grants.gov* website, when solicited by the Service through a NOFO.

As part of this collection of information, the Service collects the following types of information requiring approval under the PRA:

A. *Application Package:* We use the information provided in applications to: (1) Determine eligibility under the authorizing legislation and applicable program regulations; (2) determine allowability of major cost items under the Cost Principles at 2 CFR 200; (3) select those projects that will provide the highest return on the Federal investment; and (4) assist in compliance with laws, as applicable, such as the National Environmental Policy Act, the National Historic Preservation Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The full application package (submitted by the applicant) generally include the following:

- Required Federal financial assistance application forms (SF–424 suite of forms, as applicable to specified project).
- Project Narrative—generally includes items such as:
  - Statement of need,
  - Project goals and objectives,
  - Methods used and timetable,
  - Description of key personnel qualifications,
  - Description of stakeholders or other relevant organizations/individuals involved and level of involvement,
  - Project monitoring and evaluation plan, and/or
  - Other pertinent project specific information.
- Pertinent project budget-related information—generally includes items such as:
  - Budget justification,
  - Indirect cost statement,
  - Federally-funded equipment list, and/or
  - Certifications and disclosures.

B. *Amendments:* Most awardees must explain and justify requests for amendments to terms of the grant. The information is used to determine the eligibility and allowability of activities and to comply with the requirements of 2 CFR 200.

C. *Reporting Requirements:* Reporting requirements associated with financial assistance awards generally include the following types of reports:

- Financial reports,
- Quarterly and Annual Performance reports, and
- Property Reports.

D. *Recordkeeping Requirements:* In accordance with 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of 3 years after the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity (in the case of a subrecipient) (unless an exemption as described in 200.333 applies that requires retention of records longer than 3 years).

Title of Collection: Administrative Procedures for U.S. Fish and Wildlife Service Financial Assistance Programs.

OMB Control Number: 1018–0100.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals; commercial organizations; institutions of higher education; non-profit organizations; foreign entities; and State, local, and Tribal governments.

Total Estimated Number of Annual Respondents: 12,152.

Total Estimated Number of Annual Responses: 16,628.

Estimated Completion Time per Response: Varies from 3 hours to 203 hours, depending on the activity.

Total Estimated Number of Annual Burden Hours: 263,862.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 30, 2018.

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–06810 Filed 4–3–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025194; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District, (Omaha District) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Omaha District. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Omaha District at the address in this notice by May 4, 2018.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Army Corps of Engineers, Omaha District and in the physical custody of the South Dakota State Archaeological Research Center (SARC). The human remains were removed from sites 39LM0002 and 39WW0001 in Lyman and Walworth Counties, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by SARC and Omaha District professional staff in consultation with representatives of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and Description of the Remains

In 1962, human remains representing, at minimum, one individual were removed from site 39LM0002 in Lyman County, SD, by W.W. Caldwell and R.T. Carter, archeologists from the Smithsonian Institution, as part of the Smithsonian Institution River Basin Surveys project. Most of the human remains from this excavation were sent to the Smithsonian Institution immediately after removal, where they are still housed. Other site materials, including faunal remains, were housed at Nebraska State Historical Society and later loaned to researcher Carl Falk. In 1989, the faunal remains at Nebraska State Historical Society were returned to SARC. In 1994, Carl Falk returned the loaned faunal collection to SARC, and at that time, human remains were discovered in the faunal collection. The human remains are a single human talus. No known individual was identified. No associated funerary objects are present.

Site 39LM0002, Medicine Creek Village, is a multicomponent village site on the left bank of the Missouri river near the confluence with Medicine Creek. The human remains were collected from a burial within a midden. The rectangular earthlodge located under the midden is associated with the Initial Middle Missouri variant (A.D. 900–1350). Based on the earthlodge, as well as collected ceramic types, site features, and the house floor plans, the human remains are determined to be Native American from the Initial Middle Missouri variant, which is ancestral to the Mandan. The Mandan are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In approximately 1956, human remains representing, at minimum, one individual were removed from site 39WW0001, in Walworth County, SD, during a salvage archeological project to mitigate sites that would be lost to the Oahe Dam inundation. This project was

led by a University of Wisconsin (UW), Madison, Department of Anthropology faculty member, David Baerreis. Dr. Baerreis' crew surveyed several sites as part of their project and then chose three to excavate. While 39WW0001 was not chosen for excavation, it is likely that the collections were made during the survey. The collections were stored at the University of Wisconsin (UW), Madison. In 2010, the U.S. Corps of Engineers contracted with UW, Madison, to rehabilitate Baerreis' collection. During this project, human remains were found in the collection, and in 2015, the human remains were transferred from UW, Madison, to SARC. The human remains are a single adult human humerus. No known individual was identified. No associated funerary objects are present.

Site 39WW0001, Mobridge Village Site, is an earthlodge village site on the east shore of Lake Oahe near the city of Mobridge. The first excavations at the site occurred in 1917, at which time it was described as an Arikara village. Further studies described the village as belonging to the Post-Contact Coalescent tradition. Materials that were collected from the site, including lithic debris, modified bone, and ceramic rimsherds, are consistent with the Post-Contact Coalescent tradition. Based on the site context, the human remains are determined to be Native American. The Post-Contact Coalescent tradition is believed to be affiliated with the Arikara. The Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Determinations Made by the Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, may proceed.

The U.S. Army Corps of Engineers, Omaha District, is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, that this notice has been published.

Dated: March 9, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06831 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025171; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: La Plata County Historical Society, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The La Plata County Historical Society has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the La Plata County Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the La Plata County Historical Society at the address in this notice by May 4, 2018.

ADDRESSES: Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the La Plata County Historical Society, Durango, CO. The human remains and associated funerary objects were removed from multiple counties in Colorado and New Mexico.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the La Plata County Historical Society (LPCHS) professional staff in partnership with Dr. Dawn Mulhern, biological anthropologist from Fort Lewis College, and in consultation with representatives of Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah); Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Descriptions of Remains

In 1936, human remains representing, at minimum, 22 individuals were

excavated from an archeological site within the city limits of Durango, CO, by members of the National Youth Administration under the supervision of avocational archeologist Helen Daniels, of Durango, CO, and the Durango Public Library. These human remains were excavated from a late Basketmaker III or early Pueblo I site with a pitstructure, midden, and room blocks. The site was being destroyed by a gravel pit operated by the City of Durango. In 2017, the site was given a Smithsonian Site Number 5LP11284. The human remains were taken to the Durango Public Library for cleaning, display, and storage. At some unknown time, the human remains were transferred to the private residence of Helen Daniels until they were donated to the LPCHS in 1989. No known individuals were identified. No associated funerary objects are present in the collection of LPCHS.

In 1937, human remains representing, at minimum, 27 individuals were excavated from an archeological site on private lands near Dove Creek in Dolores County, CO, by members of the National Youth Administration under the supervision of avocational archeologist Lola Sanders of Durango, CO, and the Durango Public Library. These human remains were excavated from a Pueblo II/III site with a kiva, midden, and room block. The human remains and artifacts were taken to the Durango Public Library for cleaning, display, and storage. At some unknown time, the human remains were transferred to the private residence of Helen Daniels until they were donated to the LPCHS in 1989. No known individuals were identified. No associated funerary objects are present in the collection of LPCHS.

In 1957, human remains representing, at minimum, one individual were excavated from an archeological site on private property by amateur archeologist George Stewart of Durango, CO. The site is or was in the vicinity of Navajo Reservoir in Rio Arriba County, NM. The site consisted of ruins that date from the Basketmaker II through Pueblo I periods. The human remains and associated funerary object were in the possession of Mr. Stewart until they were donated to the LPCHS in 1978. No known individuals were identified. The one associated funerary object is a broken Bluff Black-on-Red bowl.

In 1957, human remains representing, at minimum, one individual were excavated from an archeological site on private property by amateur archeologist George Steward, of Durango, CO. The site is or was in the vicinity of Red Mesa, in La Plata County, CO. The site consisted of ruins that date from the late Basketmaker III through Pueblo I period. The human remains and associated funerary object were in the possession of Mr. Stewart until they were donated to the LPCHS in 1978. No known individuals were identified. The one associated funerary object is a complete Bluff Black-on-Red bowl.

Between 1957 and 1965, human remains representing, at minimum, one individual were excavated from an archeological site on private property by amateur archeologist George Stewart of Durango, CO. The site is or was in the vicinity of Navajo Reservoir in Rio Arriba County, NM. The site consisted of ruins that date from the Basketmaker II through Pueblo I periods. The human remains were in the possession of Mr. Stewart until they were donated to the LPCHS in 1978. No known individual was identified. No associated funerary objects are present.

In 1963, human remains representing, at minimum, two individuals were excavated by avocational archeologist Helen Daniels of Durango, CO. The human remains were identified as having originated from Cahone Mesa near Dove Creek in Dolores or Montezuma Counties, CO. Written on the two skulls is ''PIII'' meaning Pueblo III. The human remains were in the possession of Ms. Daniels until they were donated to the LPCHS in 1989. No known individuals were identified. No associated funerary objects are present.

In 1963, human remains representing, at minimum, one individual were excavated by avocational archeologist Helen Daniels of Durango, CO. The human remains were identified as having originated from an archeological site near Dulce, in Rio Arriba County, NM, and perhaps from the site known as ''Dulce Ruin.'' The human remains were in the possession of Ms. Daniels until they were donated to the LPCHS in 1989. No known individual was identified. No associated funerary objects are present.

In 1968, human remains representing, at minimum, one individual were excavated by avocational archeologist Helen Daniels of Durango, CO. The human remains were identified as having originated from the archeological site of Dulce Ruin near Dulce in Rio Arriba County, NM. The human remains were in the possession of Ms. Daniels until they were donated to the LPCHS in 1989. No known individual was identified. No associated funerary objects are present.

At an unknown time, human remains representing, at minimum, two individuals were excavated from an archeological site in southwest Colorado, possibly by Helen Daniels of Durango, CO. These were two of several skulls that were in a box marked ''skulls'' in the possession of Ms. Daniels until they were donated to the LPCHS in 1989. No site/provenience information is available for the human remains. The history of the collection supports the human remains as having been excavated from an Ancestral Puebloan site(s). The two skulls exhibit cranial deformation which is consistent with the custom of cradle boarding practiced by Ancestral Puebloan Tribes. No known individuals were identified. No associated funerary objects are present.

These human remains and associated funerary objects are, or are likely to be, from Ancestral Puebloan sites dating from the Basketmaker III (A.D. 500) to the Pueblo III (A.D. 1300) periods. Archeological evidence indicates that human remains and associated funerary objects can be classified as Ancestral Pueblo, but that no more specific cultural affiliation can be assigned reliably enough to make an affiliation statement to any particular Puebloan group. Cultural affiliation studies consulted include those from Mesa Verde, Navajo Reservoir, Canyons of the Ancients, Animas La Plata, and San Juan District. Each of these studies establishes cultural affiliation of the ancient Mesa Verde pueblos with the 21 federally recognized Pueblo Tribes of Arizona, New Mexico, and Texas. Most of the reports conclude that the preponderance of evidence points to a cultural affiliation between the Keresan and Tanoan speakers of the Rio Grande (Animas-La Plata Project and Canyons of the Ancients National Monument). The cultural affiliation study for the Navajo Reservoir Project concludes that prehistoric inhabitants of the Piedra River area in southwest Colorado possess a shared group identity with the Towa (Jemez) speakers. The Hopi Tribe claimed cultural affiliation with the Basketmaker II site of Falls Creek Shelters in the Animas Drainage near Durango.

The preponderance of geographical, kinship, archeological, biological, linguistic, oral tradition, folklore, and ethnohistorical and/or historic evidence, as well as expert opinion, supports the conclusion that Ancestral Puebloan sites are culturally affiliated with modern Puebloan Tribes.

The possibility of shared group identity between the Athapaskan-speaking tribes of the Southwest (Navajo and Jicarilla Apache) and Ancestral Puebloans, as well as the Ute tribes and Ancestral Puebloans was also considered, but cultural affiliation was not supported by a preponderance of

evidence. The Athapaskan-speaking Tribes of the Southwest have geographic, folklore, oral tradition, ethnohistorical, and/or historical ties to the area. Cross-cultural influences and intermarriage with Pueblos also support a relationship of shared group identity between Athapaskan and Pueblo groups. However, current archeological evidence does not support a common Athapaskan and Pueblo origin prior to about A.D. 1500. Thus, from an archeological perspective, the evidence does not support cultural affiliation for the Athapaskan-speaking Tribes with these Basketmaker and Pueblo period human remains and associated funerary objects. The Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Ute Tribe, and the Ute Indian Tribe of the Uintah and Ouray Reservation have geographic, ethnohistorical, and/or historical ties to the area and linguistic ties to the Hopi tribe. Intermarriage with Pueblo peoples is also recognized as a potential link between these groups. However, the body of evidence does not collectively support a common Ute and Pueblo origin. Therefore, a preponderance of evidence does not support cultural affiliation for the contemporary Ute tribes with these Basketmaker and Pueblo period human remains and associated funerary objects.

Determinations Made by the La Plata County Historical Society, Durango, CO

Officials of the La Plata County Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the collection history and biological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 58 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity can be reasonably traced between the Native American human remains and the Hopi Tribe of Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico, hereafter referred to as ''The Tribes.''
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402 email *director@animasmuseum.org,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The La Plata County Historical Society is responsible for notifying The Tribes that this notice has been published.

Dated: March 5, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06835 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025138; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York University College of Dentistry, New York City, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York University (NYU) College of Dentistry has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the NYU College of Dentistry. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the NYU College of Dentistry at the address in this notice by May 4, 2018.

ADDRESSES: Dr. Louis Terracio, NYU College of Dentistry, 345 East 24th Street, New York, NY 10010, telephone (212) 998–9717, email *louis.terracio@nyu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the NYU College of Dentistry, New York City, NY. The human remains were removed from unknown sites in the State of Tennessee.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NYU College of Dentistry professional staff in consultation with representatives of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

Between 1868 and 1869, human remains representing, at minimum, 4 individuals were removed by Dr. Joseph Jones of Nashville, TN, from sites in the State of Tennessee. Dr. Jones kept ledgers that illustrated and described many of the human remains and objects that he collected. He published the results of his excavations in Volume 22

of the Smithsonian Contributions to Knowledge. In 1906, Dr. Jones' widow sold his collection, including the human remains from Tennessee, to the Museum of the American Indian, Heye Foundation. In 1956, the Museum of the American Indian transferred some of the crania and mandibles from Jones' excavations to Dr. Theodore Kazamiroff of the NYU College of Dentistry.

The human remains under the control of the NYU College of Dentistry represent the following: One young adult male removed from an unknown site on the Harpeth River, likely in Williamson County, TN; one adult male of indeterminate age and one individual of indeterminate age and sex removed from an unknown site, TN; and one probable male adult removed from a stone grave at an unknown site, TN. No known individuals were identified. No associated funerary objects are present.

The human remains described in this notice have been determined to be Native American through a combination of collector records, site information, and forensic data. In his catalog, Jones identifies the remains as Native American. The graves from which the human remains were removed all predate European contact, and therefore the human remains are assumed to be Native American based on their age. During forensic examination, diagnostic features of Native American individuals were identified.

Although the specific sites from which the remains were removed are not known, Jones excavated sites along the Cumberland and Big Harpeth Rivers in present-day Davidson and Williamson counties. The sites he excavated date to the Thruston phase (A.D. 1250–1450) and were abandoned after that time. During consultations, tribal representatives identified the area as the ancestral lands of southeastern Indian Tribes, but noted that there is difficulty in establishing a specific cultural affiliation due to the complexity of the region, broadly shared material culture, and the lack of information to trace specific migrations out of the region after A.D. 1450.

Historically, the area from which the human remains were removed was claimed by both the Cherokee and the Chickasaw peoples. The 1785 Treaty of Hopewell officially delineated the boundary between the Cherokee and Chickasaw lands. The Cherokee retained rights to land in modern-day Davidson County, TN, and most of modern-day Williamson County, TN. The Chickasaw retained rights to the land in the southern and western portions of modern-day Williamson County, TN. Both the Cherokee and Chickasaw ceded their lands in Davidson and/or Williamson counties, TN, to the U.S. Government in the Treaty of 1805. Without knowing the precise location of the burial sites, it is not possible to determine if the human remains were removed from the ceded lands of the Cherokee or the Chickasaw, but it is likely that they were removed from the area represented by their combined land claims in Davidson and Williamson counties.

Determinations Made by the NYU College of Dentistry

Officials of the NYU College of Dentistry have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of, at a minimum, 4 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Louis Terracio, NYU College of Dentistry, 345 East 24th Street, New York, NY 10010, telephone (212) 998–9717, email *louis.terracio@nyu.edu,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The NYU College of Dentistry is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06829 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025137; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York University College of Dentistry, New York City, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New York University (NYU) College of Dentistry has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the NYU College of Dentistry. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the NYU College of Dentistry at the address in this notice by May 4, 2018.

ADDRESSES: Dr. Louis Terracio, NYU College of Dentistry, 345 East 24th Street, New York, NY 10010, telephone (212) 998–9717, email *louis.terracio@nyu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the NYU College of Dentistry, New York City, NY. The human remains were removed from multiple sites in Davidson and Williamson counties, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NYU College of Dentistry professional staff in consultation with representatives of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma. Pursuant to 43 CFR 10.11(b)(5), the NYU College of Dentistry discussed a proposed disposition, and all four tribes determined that The Chickasaw Nation would take the lead on the reburial for all of the human remains described below.

History and Description of the Remains

Between 1868 and 1869, human remains representing, at minimum, 14 individuals were removed by Dr. Joseph Jones of Nashville, TN, from several mound and earthwork sites in the State of Tennessee. Dr. Jones kept ledgers that illustrated and described many of the human remains and objects that he collected. He published the results of his excavations in Volume 22 of the Smithsonian Contributions to Knowledge. In 1906, Dr. Jones' widow sold his collection, including the human remains from Tennessee, to the Museum of the American Indian, Heye Foundation. In 1956, the Museum of the American Indian transferred some of the crania and mandibles from Jones' excavations to Dr. Theodore Kazamiroff of the NYU College of Dentistry.

The human remains under the control of the NYU College of Dentistry represent the following: Three adults of indeterminate sex and two adult males from the East Nashville Mounds site (40Dv4) in Davidson County, TN; one adult female removed from the Gordontown site (40Dv6) in Davidson County, TN; one older adult male, one adult male, one probable adult female, and one older adult of indeterminate sex removed from the Old Town site (40Wm2) in Williamson County, TN; and two older adults of indeterminate sex, one older adult male, and one young adult female removed from the DeGraffenreid site (40Wm4), in Williamson County, TN. No known individuals were identified. No associated funerary objects are present.

The human remains described in this notice have been determined to be Native American through a combination of collector records, site information, and forensic data. In his catalog, Jones identifies the remains as Native American. The graves from which the human remains were removed all predate European contact, and therefore the human remains are assumed to be Native American based on their age. During forensic examination, diagnostic features of Native American individuals were identified.

Each of the sites listed in this notice date to the Thruston phase (A.D. 1250–1450), based on the burial styles, artifacts, radiocarbon dating, Tennessee site file information, and archeological literature. The sites and the surrounding region were abandoned by A.D. 1450. During consultations, tribal representatives identified the area as the ancestral lands of southeastern Indian Tribes, but noted that there is difficulty in establishing a specific cultural affiliation due to the complexity of the region, broadly shared material culture, and the lack of information to trace specific migrations out of the region after A.D. 1450.

Historically, the land from which the human remains were removed was claimed by both the Cherokee and the Chickasaw peoples. The 1785 Treaty of Hopewell officially delineated the boundary between the Cherokee and Chickasaw lands. The Cherokee retained rights to land that included modern-day Davidson County, TN, and most of modern-day Williamson County, TN. The Chickasaw retained rights to land in the southern and western portions of modern-day Williamson County, TN. Both the Cherokee and Chickasaw ceded their lands in Davidson and/or Williamson counties, TN, to the U.S. Government in the Treaty of 1805.

Determinations Made by the NYU College of Dentistry

Officials of the NYU College of Dentistry have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of, at a minimum, 14 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma and, if joined to one or more of the afore-mentioned aboriginal land tribes, The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Louis Terracio, NYU College of Dentistry, 345 East 24th Street, New York, NY 10010, telephone (212) 998–9717, email *louis.terracio@nyu.edu,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, and, if joined to one or more of the afore-mentioned aboriginal land tribes, The Chickasaw Nation, may proceed.

The NYU College of Dentistry is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06828 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025169; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: La Plata County Historical Society, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The La Plata County Historical Society has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian

organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the La Plata County Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the La Plata County Historical Society at the address in this notice by May 4, 2018.

ADDRESSES: Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W. 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the La Plata County Historical Society, Durango, CO. The human remains were removed from an unknown location, most likely in southwest Colorado or northwest New Mexico.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the La Plata County Historical Society professional staff in partnership with Dr. Dawn Mulhern, biological anthropologist from Fort Lewis College, and in consultation with representatives of Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah); Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Between 1936 and 1968, human remains representing, at minimum, three individuals were removed from an unknown archeological site probably in southwest Colorado or northwest New Mexico. The human remains were likely excavated by avocational archeologist Helen Sloan Daniels from Durango, CO. The two crania and a partial mandible were in a box marked ''skulls'' and were in the possession of Ms. Daniels they were donated to the La Plata County Historical Society in 1989. Ms. Daniels was known to have collected artifacts and human remains primarily from southwestern Colorado and northwestern New Mexico for research and display purposes beginning in the mid-1930s and continuing into the 1960s. Collection and archival work by the staff at the La Plata County Historical Society failed to find any additional documentation regarding these individuals, and these human remains could not be re-associated with any other human remains in this collection.

Catalog Number 89.30.75 (LPCHS–06) is represented by a mostly complete cranium and mandible of an adult female of Native American ancestry between 20–35 years old. There is no cranial modification, but the sagittal suture exhibits very slight kneeling. Catalog Number 89.30.77(LPCHS–08) is represented by a mostly complete cranium and complete mandible of an adult female of Native American ancestry between 17–20 years old. The occipital and the sphenoid are significantly fragmented; everything else is about 75% complete. The cranium does not exhibit cranial deformation. Catalog number 89.30.79 (LCPCHS–10) is represented by the right half of a mandible with the first and second premolar as well as the first and third molar of an adult of probable Native American ancestry of indeterminate sex between 20–35 years old. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the La Plata County Historical Society

Officials of the La Plata County Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the collection history and biological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Navajo Nation, Arizona, New Mexico and Utah; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation), Colorado, New Mexico, and Utah; Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico, hereafter referred to as ''The Tribes.''
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The La Plata County Historical Society is responsible for notifying The Tribes that this notice has been published.

Dated: March 5, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06833 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WAS–NAGPRA–NPS0025139; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Sacramento, CA, and California State University, Sacramento, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The California Department of Transportation (Caltrans) and California State University, Sacramento, have corrected an inventory of associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on March 15, 2011. This notice corrects the number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to Caltrans. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Caltrans at the address in this notice by May 4, 2018.

ADDRESSES: Sarah Allred, Native American Cultural Studies Branch Chief, California Department of Transportation, 1120 North Street, MS–27, Sacramento, CA 95814, telephone (916) 653–0013, email *Sarah.Allred@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of associated funerary objects under the control of the California Department of Transportation. The associated funerary objects were removed from site CA–SJO–91, on private property, in San Joaquin County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (76 FR 14055, March 15, 2011). Three associated funerary objects originally listed as missing have since been found. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (76 FR 14055, March 15, 2011), column 2, full paragraph 3, sentences 4 and 5, are corrected by substituting the following sentences:

> The 4,670 associated funerary objects are 3,967 beads, 16 bifaces, 4 pieces of charcoal, 1 charmstone fragment, 1 silicate core, 2 lots of debitage, 490 faunal bones, 5 flake tools, 61 tule mat impressions, 20 modified bones, 1 modified shell, 2 modified stones, 20 pieces of ochre, 14 ornaments, 3 pestles, 20 projectile points, 35 quartz crystals and pebbles, 6 soil samples, and 2 whistles. In addition, there are 184 missing associated funerary objects (156 beads, 1 piece of charcoal, 1 igneous core, 12 lots of debitage, 5 faunal bones, 1 flake tool, 1 modified bone, 1 quartz rock, 1 steatite ring, and 5 bone whistles).

In the **Federal Register** (76 FR 14056, March 15, 2011), column 1, full paragraph 2, sentence 2 is corrected by substituting the following sentence:

> Officials of California State University, Sacramento, and Caltrans also have determined, pursuant to 25 U.S.C. 3001(3)(A), that the 4,670 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Sarah Allred, Native American Cultural Studies Branch Chief, California Department of Transportation, 1120 North Street, MS–27, Sacramento, CA 95814, telephone (916) 653–0013, email *Sarah.Allred@dot.ca.gov,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California, (''The Tribes''), may proceed.

California State University, Sacramento, is responsible for notifying The Tribes, as well as three non-Federally recognized Indian groups, the Northern Valley Yokuts, Southern Sierra Miwoks of California, and Tubatulabals of Kern Valley, that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brian,

Manager, National NAGPRA Program.

[FR Doc. 2018–06830 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025170; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: La Plata County Historical Society, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The La Plata County Historical Society, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the La Plata County Historical Society. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the La Plata County Historical Society at the address in this notice by May 4, 2018.

ADDRESSES: Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the La Plata County Historical Society, Durango, CO, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Between 1951 and 1971, 117 unassociated funerary objects were removed from 31 archeological sites within Dolores, La Plata, and Montezuma Counties in Colorado and San Juan and Rio Arriba Counties in New Mexico. They were excavated by George F. Stewart, an amateur archeologist and private collector from La Plata County, CO, who donated most of his collection to the La Plata County Historical Society in 1978. These unassociated funerary objects are all from Ancestral Puebloan sites dating from the Basketmaker III (A.D. 500) to the Pueblo III (A.D. 1300) periods. These objects include 107 ceramic objects (54 bowls, 16 jars, 13 pitchers, 7 seed jars, 6 ladles, 5 ollas, 4 pipes, and 2 dippers). Additionally, there are 2 stone pendants, 1 stone pipe, 1 flake, 1 concretion, 1 sandstone bowl, 1 bone awl, 1 bone bead, and 2 unidentifiable objects.

Between 1934 and 1936, one unassociated funerary object was removed from archeological site Ignacio 15:51, in the vicinity of Blue Mesa immediately south of the City of Durango, in La Plata County, CO. It was excavated by I.E. ''Zeke'' Flora, an avocational archeologist in the Durango area who then gave it to Helen Sloan Daniels for display in the Durango Public Library until it was donated to the La Plata County Historical Society in 1989. The one unassociated funerary object is a Rosa Black-on-White bowl and most likely belongs to the Pueblo I period in the Durango area (A.D. 700–850).

At an unknown time but between 1973 and 1985, one unassociated funerary object was removed from Morris 41 (LA5631), a large archeological site in San Juan County, NM. The previous owner of the property, Jon Pomeroy, was known to have bulldozed the site and donated a collection of artifacts to the La Plata County Historical Society in 1985. The one unassociated funerary object is a Mesa Verde Black-on-White ceramic mug and dates to the Pueblo III time period (A.D. 1050–1300) in northwestern New Mexico.

In summary, these 119 unassociated funerary objects were removed from archeological sites within southwest Colorado and northwest New Mexico. These unassociated funerary objects are all from Ancestral Puebloan sites dating from the Basketmaker III (A.D. 500) to the Pueblo III (A.D. 1300) periods. Archeological evidence indicates that these unassociated funerary objects can be classified as Ancestral Pueblo, but that no more specific cultural affiliation can be assigned reliably enough to make an affiliation statement to any particular Puebloan group. Cultural affiliation studies consulted include those from Mesa Verde, Navajo Reservoir, Canyons of the Ancients, and Animas La Plata. The preponderance of geographical, kinship, archeological, biological, linguistic, oral tradition, folklore, and ethnohistorical and/or historic evidence, as well as expert opinion, supports the conclusion that Ancestral Puebloan sites are culturally affiliated with modern Puebloan Tribes.

The possibility of shared group identity between the Athapaskan-speaking tribes of the Southwest (Navajo and Jicarilla Apache) and Ancestral Puebloans, as well as the Ute tribes and Ancestral Puebloans was also considered, but cultural affiliation was not supported by a preponderance of evidence. The Athapaskan-speaking Tribes of the Southwest have geographic, folklore, oral tradition, ethnohistorical, and/or historical ties to the area. Cross-cultural influences and intermarriage with Pueblos also support a relationship of shared group identity between Athapaskan and Pueblo groups. However, current archeological evidence does not support a common Athapaskan and Pueblo origin prior to about A.D. 1500. Thus, from an archeological perspective, the evidence does not support cultural affiliation for the Athapaskan-speaking Tribes with these Basketmaker and Pueblo period unassociated funerary objects. The Southern Ute Indian Tribe of the Southern Ute Reservation, the Ute Mountain Ute Tribe, and the Ute Indian Tribe of the Uintah and Ouray Reservation have geographic, ethnohistorical, and/or historical ties to the area and linguistic ties to the Hopi tribe. Intermarriage with Pueblo peoples is also recognized as a potential link between these groups. However, the body of evidence does not collectively support a common Ute and Pueblo origin. Therefore, a preponderance of evidence does not support cultural affiliation for the contemporary Ute tribes with these Basketmaker and Pueblo period unassociated funerary objects.

Determinations Made by the La Plata County Historical Society, Durango, CO

Officials of the La Plata County Historical Society have determined that*:*

- Pursuant to 25 U.S.C. 3001(3)(B), the 119 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as

part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Hopi Tribe of Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico, hereafter referred to as ''The Tribes.''

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Kathy McKenzie, Board President, La Plata County Historical Society, 3065 W. 2nd Avenue, Durango, CO 81301, telephone (970) 259–2402, email *director@animasmuseum.org,* by May 4, 2018. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to The Tribes may proceed.

The La Plata County Historical Society is responsible for notifying The Tribes that this notice has been published.

Dated: March 5, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06834 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025140; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: West Virginia Division of Culture and History, Charleston, WV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The West Virginia Division of Culture and History (WVDCH) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the WVDCH. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the WVDCH at the address in this notice by May 4, 2018.

ADDRESSES: Caryn Gresham, Deputy Commissioner, West Virginia Division of Culture and History, 1900 Kanawha Boulevard East, Charleston WV 25305–0300, telephone (304) 558–0220, email *caryn.s.gresham@wv.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the WVDCH, Charleston, WV. The human remains and associated funerary objects were removed from the Buffalo Site (46PU31), Putnam County, WV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the WVDCH professional staff in consultation with representatives of the Absentee–Shawnee Tribe of Indians of Oklahoma; Cayuga Nation; Cherokee Nation; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Shawnee Tribe; The Osage Nation (previously listed as the Osage Tribe); The Quapaw Tribe of Indians; Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Tuscarora Nation; and United Keetoowah Band of Cherokee Indians in Oklahoma. An invitation to consult was also extended to the Catawba Indian Nation (aka Catawba Tribe of South Carolina); Kaw Nation, Oklahoma; Miami Tribe of Oklahoma; Omaha Tribe of Nebraska; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Indian Nation (previously listed as the Oneida Nation of New York; Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Stockbridge Munsee Community, Wisconsin; Tunica-Biloxi Indian Tribe; and Wyandotte Nation, hereafter referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

From 1963 through 1965, human remains representing, at minimum, 1,031 individuals were removed from the Buffalo Site, Putnam County, WV. Union Carbide Corporation (UCC) ''acquired the property in the 1960s with the intention of building a plant at the site. Dr. Edward V. McMichael of the West Virginia Geologic and Economic Survey (WVGES) Archeology Office requested permission from UCC to excavate at the site. In 1963, a lease agreement was signed by UCC and the WVGES, wherein the state of West Virginia was given the right to all cultural items excavated at the site. From May through October 1963, Dr. McMichael and a crew excavated the site. In 1965, the site excavations

ceased. The cultural items and human remains were taken to McMichael's headquarters in Buffalo, WV, and later transported to the WVGES offices in Morgantown, WV. In 1966, State Archeologist Bettye Broyles loaned the human remains to James Metress at Clarion State College, PA, for research. Metress transferred to the University of Toledo, OH, and took the human remains with him. In the 1980s, the human remains were moved to the Anthropology Department of The Ohio State University (OSU) in Columbus, OH. In September 2008, some of the human remains were physically transferred to the Grave Creek Mound Archaeology Research Complex in Moundsville, WV, which is under the control of the WVDCH. Between November 2011 and April 2016, fourteen additional boxes of human remains were located at OSU and physically transferred to the WVDCH. No known individuals were identified. The 2,050 associated funerary objects include 1 lot of prehistoric ceramic sherds, 2 partially reconstructed shell tempered pots, 1 lot of animal bone fragments, 13 antler tines, 2 antler tine projectile points, 1 antler pendant, 8 antler tools, 611 bone beads, 13 animal tooth pendants, 16 bone awls/pins, 5 bone tools, 1 bone comb, 2 polished bone tubes, 1 elk rib shoulder ornament, 1 turtle shell cup, 1 bird bone flute, 1 bone fish hook, 11 copper wrapped beads/fragments, 1 copper tinkler, 1 pierced worked copper fragment, 28 copper fragments, 1 glass seed bead, 1 lot of shell fragments, 1,139 shell beads, 11 shell hoes, 17 shell ornaments, 12 shell pendants, 2 weeping eye mask/gorgets, 1 rattlesnake gorget, 26 plain shell gorgets, 2 gorgets with unidentified motif, 1 shell maskette, 1 lot of lithic debitage, 50 projectile points, 2 cannel coal pendants, 1 stone pipe bowl, 1 stone ''tablet,'' and 61 hematite fragments.

Determinations Made by the West Virginia Division of Culture and History

Officials of the West Virginia Division of Culture and History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological analysis and archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 1,031 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2,050 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Cayuga Nation; Cherokee Nation; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin); Oneida Indian Nation (previously listed as the Oneida Nation of New York); Onondaga Nation; Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York); Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma); Shawnee Tribe; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Tuscarora Nation; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wyandotte Nation, hereafter referred to as ''The Aboriginal Land Tribes.''
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Land Tribes. The Cherokee Nation, Eastern Shawnee Tribe of Oklahoma, and Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York), have submitted statements of agreement to request joint disposition of the human remains and associated funerary objects described in this notice. Statements of support for the disposition were submitted by the Absentee-Shawnee Tribe of Indians of Oklahoma, Delaware Nation, and Eastern Band of Cherokee Indians.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Caryn Gresham, Deputy Commissioner, West Virginia Division of Culture and History, 1900 Kanawha Boulevard East, Charleston WV 25305–0300, telephone (304) 558–0220, email *caryn.s.gresham@wv.gov,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes may proceed.

The WVDCH is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06832 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025133; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Essex Museum, Salem, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Essex Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Peabody Essex Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Peabody Essex Museum at the address in this notice by May 4, 2018.

ADDRESSES: Karen Kramer, Curator of Native American and Oceanic Art and Culture, Peabody Essex Museum, 161 Essex Street, Salem, MA 01970, telephone (978) 542–1565, direct line (978) 745–9500 ext. 3065, email *Karen_Kramer@pem.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Peabody Essex Museum. The human remains and associated funerary objects were removed from Gloucester, Ipswich (including Castle Neck and Treadwell's Island), Marblehead (including Naugus Head), Plum Island, Revere, Salisbury, and Salem, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Peabody Essex Museum's professional staff in consultation with representatives of the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.); Wampanoag Tribe of Gay Head (Aquinnah); and the following non-federally recognized Indian groups: Assonet Band of the Wampanoag Nation and Pokanoket Tribe of the Wampanoag Nation.

History and Description of the Remains

Between the years of 1884 and 1887, human remains representing, at minimum, two individuals were removed from Castle Neck, Ipswich, Essex County, MA. The human remains were donated by J.S. Woodbury and include partial cranial and post cranial remains of a child of unknown sex 1–2 years of age, and fragmentary cranial remains including adult mandible and jaw fragment of an adult, possibly female. No known individuals were identified. The two associated funerary objects are one lot of faunal remains and one pendant and copper beads mounted on muslin-covered card.

Prior to 1935, human remains representing, at minimum, five individuals were removed from a cemetery along the shore of the Salem Harbor near Naugus Head, Marblehead, Essex County, MA. The human remains were donated to the museum in 1976 by the Marblehead Historical Society. The human remains include complete cranial remains and fragmentary post cranial remains of an adult female 16–20 years of age; partial cranial and post cranial remains of a subadult of unknown sex 14–16 years of age; partial post cranial remains of a subadult of unknown sex 13–15 years of age; fragmentary cranial and post cranial remains of a child of unknown sex 2–4 years of age; and fragmentary post cranial remains of an adult, possibly female, 60+ years of age. No known individuals were identified. No associated funerary objects are present.

On November 10 and 11, 1874, human remains representing, at minimum, one individual were removed from Marblehead in Essex County, MA. The human remains were collected by the Essex Institute by J.H. Sears et. al., Essex Institute Collection. An inscription associated with the inventory read ''Devereux, from an Indian Chief's grave, Marblehead, MA 1862, in the 'Pines' overlooking Salem harbor.'' The human remains include fragmentary cranial remains of a child of unknown age and sex. No known individuals were identified. The two associated funerary objects are pottery sherds.

In March 1862, human remains representing, at minimum, one individual were removed ''from an Indian chief's grave'' in Marblehead, MA, by J.H. Gregory. The human remains were deposited in the Peabody Museum of Salem (now Peabody Essex Museum) in March 1977, by the Marblehead Historical Society (now Marblehead Museum) as Accession #1910.71 (Old #3103). The Marblehead Museum transferred control of the human remains to the Peabody Essex Museum on August 11, 2016 (PEM Accession #21160, E58149). The human remains are represented by fragmentary dental remains of a child. No known individuals were identified. No associated funerary objects are present.

In 1930, human remains representing, at minimum, one individual were removed from Salisbury in Essex County, MA. The human remains were excavated by Warren King Moorehead and donated to the museum that same year. Catalog records read, ''skull, collected by Merrimac Valley Exp. In 1930, found by Caleb Fowler, donated by John Cole chief of Police Salisbury.'' The human remains include partial cranial remains of an adult, probably male, 35–60 years of age. No known individuals were identified. No associated funerary objects are present.

On June 30, 1888, human remains representing, at minimum, one individual were removed from Plum Island in Essex County, MA. The human remains were collected and donated to the museum by Jacob W. Cullen in 1888. The human remains include partial cranial and post cranial remains of a child of unknown sex, 5–7 years of age. No known individuals were identified. The one associated funerary object is one stone implement.

On an unknown date, human remains representing, at minimum, one individual were removed from south Salem in Essex County, MA. The human remains were possibly received sometime between 1894 and 1968, based on museum records. The human remains include fragmentary post cranial remains of a subadult of unknown sex, 16–18 years of age. No known individuals were identified. No associated funerary objects are present.

In 1868 or 1874, human remains representing, at minimum, four individuals were removed from Revere in Suffolk County, MA. The human remains were collected by N. Vickary and donated to the museum by N. Vickary in 1882. The human remains include nearly complete cranial and post cranial remains of an adult female 30–34 years of age, commingled with post cranial remains of an adult of unknown sex, 40–44 years of age; and fragmentary cranial remains of a child of unknown sex and age, with partial post cranial remains of an adult female 45–55 years of age. No known individuals were identified. The eight associated funerary objects are one lot of faunal remains; one broken box turtle shell; one stone effigy pestle with shell beads and glass beads; one stemmed pipe; two pyrula shells; one copper pot with iron handle; and one lot of shell beads.

In 1993, human remains representing, at minimum, seven individuals were removed from Salem in Essex County, MA. The human remains were excavated from old cistern in Front Cellar in 1993, probably placed there after 1860. The human remains were found with a pipe case and 19th century beer bottles. The human remains include fragmentary cranial and post cranial remains of at least five adults and two subadults—one male, one female, and five of unknown sex. The age estimates of the individuals are 16–19 years old, 20–30 years old, and 30–40 years old. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, two

individuals were removed from Gloucester in Essex County, MA. A document with items reads, ''Sawyer Gloucester Free Library Excavations, 1974, medical study collection.'' The human remains include fragmentary cranial remains of a subadult and adult of unknown sex. The age estimate of the subadult is 14–16 years old. No known individuals were identified. The associated funerary object is one lot of faunal remains.

Around 1950, human remains representing, at minimum, one individual were removed from Ipswich in Essex County, MA (Site ES15). William Eldridge is associated with the collection of these remains in the 1950s. The human remains were received March 2, 1982. The human remains include fragmentary cranial remains and a jaw fragment of an adult of unknown sex and age. No known individuals were identified. No associated funerary objects are present.

In 1882 and 1884, human remains representing, at minimum, four individuals were removed from a shell midden excavated on Treadwell's Island, Ipswich, Essex County, MA (SITE ES178). In 1882, human remains were collected or donated by (on different occasions) Sears, Potter, J.R., R.L., Gallagar, Robinson, the Peabody Academy of Science party, and the Essex Institute party. In June 1884, human remains were collected and donated by O. Clifton Willcomb. The human remains include fragmentary post cranial remains of an adult of unknown sex; fragmentary cranial and post cranial remains of an adult and a child 8–10 years of age, both of unknown sex; and partial cranial and post cranial remains of an adult male, 50–59 years of age. No known individuals were identified. The 11 associated funerary objects are 4 sets of shells; 6 sets of faunal remains; and one snail shell.

In 1980, human remains representing, at minimum, 15 individuals were removed from the path of bulldozers at a dump at the Ipswich sewer treatment in Ipswich in Essex County, MA. William Eldridge (on some occasions accompanied by John Grimes, Jeff Lalish, and Beth Lalish), oversaw the removal of the human remains. The human remains were placed at the Peabody Essex Museum where Grimes was then a curator. The human remains include a cranial fragment and femur; pelvis fragment and rib fragment; left temporal fragment, right temporal fragment, zygoma fragment, four cranial fragments, and phalange fragment; and a vertebrae fragment. No known individuals were identified. The three associated funerary objects are three sets of faunal remains.

According to the information provided by the Wampanoag Confederation, linguistically, this area is within the so-called n-dialect shared by Massachusett, Wampanoag, and Pokanoket speakers. Furthermore, sociopolitical and economic patterns in the coastal area of Rhode Island and Massachusetts were established by the late Woodland period circa A.D. 1000, and the coastal groups in the area are likely the ancestors of the Wampanoag people encountered by the English in the seventeenth century. Archeology, ethnohistory, linguistics, and oral history provide multiple lines of evidence that demonstrate longstanding ties between the Wampanoag and the area around Essex County, and affirm cultural affiliation with the sites listed in this notice.

Determinations Made by the Peabody Essex Museum

Officials of the Peabody Essex Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 45 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 28 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), and the Wampanoag Tribe of Gay Head (Aquinnah).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Karen Kramer, Curator of Native American and Oceanic Art and Culture, Peabody Essex Museum, 161 Essex Street, Salem, MA 01970, telephone (978) 542–1565, direct line (978) 745–9500 ext. 3065, email *Karen_Kramer@pem.org,* by May 4, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.); Wampanoag Tribe of Gay Head (Aquinnah) may proceed.

The Peabody Essex Museum is responsible for notifying the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.); Wampanoag Tribe of Gay Head (Aquinnah); and the following non-federally recognized Indian groups: Assonet Band of the Wampanoag Nation, and Pokanoket Tribe of the Wampanoag Nation, that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06827 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Fish and Wildlife Service, Office of Law Enforcement, Albuquerque, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Office of Law Enforcement, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the U.S. Fish and Wildlife Service, Office of Law Enforcement. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the U.S. Fish and Wildlife Service, Office of Law Enforcement, at the address in this notice by May 4, 2018.

ADDRESSES: Ariel R. Vazquez, Resident Agent in Charge, Arizona/New Mexico

District, U.S. Fish and Wildlife Service, Office of Law Enforcement, 4901 Paseo del Norte NE, Suite D, Albuquerque, NM 87113, telephone (505) 346–7828, email *ariel_vazquez@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the U.S. Fish and Wildlife Service, Office of Law Enforcement, Albuquerque, NM, that meets the definition of object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In February 2016, a cultural item was removed from a residence in McKinley County, NM. The cultural item was included in a collection of items with eagle feathers surrendered to law enforcement agents. The one object of cultural patrimony is a bison headdress with glass beading and eagle plume feathers. Cultural affiliation was determined based on the type of beading, which compares with historic photos of beaded headdresses provided by the Comanche Nation, Oklahoma.

Determinations Made by the U.S. Fish and Wildlife Service, Office of Law Enforcement

Officials of the U.S. Fish and Wildlife Service, Office of Law Enforcement, have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Comanche Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to: Ariel R. Vazquez, Resident Agent in Charge, Arizona/New Mexico District, U.S. Fish and Wildlife Service, Office of Law Enforcement, 4901 Paseo del Norte NE, Suite D, Albuquerque, NM 87113, telephone (505) 346–7828, email *ariel_vazquez@fws.gov,* by May 4, 2018. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Comanche Nation, Oklahoma may proceed.

The U.S. Fish and Wildlife Service is responsible for notifying the Comanche Nation, Oklahoma that this notice has been published.

Dated: February 28, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–06836 Filed 4–3–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0067]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140–0067 (Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data) is being revised due to change in burden, since there is an increase in the number of respondents, responses, and total burden hours. The proposed information collection is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 4, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Dawn Smith, ATF Firearms Industry Programs Branch either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *fipb-informationcollection@atf.gov,* or by telephone at 304–267–1994.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (*check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: Firearm manufacturers' records are permanent records of all firearms manufactured and records of their disposition. These records are vital to support ATF's mission to inquire

about the disposition of any firearm in the course of a criminal investigation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 9,056 respondents will respond approximately 1,269.59375 times, and it will take each respondent approximately 1.05 minutes to complete each response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 201,205 hours which is equal to 9,056 (# of respondents) * 1,269.59375 (# of responses per person) * .0175 (1.05 minutes).

7. *An Explanation of the Change in Estimates:* The increase in total responses by 6,678, total respondents by 1,523,647 and total burden hours by 23,673, are due to a general increase in both the number of firearms manufacturers that respond to this collection and the number of firearms produced each year.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 29, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–06768 Filed 4–3–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mehdi Nikparvarfard, M.D.; Decision and Order

On October 20, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mehdi Nikparvarfard, M.D. (Registrant), of Philadelphia, Pennsylvania. The Show Cause Order proposed the revocation of Registrant's Certificate of Registration No. BN8871231 on the ground that he has ''no state authority to handle controlled substances.'' Order to Show Cause, Government Exhibit (GX) 2, at 1 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of any of Registrant's ''applications for renewal or modification of such registration and any applications for any other DEA registrations.'' *Id.*

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V, pursuant to DEA Certificate of Registration No. BN8871231, at the address of Advanced Urgent Care, 5058 City Ave., Philadelphia, Pennsylvania. *Id.* The Order also alleged that this registration does not expire until October 31, 2019. *Id.*

As substantive grounds for the proceeding, the Show Cause Order alleged that on September 15, 2017, the Commonwealth of Pennsylvania State Board of Medicine ''issued an Order of Temporary Suspension and Notice of Hearing in which it suspended [Registrant's] license to practice'' medicine. *Id.* The Order alleged that, as a result, he is ''currently without authority to practice medicine or handle controlled substances in the Commonwealth of Pennsylvania, the [S]tate in which [he is] registered with the DEA.'' *Id.* at 1–2. Based on his ''lack of authority to handle controlled substances in the Commonwealth of Pennsylvania,'' the Order asserted that ''DEA must revoke'' his registration. *Id.* at 2 (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

The Government states that on October 27, 2017, ''personnel from DEA's Philadelphia Field Division personally served the [Show Cause] Order on Registrant at the Philadelphia Federal Detention Center where he was incarcerated.'' Government's Request for Final Agency Action (RFFA), at 2 (citing GX 5). Specifically, a DEA Diversion Investigator from that Field Division states that she, along with a Task Force Officer, ''presented the [Order] to Dr. Nikparvar-Fard'' and that he ''took the [Order].'' GX5, at 1.

On December 21, 2018, the Government forwarded its Request for Final Agency Action and an evidentiary record to my Office. Therein, the Government represents that it has not received a hearing request and that Registrant ''has not otherwise corresponded or communicated with DEA regarding the Order served on him.'' RFFA, at 2. Based on the Government's representation and the record, I find that more than 30 days have passed since the Order to Show Cause was served on Registrant, and he has neither requested a hearing nor submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(d). Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence submitted by the Government. I make the following findings.

Findings of Fact

Registrant is a physician who is registered as a practitioner in schedules II–V pursuant to Certificate of Registration No. BN8871231, at the registered address of Advanced Urgent Care, 5058 City Ave., Philadelphia, Pennsylvania. *See* GX 1 (DEA Certification of Registration Status), at 1. Although not alleged in the Show Cause Order, I also find that Registrant is the holder of DATA-Waiver Identification Number XN8871231, *see id.* at 1–2,[1] which authorizes Registrant to dispense or prescribe schedule III–V narcotic controlled substances which ''have been approved by the Food and Drug Administration . . . specifically for use in maintenance or detoxification treatment'' for up to 275 patients. 21 CFR 1301.28(a) & (b)(1)(iii). His registration does not expire until October 31, 2019. *Id.*

The record also shows, and I so find, that on September 22, 2016, Registrant ''submitted a new online application for a DEA registration bearing an address of 721 Bethleh[e]m Pike, Montgomeryville,'' Pennsylvania, as a practitioner in schedules II–V. I find that this new application remains pending. *See id.* at 2.

On September 15, 2017, the Commonwealth of Pennsylvania's State Board of Medicine issued an ''Order of Temporary Suspension and Notice Hearing'' to Registrant that ''TEMPORARILY SUSPENDED'' his ''license to practice as a medical

[1] The DEA Certification of Registration Status confirms that Registrant has DATA-Waiver Authority, but it does not include the identification number for that authority. However, I take official notice that the Agency's registration records show that Registrant's DATA-Waiver Identification Number is XN8871231. Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e).

physician and surgeon'' in Pennsylvania. GX 3, at 1, 2. The Board also directed Registrant to ''surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s)'' to state authorities upon service of the Order. *Id.* at 2. On October 6, 2017, the Board issued an ''Order Granting Continuance and Continuing Suspension'' stating that Registrant had ''agree[d] to toll the 180-day limit for the immediate and temporary suspension of [his] license . . . and [his] license shall remain SUSPENDED until a preliminary hearing is rescheduled or upon further order of the State Board of Medicine.'' GX 4, at 1. In light of the passage of time since the effective date of the Order, I have queried the Pennsylvania Medical Board's website regarding the status of Registrant's medical license, and I take official notice [2] that Registrant's Pennsylvania medical license remains suspended as of the date of this decision. Based on the above, I find that Registrant does not currently have authority under the laws of Pennsylvania to dispense controlled substances.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of Title 21, ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which [s]he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR 27616 (1978).

Moreover, because ''the controlling question'' in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a DEA registration ''is currently authorized to handle controlled substances in the [S]tate,'' *Hooper,* 76 FR at 71371 (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)), the Agency has also long held that revocation is warranted even where a practitioner has lost his state authority by virtue of the State's use of summary process and the State has yet to provide a hearing to challenge the suspension. *Bourne Pharmacy,* 72 FR 18273, 18274 (2007); *Wingfield Drugs,* 52 FR 27070, 27071 (1987). Thus, it is of no consequence that the Pennsylvania Medical Board has suspended Registrant's state license and that Registrant may prevail in a future state hearing. What is consequential is the fact that Registrant is not currently authorized to dispense controlled substances in Pennsylvania, the State in which he is registered. I will therefore revoke his DEA registration, deny any pending application to modify his registration, or any pending application for any other registration in Pennsylvania.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BN8871231 and DATA-Waiver Identification Number XN8871231, issued to Mehdi Nikparvarfard, M.D., be, and it hereby is, revoked. I further order that any pending application of Mehdi Nikparvarfard to renew or modify the above registration, or any pending application for any other registration in the Commonwealth of Pennsylvania, be, and it hereby is, denied. This Order is effective immediately.[3]

Dated: March 26, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–06870 Filed 4–3–18; 8:45 am]

BILLING CODE 4410–09–P

[2] *See supra* footnote 1.

[3] For the same reasons that led the Pennsylvania Board of Medicine to suspend Registrant's license, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Catalent Pharma Solutions, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 4, 2018. Such persons may also file a written request for a hearing on the application on or before May 4, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or

revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on January 17, 2018, Catalent Pharma Solutions, LLC, 3031 Red Lion Road, Philadelphia, Pennsylvania 19114 applied to be registered as an importer of Gamma Hydroxybutyric Acid (2010), a basic class of controlled substance listed in schedule I.

The company plans to import finished dosage unit products containing gamma-hydroxybutyric acid for clinical trials, research, and analytical activities.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 27, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–06872 Filed 4–3–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Wildlife Laboratories Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 4, 2018. Such persons may also file a written request for a hearing on the application on or before May 4, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on February 6, 2018 Wildlife Laboratroies Inc., 1230 West Ash, Suite D Windsor, CO 80550 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Etorphine HCl	9059	II
Thiafentanil	9729	II

The company plans to import the listed controlled substances for distribution to its customers.

Dated: March 27, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–06871 Filed 4–3–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). If granted, these proposed exemptions allow designated parties to engage in transactions that would otherwise be prohibited provided the conditions stated there in are met. This notice includes the following proposed exemptions: D–11890, Liberty Media 401(k) Savings Plan; D–11931, CLS Investments, LLC and Affiliates.

DATES: All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice.

ADDRESSES: Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

All written comments and requests for a hearing (at least three copies) should be sent via mail to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 200 Constitution Avenue NW, Suite 400, Washington, DC 20210. Attention: Application No.____, stated in each Notice of Proposed Exemption or via private delivery service or courier to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 122 C St. NW, Suite 400, Washington, DC 20001. Attention: Application No.____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via email or FAX. Any such comments or requests should be sent either by email to: *e-OED@dol.gov,* by FAX to (202) 693–8474, or online through *http://www.regulations.gov* by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210.

Warning: All comments will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All

comments may be posted on the internet and can be retrieved by most internet search engines.

SUPPLEMENTARY INFORMATION:

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department, unless otherwise stated in the Notice of Proposed Exemption, within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[1] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Liberty Media 401(k) Savings Plan (the Plan) Located in Englewood, CO

[Application No. D–11890]

Proposed Exemption

The Department is considering 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 in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[2] If the proposed exemption is granted, the restrictions of sections 406(a)(1)(E), 406(a)(2), and 407(a)(1)(A) of the Act shall not apply, for the period beginning May 24, 2016, and ending June 16, 2016, to:

(1) The acquisition by the Plan of certain stock subscription rights (the Rights) to purchase shares of Series C Liberty Braves common stock (the Series C Liberty Braves Stock), in connection with a rights offering (the Rights Offering) held by Liberty Media Corporation (LMC), the Plan sponsor and a party in interest with respect to the Plan; and

(2) The holding of the Rights by the Plan during the subscription period of the Rights Offering, provided that certain conditions are satisfied.

Summary of Facts and Representations [3]

Background

1. LMC (or the Applicant) is a Delaware corporation with its principal place of business in Englewood, Colorado. LMC is a publicly-traded corporation primarily engaged in media, communications and entertainment operating businesses in North America, through several subsidiaries that include: Sirius XM Holdings Inc. (Sirius XM), Braves Holdings, LLC (Braves Holdings), and Live Nation Entertainment, Inc. (Live Nation), an equity affiliate.

2. LMC sponsors and maintains the Plan, a defined contribution plan which enables participating employees of LMC and its qualifying subsidiaries to direct the investment of their Plan accounts across 22 investment alternatives, including certain employer securities issued by LMC, as well as employer securities issued by other participating employers in the Plan.

Plan Assets are Held in the Liberty Media 401(k) Savings Plan Trust (the Trust).

LMC adopted and maintains the Plan and Trust for the exclusive benefit of employee-participants and their beneficiaries. As designed, the Plan is intended to qualify under sections 401(a) and 401(k) of the Code, and the Trust is intended to be exempt under section 501(a) of the Code. As of December 31, 2016, the Plan had total assets of $100,814,000 and 784 participants.

Fidelity Management Trust Company (Fidelity) is the trustee of the Plan, and acts as the custodian of the Plan assets, holding legal title to the Plan's assets, and executing investment directions in accordance with the written instructions of participants. The Liberty Media 401(k) Savings Plan Administrative Committee (the Committee) serves as the Plan Administrator and is the fiduciary responsible for Plan matters. The Committee, which was appointed by LMC's Board of Directors, has investment discretion over the Plan's investments, except to the extent participants direct the investment of their Plan accounts.

Solely with respect to the Rights described below, the Committee acted as trustee of a temporary separate trust (the Rights Trust) established to hold the Rights, and Fidelity acted as custodian of those Rights. As of May 16, 2016, The Plan held a total of $1,550,227.31 in Series C Liberty Braves Common Stock, which represented 0.595% of total Plan assets.

The Tracking Stock Proposal

3. On April 11, 2016, LMC shareholders met and approved a tracking stock proposal (the Tracking Stock Proposal), which resulted in the amendment and restatement of LMC's certificate of incorporation to exchange existing shares of LMC's common stock (LMC Stock) for newly-issued shares of three new tracking stocks (collectively, the Tracking Stocks), to be designated as: ''Liberty SiriusXM common stock'' (Liberty SiriusXM Stock); ''Liberty Braves common stock'' (Liberty Braves Stock); and ''Liberty Media common stock'' (Liberty Media Stock). The Tracking Stock structure was designed to provide LMC with greater operational and financial flexibility in the execution of its business strategies by permitting LMC to bring greater flexibility to its business and assets, thereby allowing the stock related to each group to move in line with the fundamentals of the businesses and assets attributed to that group. Therefore, the Tracking Stock Proposal allowed the businesses, assets, and liabilities of LMC to be divided among a new SiriusXM Group, a new Braves Group, and a new Media Group.

The Applicant represents that Plan participants were sent a proxy statement (identical to the proxy statement sent to all shareholders of LMC stock) prior to that meeting, so that they could direct how the shares allocated to their accounts would be voted at that meeting.

Description of the Tracking Stocks

4. Liberty SiriusXM Stock is a newly-authorized and issued series of LMC Stock intended to track and reflect the separate economic performance of the businesses, assets, and liabilities to be

[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).

[2] For purposes of this proposed exemption, references to the provisions 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.

[3] The Summary of Facts and Representations is based on LMC's representations and does not reflect the views of the Department, unless indicated otherwise.

attributed to the SiriusXM Group, which would initially include: (a) LMC's approximate 60% interest in Sirius XM Holdings, Inc.; (b) a $250 million margin loan obligation incurred by a wholly-owned special purpose subsidiary of LMC, which is secured primarily by shares of Sirius XM Stock; (c) certain deferred tax liabilities; and (d) $50 million in cash. LMC is authorized to issue up to 4.075 billion shares of Liberty SiriusXM Stock, of which 2 billion are designated as Series A Liberty SiriusXM Stock, 75 million shares are designated as Series B Liberty SiriusXM Stock, and 2 billion shares are designated as Series C Liberty SiriusXM Stock.

5. Liberty Braves Stock is a newly-authorized and issued series of LMC Stock intended to track and reflect the separate economic performance of the businesses, assets, and liabilities to be attributed to the Braves Group, which would initially include: (a) LMC's wholly-owned subsidiary, Braves Holdings, LLC, which indirectly owns the Atlanta Braves Major League Baseball Club; (b) certain assets and liabilities associated with the Atlanta Braves' stadium and mixed use development project; (c) all liabilities arising under a note from Braves Holdings, LLC (Braves Holdings) to LMC, with total capacity of up to $165 million of borrowings by Braves Holdings (the Intergroup Note); and (d) $61 million in cash. LMC is authorized to issue up to 407.5 million shares of Liberty Braves Stock, of which 200 million shares are designated as Series A Liberty Braves Stock, 7.5 million shares are designated as Series B Liberty Braves Stock, and 200 million shares are designated as Series C Liberty Braves Stock.

6. Liberty Media Stock is a newly-authorized and issued series of LMC Stock intended to track and reflect the separate economic performance of the businesses, assets, and liabilities to be attributed to the Media Group, which would consist of the remainder of LMC's businesses, assets and liabilities, including: (a) LMC's approximate 27% interest in Live Nation; (b) LMC's other public company minority investments; (c) all receivables under the Intergroup Note; (d) an approximately 20% inter-group interest in the Braves Group; (e) LMC's interest in any recovery received in connection with a 2013 judgment against Vivendi Universal S.A.; (f) $50 million in cash; (g) LMC's interest in certain 1.375% cash convertible senior notes, in the principal amount of $1 billion that are due in 2023, as well as bond and hedge warrant transactions that were executed concurrently with the issuance of such notes; and (h) 1,018,750,000 shares of LMC Stock.

7. Following the April 11, 2016 shareholder approval of the Tracking Stock Proposal, each holder of Series A, B, and C LMC Stock participated in a reclassification and exchange (the Reclassification and Exchange), under which each holder received the following upon the cancellation of their existing shares of LMC Stock: (a) One newly-issued share of the corresponding series of Liberty SiriusXM Stock; (b) 0.1 of a newly-issued share of the corresponding series of Liberty Braves Stock; and (c) 0.25 of a newly-issued share of the corresponding shares of LMC Stock. LMC shareholders also received cash instead of receiving fractional shares for their interests in LMC Stock.

The Rights Offering

8. Pursuant to the Reclassification and Exchange described above, LMC also conducted a Rights Offering in order to raise capital to repay the Intergroup Note referenced above, and for general corporate purposes. Under the Rights Offering, each holder of Series A, B, or C Liberty Braves Stock, held as of May 16, 2016 (the Record Date), received 0.47 of a subscription right, entitling the holders to purchase one share of Series C Liberty Braves Stock at a subscription price of $12.80 per share. The subscription price represented a 20% discount to the 20-trading day volume weighted average trading price of Series C Liberty Braves Stock, beginning on April 28, 2016, and ending on May 11, 2016. The Series C Liberty Braves Stock is traded on the NASDAQ Global Select Market (the NASDAQ), under the symbol ''BATRK.''

9. The Rights Offering commenced on May 18, 2016 and remained open until June 16, 2016. The Plan received the Rights on or about May 24, 2016. The Applicant states that the Plan's delayed receipt of the Rights was attributable to certain administrative functions performed by Fidelity; Computershare Trust Company, N.A. (ComputerShare), the subscription agent with respect to the Rights Offering, and Depository Trust Company.

10. With respect to the Rights allocated to their Plan accounts (including Rights attributable to 40l(k) contributions and employer matching contributions), Plan participants could either elect to exercise their Rights or sell the Rights on the open market. To assist with this decision, the Plan prepared and provided to participants a detailed explanation of their alternatives with respect to the Rights Offering, including: (a) Questions and answers that explained the Rights issuance and the participants' option to exercise or sell their Rights; (b) instructions, which explained the steps for the participants to take to exercise or sell their Rights; and (c) a copy of LMC's prospectus filed with the Securities and Exchange Commission.

In order to sell the Rights, a Plan participant was required to contact a Fidelity representative and specify the whole percentage of the Rights such participant desired to sell between May 26, 2016 and June 7, 2016. Those participants who initially elected to exercise only a portion of their Rights could later elect to exercise additional Rights to the extent sufficient time existed prior to June 7, 2016. The Applicant represents that the June 7th participant notification deadline was necessary to ensure that Fidelity could process and execute all participant directives with respect to the Rights by June 16, 2016.

The Plan Administrative Committee determined that the oversubscription option, which entitled holders of LMC stock to subscribe to purchase shares in excess of the shares reflected by the Rights, would not be made available to Plan participants. The Applicant represents that, to exercise their oversubscription rights, participants had to transmit cash from their Plan accounts to LMC to be held, uninvested and not through a trust, until such time as the shares available for the oversubscription elections could be determined. The Applicant represents that, under this scenario, the Plan sponsor held Plan assets outside of the Plan's trust: A scenario which involved a different set of prohibited transactions and fiduciary issues that the Plan Administrative Committee determined were not feasible to address.

11. Due to securities law restrictions, certain participants deemed to be ''reporting persons'' under Rule 16(b) [4] of the Securities Exchange Act of 1934 (Rule 16(b)) with respect to LMC did not have the right to instruct Fidelity to either sell or exercise the Rights credited to their Plan Accounts. As provided by the Plan, and as directed by the Committee, Fidelity sold the Rights credited to these 16(b) participant accounts as soon as administratively feasible, after the receipt and allocation of the Rights to the affected Plan participant accounts.

[4] Rule 16(b) requires an officer, director, or any shareholder holding more than 10% of the outstanding shares of a publicly-traded company who makes a profit on a transaction with respect to the company's stock during a given six month period, to pay the difference back to the company.

Temporary Investment Funds

12. The Plan established two temporary investment funds to hold the Rights. The first fund, the ''Braves Rights Holding Fund,'' was a separate fund established under the Rights Trust to hold the Rights upon issuance. Rights were credited to Plan participants accounts based on their respective holdings of Liberty Braves Stock as of the Record Date. The second fund, the ''Braves Rights Holding Account Fund,'' reflected the approximate value of the Series C Liberty Braves Stock due from the subscription agent following the exercise of Rights on or before June 16, 2016, as directed by Plan participants.

13. With the exception of those reporting persons under Rule 16(b), as described above, each participant could elect to exercise any percentage of the Rights allocated to their account. Under the Rights Offering, each participant could elect to exercise the Rights by speaking to a Fidelity representative at any time prior to 4:00 p.m. Eastern Time, on June 7, 2016 (the Election Close-Out Date). Participants also had the opportunity to revoke or change instructions to exercise prior to the Election Close-Out Date by: (a) Electing a new percentage of Rights to exercise, (b) placing an order to sell the Rights (as described below), or (c) a combination of both.

With respect to each participant, the dollar amount required to exercise the Rights was exchanged from other investments in such participant's account into the Braves Rights Holding Account Fund. The dollar amount required to exercise the Rights equaled the percentage of Rights exercised (as elected by the participant) multiplied by the number of Rights credited to the participant's account and multiplied by the exercise price for the Rights Offering.

14. On or before June 16, 2016, the Rights to be exercised and necessary funds were submitted by Fidelity to ComputerShare, which is not affiliated with either LMC or Fidelity. Each Plan participant's balance in the Rights Holding Fund was reduced by the number of Rights exercised on such participant's behalf. Fidelity attempted to sell all remaining Rights on the open market between June 10, 2016 and June 16, 2016, at which time the Rights expired. Upon receipt of the new shares, the Braves Rights Holding Account Fund was closed and the newly-received shares were allocated to participants' Plan accounts.

The Applicant represents that the Election Close-Out Date was established to permit sufficient time for Fidelity to liquidate the participants' other assets in an orderly manner so that the necessary cash would be available to exercise the Rights before the June 16, 2016 Rights Offering expiration date. Unexercised Rights after June 7, 2016 were offered for sale on the open market by Fidelity, from on or about June 10, 2016 through June 16, 2016. Rights that remained unsold at the close of the market on June 16, 2016 expired.

15. In connection with the Rights Offering, the Plan received a total of 15,821 Rights. Of the Rights received, 12,334 were sold by Fidelity,[5] 3,486 were exercised by participants,[6] and 1 Right expired. The Rights were sold at an average price of $1.90 per Right, net of fees. The Applicant represents that Fidelity sold 1,921 Rights (rounded to the nearest whole Right) at the direction of participants, and 10,413 Rights (rounded to the nearest whole Right) after June 7, 2016.

Analysis

16. LMC represents that the acquisition and holding of the Rights by the Plan constitute prohibited transactions in violation of sections 406(a)(1)(E), 406(a)(2), and 407(a)(1)(A) of the Act. Section 406(a)(1)(E) of the Act provides that a fiduciary with respect to a plan shall not cause the plan to engage in a transaction if he or she knows or should know that such transaction constitutes the acquisition, on behalf of the plan, of any employer security in violation of section 407(a) of the Act. Section 406(a)(2) of the Act provides that a fiduciary of a plan shall not permit the plan to hold any employer security if he or she knows or should know that holding such security violates section 407(a) of the Act. Under section 407(a)(1)(A) of the Act, a plan may not acquire or hold any ''employer security'' which is not a ''qualifying employer security.'' Under section 407(d)(1) of the Act, ''employer securities'' are defined, in relevant part, as securities issued by an employer of employees covered by the plan, or by an affiliate of such employer. Section 407(d)(5) of the Act provides, in relevant part, that ''qualifying employer securities'' are stock or marketable obligations.

The Applicant states that the Plan was a holder of Series C Liberty Braves Stock on the date of the Rights Offering. As such, the grant of the Rights to the Plan was a grant of ''employer securities'' under section 407(d)(l) of the Act. Because the Rights do not constitute either stock or marketable obligations, the Rights are not ''qualifying employer securities.'' Therefore, the Applicant requests a retroactive exemption from sections 406(a)(1)(E), 406(a)(2), and 407(a)(1)(A) of the Act with respect to the acquisition and holding of the Rights by the Plan in connection with the Rights Offering. If granted, the exemption will be effective for the period May 24, 2016, through June 16, 2016.

Statutory Findings

17. The Applicant represents that the proposed exemption is administratively feasible because it involved the acquisition and short-term holding of the Rights by the individual accounts of Plan participants. The Applicant also represents that all shareholders, including the Plan participants, were treated in a like manner with respect to the acquisition and holding of the Rights, with two exceptions: (a) The oversubscription option available under the Rights Offering was not available to participants in the Plan; and (b) certain participants deemed to be reporting persons under Rule 16(b) with respect to LMC did not have the right to instruct Fidelity to sell or exercise the Rights credited to their Plan Accounts.

The Applicant represents that Plan participants would suffer a hardship were the exemption to be denied because the issuance of the Rights to the Plan was not within the control of the Plan or the Plan's fiduciaries, as LMC issued subscription rights to all holders of Liberty Braves Stock, including the Plan. If the exemption were denied, the Applicant states that the transactions would have to be undone and those participants who elected to use their Plan accounts to purchase shares of Series C Liberty Braves Stock at a discount would be required to return those shares for the price they paid.

[5] The Applicant represents that the brokerage services and fees received by Fidelity or by Computershare in connection with the sale of the Rights held by Plan participants, are exempt under section 408(b)(2) of the Act. The Department, herein, is not providing any relief for the receipt of any commissions, fees, or expenses in connection with the sale of the Rights in blind transactions to unrelated third parties on the NASDAQ, beyond that provided under section 408(b)(2) of the Act. In this regard, the Department is not opining herein on whether the conditions set forth in section 408(b)(2) of the Act and the Department's regulations, pursuant to 29 CFR 2550.408(b)(2) have been satisfied.

[6] The Applicant represents that the Plan accounts relied on the relief provided by the statutory exemption, pursuant to section 408(e) of the Act for the exercise of the Rights. The Department is not providing any relief herein from such prohibited transaction provisions with respect to the exercise of the Rights. In addition, the Department is offering no view on whether the requirements of the statutory exemption provided in section 408(e) of the Act and the Department's regulations, pursuant to 29 CFR 2550.408(e) were satisfied or whether the statutory exemption is applicable to the exercise of the Rights.

This, according to the Applicant, would result in those participants losing earnings attributable to those shares.

18. The Applicant represents that the proposed exemption is also in the interests of the Plan and its participants and beneficiaries because: (a) Plan participants were notified of the Rights Offering and the procedure for instructing Fidelity regarding their desire with respect to the exercise or sale of the Rights; (b) all shareholders of Liberty Braves Stock, including the Plan, were treated in a like manner, with two exceptions, which are noted above in paragraph 17; (c) the Plan was treated in the same manner as other shareholders with respect to the granting and the exercise or sale of the Rights; and (d) the pass-through of the decision to exercise or sell the Rights, from Fidelity to the Plan participants allowed each participant to decide whether to liquidate his or her account to purchase additional shares of employer securities at a discount.

19. Finally, the Applicant represents that the proposed exemption is protective of the rights of participants because the Rights were sold by Fidelity, at the direction of the affected Plan participants, on the NASDAQ for their fair market value, in arms'-length transactions between unrelated parties. Furthermore, the Applicant represents that the Plan did not pay any fees or commissions with respect to the acquisition or holding of the Rights, and it did not pay any commissions to any affiliate of LMC in connection therewith.

Summary

20. Given the conditions described below, the Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements for an exemption under section 408(a) of the Act.

Proposed Exemption Operative Language

The Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011). If the exemption is granted, the restrictions of sections 406(a)(1)(E), 406(a)(2), and 407(a)(1)(A) of the Act shall not apply, for the period May 24, 2016, through June 16, 2016, to: (1) The acquisition by the Plan of the Rights in connection with the Rights Offering; and (2) the holding of the Rights by the Plan during the subscription period of the Rights Offering, provided that the following conditions are satisfied:

(a) The Plan's acquisition of the Rights resulted solely from an independent corporate act of LMC;

(b) All holders of Series A, Series B, or Series C Liberty Braves common stock (Series A, B, or C Liberty Braves Stock), including the Plan, were issued the same proportionate number of Rights based on the number of shares of the Series A, B, or C Liberty Braves Stock held by each such shareholder;

(c) For purposes of the Rights Offering, all holders of Series A, B, or C Liberty Braves Stock, including the Plan, were treated in a like manner, with two exceptions: (1) The oversubscription option available under the Rights Offering was not available to participants in the Plan; and (2) certain participants deemed to be reporting persons under Rule 16(b) with respect to LMC did not have the right to instruct Fidelity to either sell or exercise the Rights credited to their Plan Accounts;

(d) The acquisition of the Rights by the Plan was made in a manner that was consistent with provisions of the Plan for the individually-directed investment of participant accounts;

(e) The Committee directed the Plan trustee to sell the Rights on the NASDAQ Global Select Market (the NASDAQ), in accordance with Plan provisions that precluded the Plan from acquiring additional shares of Series C Liberty Braves Stock;

(f) The Committee did not exercise any discretion with respect to the acquisition and holding of the Rights; and

(g) The Plan did not pay any fees or commissions in connection with the acquisition or holding of the Rights, and it did not pay any commissions to any affiliates of LMC in connection with the sale of the Rights.

Effective Date: This proposed exemption, if granted, will be effective from May 24, 2016, the date that the Plan received the Rights, through June 16, 2016, the last date the Rights were sold on the NASDAQ.

Notice To Interested Persons

Notice of the proposed exemption will be given to all Interested Persons within 7 days of the publication of the notice of proposed exemption in the **Federal Register**, by first class U.S. mail to the last known address of all such individuals. Such notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(a)(2). The supplemental statement will inform interested persons of their right to comment on the pending exemption. Written comments are due within 37 days of the publication of the notice of proposed exemption in the **Federal Register**. *All comments will be made available to the public.*

Warning: If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Joseph Brennan of the Department, telephone (202) 693–8456. (This is not a toll-free number.)

CLS Investments, LLC and Affiliates (CLS or the Applicant) Located in Omaha, NE

[Application No. D–11931]

Proposed Exemption

The Department is considering granting an exemption under the authority of 408(a) of the Act and section 4975(c)(2) of the Code, in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011). If the exemption is granted, the restrictions of sections 406(a)(1)(D) and 406(b) of the Act, 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,[7] shall not apply to the receipt of a fee by CLS from a registered, open-end investment company for which CLS serves as an investment advisor (an Affiliated Fund), in connection with the investment by an employee benefit plan in shares of such Affiliated Fund, where CLS serves as an investment advisor or investment manager with respect to such plan (Client Plan), provided the conditions of this exemption are met.

Summary of Facts and Representations[8]

1. CLS is an investment adviser registered with the U.S. Securities and

[7] For purposes of this proposed 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.

[8] The Summary of Facts and Representations is based on the Applicant's representations, unless indicated otherwise.

Exchange Commission. CLS offers a variety of financial services and operates primarily as an Exchange Traded Funds strategist working with more than 2,500 financial advisors and 1,300 qualified plan sponsors to manage more than 35,000 investor portfolios. CLS also acts as a sub-advisor and investment research provider to many broker-dealer self-clearing platforms, brokerage custodians, Registered Investment Advisors (RIAs), and overlay portfolio management enterprises.

2. CLS acts an investment adviser to the Affiliated Funds. The Affiliated Funds are diversified open-end investment companies registered with the U.S. Securities and Exchange Commission under the Investment Company Act, as amended. CLS may also provide certain ''secondary services'' to the Affiliated Funds, including custodial, accounting, administrative services and brokerage services (hereinafter, Secondary Services).

3. The Applicant seeks an exemption that would permit the receipt of a fee by CLS from an Affiliated Fund, in connection with the investment by a Client Plan in shares of such Affiliated Fund, where CLS serves as an investment advisor or investment manager with respect to such Client Plan. Absent an exemption, such investment may violate several provisions of the Act. In this regard, CLS, as investment manager or investment adviser to the Client Plans, is a fiduciary with respect to the Client Plans, pursuant to section 3(21)(A)(i) and (ii) of the Act. Section 3(21)(A) of the Act provides, in relevant part, that a person is a fiduciary with respect to a plan to the extent that the person: (i) Exercises any discretionary authority or control respecting management of the Plan or any authority or control respecting management or disposition of its assets, or (ii) renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of a plan or has any authority or responsibility to do so.

4. Section 406(a)(l)(D) of the Act prohibits a fiduciary with respect to a plan from causing such plan to engage in a transaction, if such fiduciary knows or should know, that such transaction constitutes a transfer to, or use by or for the benefit of, a party in interest, of any assets of such plan. Section 406(b) of the Act provides that a fiduciary with respect to a plan may not: (1) Deal with the assets of a plan in his own interest or for his own account; (2) act, in his individual or in any other capacity, in any transaction involving a plan on behalf of a party (or represent a party) whose interests are adverse to the interests of such plan or the interests of its participants or beneficiaries; or (3) receive any consideration for his own personal account from any party dealing with a plan in connection with a transaction involving the assets of such plan.

5. An arrangement whereby CLS, as investment adviser or manager to a Client Plan, invests plan assets in shares of a mutual fund that is advised by CLS and receives an advisory or Secondary Services fee from the Affiliated Fund in connection therewith, may be viewed as an impermissible use of Client Plan assets, in violation of section 406(a)(1)(D) of the Act. In connection with such investment, the increased compensation of CLS could be viewed as a violation of section 406(b)(1) and (b)(2) of the Act. Further, the receipt by CLS of compensation from an Affiliated Fund could also be viewed as a violation of section 406(b)(3) of the Act.

6. PTE 77–4 provides an exemption from section 406 of the Act and section 4975 of the Code for the purchase and for the sale by a plan of shares of a registered, open-end investment company, where the investment adviser of such fund: (a) Is a plan fiduciary or affiliated with a plan fiduciary; and (b) is not an employer of employees covered by the plan. Prior to implementing any fee increase, an investment adviser relying on PTE 77–4 must provide prior disclosures to each affected second fiduciary, and must obtain written authorization from each such second fiduciary. PTE 77–4 prohibits the payment by a plan of commissions, 12b–1 fees, redemption fees, and similar fees, as well as the payment of double investment advisory fees and similar fees with respect to plan assets invested in such shares for the entire period of such investment.

7. CLS states that obtaining advance written consent from each Second Fiduciary (which refers, in general terms, to a Client Plan fiduciary who is independent of and unrelated to CLS) prior to any Fee Increase can be extremely difficult due to both the large number of Client Plans involved and the difficulty in obtaining responses from individual IRA owners. According to CLS, absent the requested exemptive relief, CLS's failure to receive affirmative written approval on an individual Client Plan basis could require CLS to transfer Client Plan investments out of one or more Funds, where such Client Plans may not desire such an outcome.

8. CLS seeks relief that is essentially the same as that afforded by PTE 77–4, with the exception of the use of a ''negative consent'' procedure, which would constitute a Client Plan's approval of a Fee Increase.[9] For purposes of the exemption, a Fee Increase is: (a) Any change by CLS in a rate of fee; (b) any increase in any fee that results from the addition of a service for which a fee is charged; (c) any increase in fee that results from a decrease in the number of services; (d) any increase in any fee that results from a decrease in the kind of services provided by CLS for such fee over an existing rate of fee for each such service previously authorized by a Second Fiduciary; (e) any change in fee that results from CLS changing from one fee method to another; and (f) any change in the amount of operating expenses of a Fund reimbursed or otherwise waived by CLS or its affiliates to the extent that such change results in an increase in the total operating expenses payable by the Fund.

9. The exemption contains several conditions that are consistent with the conditions found in PTE 77–4. For example, the exemption requires, among other things, that each Client Plan which is invested in shares of an Affiliated Fund, either: Does not pay to CLS, for the entire period of such investment, any investment management fee, or any investment advisory fee, or any similar fee at the plan-level, with respect to any of the assets of such Client Plan which are invested in shares of such Affiliated Fund; or pays to CLS a Plan-Level Management Fee, based on total assets of such Client Plan under management by CLS at the plan-level, from which a credit has been subtracted from such Plan-Level Management Fee. Further, no sales commission or no other similar fee may be paid in connection with any purchase and in connection with any sale by a Client Plan in shares of an Affiliated Fund. The payment of a redemption fee is permitted only if: Such redemption fee is paid only to an Affiliated Fund; and 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.

10. Additionally, in general terms, the combined total of all fees received by

[9] The Applicant represents that all of the CLS-affiliated entities to which the exemption would apply are currently part of the same controlled group. CLS represents that, if and to the extent that CLS invests Client Plan assets in Affiliated Funds, such CLS-affiliated entities can rely on the relief provided pursuant to PTE 77–4 (42 FR 18732 (April 8, 1977)), except as described below.

CLS may not be in excess of reasonable compensation within the meaning of section 408(b)(2) of the Act. CLS may not receive any fees payable pursuant to Rule 12b–1 under the Investment Company Act in connection with transactions covered by the exemption. Further, no Client Plan may be an employee benefit plan sponsored or maintained by CLS.

11. This exemption contains extensive notification requirements. The Second Fiduciary must receive, in writing, in advance of any investment by such Client Plan in shares of such Affiliated Fund, a full and detailed disclosure of information concerning such Affiliated Fund, including: A current summary prospectus issued by each such Affiliated Fund; a statement describing the fees; and the reasons why CLS may consider investment in shares of such Affiliated Fund by such Client Plan to be appropriate for such Client Plan.

12. The Second Fiduciary must authorize, in writing, among other things: The investment of the assets of such Client Plan in shares of an Affiliated Fund; the Affiliated Fund-Level Advisory Fee received by CLS for investment advisory services and similar services provided by CLS to such Affiliated Fund; and the fee received by CLS for Secondary Services provided by CLS to such Affiliated Fund. Any such authorization made by a Second Fiduciary is terminable at will by such Second Fiduciary, without penalty to such Client Plan (including any fee or charge related to such penalty). The process for termination includes the Second Fiduciary's receipt, at least annually, of a form (the Termination Form), which expressly provides for an election to terminate an authorization. Notwithstanding this, the instructions for the Termination Form must also inform the Second Fiduciary that, among other things, as of the date that is at least thirty (30) days from the date that CLS sent 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 an authorization that is subject to a negative consent arrangement covered by this exemption, will be deemed to be an approval by such Second Fiduciary.

13. The exemption also requires that CLS, at least thirty (30) days in advance of the implementation of a fee increase, provide to the Second Fiduciary of each Client Plan, a notice of change in fees (the Notice of Change in Fees) which explains the nature and the amount of such Fee Increase. Such Notice of Change in Fees must be accompanied by a Termination Form and by instructions on the use of such Termination Form. The notice must explain that, as of the date that is at least thirty (30) days from the date that CLS sends the Notice of Change of Fees and the Termination Form to such Second Fiduciary, the failure by such Second 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 the authorization, will be deemed to be an approval by such Second Fiduciary of such Fee Increase.

14. The exemption contains other safeguards designed to protect affected Client Plans. In this regard, in general terms: CLS must provide reasonably available information regarding the covered transactions that the Second Fiduciary of such Client Plan requests; all dealings between a Client Plan and an Affiliated Fund are on a basis no less favorable to such Client Plan, than dealings between such Affiliated Fund and other similar shareholders; in the event a Client Plan invests in shares of an Affiliated Fund, if such Affiliated Fund places brokerage transactions with CLS, CLS must provide to the Second Fiduciary of each such Client Plan, so invested, an annual statement specifying relevant commission information; the purchase price paid and the sales price received by a Client Plan for shares in an Affiliated Fund purchased or sold directly must be the net asset value per share, and must be 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; and CLS, including any officer and any director of CLS, may not purchase any shares of an Affiliated Fund from, and may not sell any shares of an Affiliated Fund to, any Client Plan which invests directly in such Affiliated Fund. The exemption also contains recordkeeping requirements.

15. Importantly, the conditions of PTE 77–4, as amended and/or restated, must be met. Further, if CLS 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, CLS must comply with the following conditions with respect to the transaction: (1) CLS must act in the Best Interest (as described below) of the Client Plan; (2) all compensation received by CLS in connection with the transaction in relation to the total services the fiduciary provides to the Client Plan must not exceed reasonable compensation within the meaning of section 408(b)(2) of the Act; and (3) CLS's statements about recommended investments, fees, material conflicts of interest,[10] and any other matters relevant to a Client Plan's investment decisions must not be materially misleading at the time they are made. In the last regard, CLS acts in the ''Best Interest'' of the Client Plan when CLS 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.

16. CLS represents that it will ''actively'' satisfy the various disclosure requirements of this proposed exemption by transmitting emails, rather than relying on ''passive'' postings on a website. CLS represents that Client Plans that do not authorize electronic delivery will receive, in advance, hard copies of the required documents, and that hard copies of required documents will be available to Client Plans upon request. CLS represents that the disclosure methods under this exemption will be consistent with the Department's regulations at 29 CFR 2520.104b–1.

17. The Applicant represents that the proposed exemption is in the interest of Client Plans because it will allow CLS to manage Client Plan assets more efficiently. The Applicant states that the Affiliated Funds provide certain advantages to Client Plans, including access to professional management services and lower costs, including no sales commission costs in connection with the purchase or sale of shares in any of the Funds and no 12b–1 fees. The Applicant also represents that the Affiliated Funds provide a means for Client Plans with limited assets to achieve diversification of investment in a manner that may not be attainable through direct investment by a plan participant. For these reasons, CLS maintains that the availability of the Funds as investments enables CLS, as investment manager, to better meet the investment goals and strategies of a Client Plan.

[10] 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 CLS 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.

18. The Applicant represents that the proposed exemption is protective of Client Plans because it contains sufficient safeguards for the protection of the Client Plans invested in the Funds. In this regard, prior to any investment by a Client Plan in a Fund, the investment must be authorized in writing by the Second Fiduciary of such Client Plan, based on a full and detailed written disclosure concerning such Fund. The Applicant states that, in addition to the initial disclosures provided to the Second Fiduciary of a Client Plan invested in a Fund, CLS provides such Second Fiduciary with ongoing disclosures regarding such Fund and the fee methods. Specifically, CLS provides the Second Fiduciary with the current Fund prospectuses, the annual financial disclosure reports containing information about the Funds, and audit findings. The Applicant states that CLS will respond to inquiries from a Second Fiduciary and, upon request, will provide: Copies of the Statements of Additional Information for the Funds, a copy of the proposed exemption, and a copy of the final exemption, if granted, once such documents are published in the **Federal Register**.

Further, the Applicant states that Client Plan investments in Affiliated Funds will be subject to the ongoing ability of the Second Fiduciary of such Client Plan to terminate the investment without penalty to such Client Plan, at any time, upon written notice of termination. In this regard, the Applicant states that the Second Fiduciary will have sufficient opportunity to terminate a Client Plan's investment in a Fund, without penalty to the Client Plan, and withdraw the Client Plan's investment from such Fund in advance of any such change in fee. Also in this regard, the Applicant states that any and all changes in fees payable to CLS by Affiliated Funds will be on terms monitored by the Second Fiduciary who will be prompted by the Termination Form with a means to avoid the effect of such changes.

Summary

19. Given the conditions applicable to the transactions covered by this exemption, if granted, the Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements for an exemption under section 408(a) of the Act.

Proposed Exemption Operative Language

The Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 46637, 66644, October 27, 2011).

Section I. Transactions

If the proposed exemption is granted, the restrictions of sections 406(a)(1)(D) and 406(b) of the Act, 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,[11] shall not apply to the receipt of a fee by CLS, from an open-end investment company (Affiliated Fund), in connection with the investment in shares of any such Affiliated Fund, by an employee benefit plan (a Client Plan), as defined in Section IV(b), where CLS serves as a fiduciary with respect to such Client Plan, and where CLS: (a) Provides investment advisory services, or similar services to any such Affiliated Fund; and (b) provides to any such Affiliated Fund any other services (Secondary Services), as defined below in Section IV(i).

Section II. Specific Conditions

(a) Each Client Plan which is invested in shares of an Affiliated Fund either:

(1) Does not pay to CLS, for the entire period of such investment, any investment management fee, or any investment advisory fee, or any similar fee at the plan-level (the Plan-Level Management Fee), as defined below in Section IV(l), with respect to any of the assets of such Client Plan which are invested in shares of such Affiliated Fund; or

(2) Pays to CLS a Plan-Level Management Fee, based on total assets of such Client Plan under management by CLS 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(m), paid by such Affiliated Fund to CLS.

If, during any fee period, in the case of a Client Plan invested 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, the requirement of this Section II(a)(2) 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 in shares of an Affiliated Fund:

(i) Is anticipated and subtracted from the prepaid Plan-Level Management Fee at the time of the payment of such fee; or

(ii) Is returned to such Client Plan, no later than during the immediately following fee period; or

(iii) 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)(2), 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.

(b) 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 in shares of an Affiliated Fund. However, this Section II(b) 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.

(c) The combined total of all fees received by CLS is not in excess of reasonable compensation within the meaning of section 408(b)(2) of the Act, for services provided:

(1) By CLS to each Client Plan; and

(2) By CLS to each Affiliated Fund in which a Client Plan invests in shares of such Affiliated Fund;

(d) CLS 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;

(e) No Client Plan is an employee benefit plan sponsored or maintained by CLS;

(f) In the case of a Client Plan investing in shares of an Affiliated Fund, 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 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(n), as set forth below) information concerning such Affiliated

[11] For purposes of this proposed 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.

Fund, including but not limited to the items listed below:

(1) A current summary prospectus issued by each such Affiliated Fund;

(2) A statement describing the fees, including the nature and extent of any differential between the rates of such fees for:

(i) Investment advisory and similar services to be paid to CLS by each Affiliated Fund;

(ii) Secondary Services to be paid to CLS by each such Affiliated Fund; and

(iii) All other fees to be charged by CLS to such Client Plan and to each such Affiliated Fund and all other fees to be paid to CLS by each such Client Plan and by each such Affiliated Fund;

(3) The reasons why CLS may consider investment in shares of such Affiliated Fund by such Client Plan to be appropriate for such Client Plan;

(4) A statement describing whether there are any limitations applicable to CLS with respect to which assets of such Client Plan may be invested in shares of such Affiliated Fund, and if so, the nature of such limitations; and

(5) Upon the request of the Second Fiduciary acting on behalf of such Client Plan, a copy of the Notice of Proposed Exemption (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;

(g) On the basis of the information described above in Section II(f), a Second Fiduciary acting on behalf of a Client Plan authorizes, in writing:

(1) The investment of the assets of such Client Plan in shares of an Affiliated Fund;

(2) The Affiliated Fund-Level Advisory Fee received by CLS for investment advisory services and similar services provided by CLS to such Affiliated Fund;

(3) The fee received by CLS for Secondary Services provided by CLS to such Affiliated Fund;

(4) The Plan-Level Management Fee received by CLS for investment management and similar services provided by CLS to such Client Plan at the plan-level; and

(5) The selection, by CLS, of the applicable fee method, as described above in Section II(a)(1)–(2);

All authorizations made by a Second Fiduciary pursuant to this Section II(g) must be consistent with the responsibilities, obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act;

(h)(1) Any authorization, described above in Section II(g), and any authorization made pursuant to negative consent, as described below in Section II(i), 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 CLS 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(g), or to terminate any authorization made pursuant to negative consent, as described below in Section II(i), 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(n), as set forth below). However, if a Termination Form has been provided to such Second Fiduciary pursuant to Section II(i), then a Termination Form need not be provided pursuant to this Section II(h), 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(g), and any authorization made pursuant to negative consent, as described below in Section II(i), is terminable at will by a Second Fiduciary, acting on behalf of a Client Plan, without penalty to such Client Plan, upon receipt by CLS, 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; and

(ii) As of the date that is at least thirty (30) days from the date that CLS 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(g), or intent to terminate any authorization made pursuant to negative consent, as described below in Section II(i), 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(g), or intent to terminate any authorization made pursuant to negative consent, as described below in Section II(i), 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 implemented by CLS within one (1) business day of the date that CLS 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;

(5) From the date a Second Fiduciary, acting on behalf of a Client Plan that invests 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 CLS by such Affiliated Fund, or any other fees or charges;

(i)(1) CLS, at least thirty (30) days in advance of the implementation of each fee increase (Fee Increase(s)), as defined below in Section IV(k), 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(n), 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(h); and

(2) As of the date that is at least thirty (30) days from the date that CLS sends the Notice of Change of Fees and the Termination Form to such Second Fiduciary, the failure by such Second 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(g), or to terminate the negative consent authorization, as described in Section II(i), will be deemed to be an approval by such Second Fiduciary of such Fee Increase.

(j) CLS 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 CLS to provide.

(k) All dealings between a Client Plan and an Affiliated 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.

(l) In the event a Client Plan invests in shares of an Affiliated Fund, if such Affiliated Fund places brokerage transactions with CLS, CLS 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 CLS 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 CLS;

(3) The average brokerage commissions per share, expressed as cents per share, paid to CLS 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 CLS;

(m)(1) CLS provides to the Second Fiduciary of each Client Plan invested in shares of an Affiliated Fund with the disclosures, as set forth below, and at the times set forth below in Section II(m)(1)(i)-(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 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 in shares of such Affiliated Fund which contains a description of all fees paid by such Affiliated Fund to CLS;

(iii) Oral or written responses to the inquiries posed by the Second Fiduciary of such Client Plan, as such inquiries arise; and

(iv) Annually, with a Termination form, as described in Section II(h)(1), and instructions on the use of such form, as described in Section II(h)(3), except that if a Termination Form has been provided to such Second Fiduciary pursuant to Section II(i), then a Termination Form need not be provided again pursuant to this Section II(m)(1)(v) until at least six (6) months but no more than twelve (12) months have elapsed since a Termination Form was provided;

(n) Any disclosure required herein to be made by CLS 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 CLS, provided:

(1) CLS 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 CLS a valid email address; and

(3) The delivery of such electronic email to such Second Fiduciary is provided by CLS in a manner consistent with the relevant provisions of the Department's regulations at 29 CFR 2520.104b–1(c) (substituting the word ''CLS'' 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).

(o) The authorizations described in Section II(i) may be made affirmatively, in writing, by a Second Fiduciary, in a manner that is otherwise consistent with the requirements of those sections;

(p) 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(i) above, but only to the extent the requirements of Section II(i) are met. Similarly, if PTE 77–4 is amended and/or restated, the requirements of paragraph (d) therein will be deemed to be met with respect to authorizations described in Section II(i) above, if the requirements of Section II(i) are met;

(q) *Standards of Impartial Conduct.* If CLS 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, CLS must comply with the following conditions with respect to the transaction: (1) CLS acts in the Best Interest (as defined below, in Section IV(o)) of the Client Plan; (2) all compensation received by CLS 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) CLS's statements about recommended investments, fees, material conflicts of interest,[12] 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 paragraph, CLS acts in the ''Best Interest'' of the Client Plan when CLS 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;

(r) The purchase price paid and the sales price received by a Client Plan for shares in an Affiliated Fund purchased or sold directly 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; and

(s) CLS, including any officer and any director of CLS, 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.

Section III. General Conditions

(a) CLS 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 CLS, the records are lost or destroyed prior to the end of the six-year period; and

(2) No party in interest other than CLS 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).

[12] 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 CLS 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.

(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 in shares of an Affiliated Fund and any duly authorized employee or representative of such fiduciary; and

(iii) Any participant or beneficiary of a Client Plan invested in shares of an Affiliated Fund and any representative of such participant or beneficiary;

(2) None of the persons described in Section III(b)(1)(ii) and (iii) shall be authorized to examine trade secrets of CLS, or commercial or financial information which is privileged or confidential.

Section IV. Definitions

For purposes of this proposed exemption:

(a) The term ''CLS'' means CLS Investments, LLC 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 CLS, 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'' means a diversified open-end investment company registered with the U.S. Securities and Exchange Commission under the Investment Company Act, as amended, for which CLS 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 CLS. For purposes of this proposed exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to CLS if:

(1) Such Second Fiduciary, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with CLS;

(2) Such Second Fiduciary, or any officer, director, partner, employee, or relative of such Second Fiduciary, is an officer, director, partner, or employee of CLS (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 CLS (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;

(ii) Any authorization in accordance with Section II(g), and any authorization, pursuant to negative consent, as described in Section II(i); 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 CLS to an Affiliated Fund, including, but not limited to, custodial, accounting, administrative services, and brokerage services. CLS 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 ''business day'' means any day that:

(1) CLS 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.

(k) The term ''Fee Increase(s)'' includes any increase by CLS in a rate of a fee previously authorized in writing by the Second Fiduciary of each affected Client Plan pursuant to Section II(g) above, and in addition includes, but is not limited to:

(1) Any fee increase that results from the addition of a service;

(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 CLS for such fee over an existing rate of fee for each such service previously authorized by the Second Fiduciary, in accordance with Section II(g) above;

(3) Any increase in any fee that results from CLS changing from one of the fee methods, as described above in Section II(a)(1)–(4), to another of the fee methods, as described above in Section II(a)(1)–(4); and

(4) Any change in the amount of operating expenses of a Fund that is reimbursed or otherwise waived by CLS or its affiliates to the extent that such change results in an increase in the total operating payable by the Fund.

(l) The term ''Plan-Level Management Fee'' includes any investment management fee, investment advisory fee, and any similar fee paid by a Client Plan to CLS for any investment management services, investment advisory services, and similar services provided by CLS 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 CLS for asset allocation service(s) (Asset Allocation Service(s)), as defined below in Section IV(n), provided by CLS to such Client Plan at the plan-level.

(m) The term ''Affiliated Fund-Level Advisory Fee'' includes any investment advisory fee and any similar fee paid by an Affiliated Fund to CLS under the terms of an investment advisory agreement adopted in accordance with section 15 of the Investment Company Act.

(n) 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.

(o) 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 CLS, any affiliate or other party.

Effective Date: If granted, this proposed exemption will be effective as of the date the notice granting the final exemption is published in the **Federal Register**.

Notice to Interested Persons

Those persons who may be interested in the publication in the **Federal Register** of the Notice include each Client Plan invested in shares of an Affiliated Fund and each plan for which CLS provides discretionary management services at the time the proposed exemption is published in the **Federal Register**.

It is represented that notification will be provided to each of these interested persons by first class mail, within fifteen (15) calendar days of the date of the publication of the Notice in the **Federal Register**. Such mailing will contain a copy of the Notice, as it appears in the **Federal Register** on the date of publication, plus a copy of the Supplemental Statement, as required, pursuant to 29 CFR 2570.43(b)(2), which will advise such interested persons of their right to comment and to request a hearing.

The Department must receive all written comments and requests for a hearing no later than forty-five (45) days from the date of the publication of the Notice in the **Federal Register**.

All comments will be made available to the public.

Warning: Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department, telephone (202) 693–8456. (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 of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 30th day of March, 2018.

Lyssa Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2018–06849 Filed 4–3–18; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; DOL-Only Performance Accountability, Information, and Reporting System

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''DOL-Only Performance Accountability, Information, and Reporting System,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 4, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201802-1205-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the DOL-Only Performance Accountability, Information, and Reporting System. The following programs are required to report through this system: Workforce Innovation and Opportunity Act (WIOA) Adult; National Dislocated Worker and Youth; Wagner Peyser Employment Service; National Farmworker Jobs Program; YouthBuild; Job Corps; and Indian and Native American. Requiring these programs to use a standard set of data elements, definitions, and specifications at all levels of the workforce system helps improve the quality of the performance information that is received by the DOL. While the H1–B discretionary grant, Senior Community Service Employment, Jobs for Veterans State Grants, the Reintegration of Ex-Offenders program (Adult and Youth), and the Trade Adjustment Assistance programs are not authorized under the WIOA, they will be utilizing the data element definitions and reporting templates proposed in this ICR. The accuracy, reliability, and comparability of program reports submitted by states and grantees using Federal funds are fundamental elements of good public administration. The subject information collection requirements are necessary tools for maintaining and demonstrating system integrity. More specifically, this ICR covers several information collection instruments including—the Quarterly Program Performance Report (Form ETA–9173), WIOA Pay-for-Performance Report (Form ETA–9174), and Participant Individual Record Layout (PIRL) (Form ETA–9172). It should also be noted that the required data elements are noted within the PIRL with respect to the Job Corps; however, the burden associated with that data collection currently is counted under the ICR entitled, ''Placement Verification and Follow-up of Job Corps Participants,'' (OMB Control Number 1205–0426) as part of the follow-up survey process. The information collection subject to this Notice has been classified as a revision, because of the agency is adding citations for recently promulgated regulations that contain information collections as part of the authority for the collection. *See* 20 CFR 641.700, 641.710, 641.720, 641.730, 641.740, and 641.750. These regulations pertain to the Senior Community Service Employment Program. WIOA section 416(d) authorizes this information collection. *See* 29 U.S.C. 3141(d).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0521. The current approval is scheduled to expire on September 30, 2018; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 12, 2017 (82 FR 58446).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0521. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: DOL-Only Performance Accountability, Information, and Reporting System.

OMB Control Number: 1205–0521.

Affected Public: State, Local, and Tribal Governments; Individuals and Households; Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 17,531,424.

Total Estimated Number of Responses: 35,064,970.

Total Estimated Annual Time Burden: 8,938,029 hours.

Total Estimated Annual Other Costs Burden: $6,791,395.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 30, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06887 Filed 4–3–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Current Population Survey Unemployment Insurance Non-Filer Supplement; Office of the Secretary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) proposal titled, ''Current Population Survey Unemployment Insurance Non-Filer Supplement,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 4, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201712-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is

not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Current Population Survey Unemployment Insurance Non-Filer Supplement information collection. Results from this supplement will be used to determine the size and characteristics of those who do not file for Unemployment Insurance (UI) benefits and their reasons for not filing. The data are necessary for the DOL and other policymakers to plan, fund, and evaluate UI programs. The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C. 2.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on January 2, 2018 (83 FR 157).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201712–1220–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Current Population Survey Unemployment Insurance Non-Filer Supplement.

OMB ICR Reference Number: 201712–1220–001.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 60,000.

Total Estimated Number of Responses: 60,000.

Total Estimated Annual Time Burden: 2,000 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 30, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06909 Filed 4–3–18; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974: Systems of Records

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of a rescinded system of records; notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the National Credit Union Administration (NCUA) proposes the following changes to: Rescind a duplicative system of records; reflect changes in information access and retrieval; and change the name of the office system owner for an existing system of records. These actions are necessary to meet the requirements of the Privacy Act that federal agencies publish in the **Federal Register** a notice of the existence and character of records it maintains that are retrieved by an individual identifier.

DATES: Submit comments on or before April 30, 2018. This action will be effective without further notice on April 30, 2018 unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments by any of the following methods, but please send comments by one method only:

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

FOR FURTHER INFORMATION CONTACT: Morgan M. Rogers, Division of Consumer Affairs Director, or Matthew J. Biliouris, Director, Office of Consumer Financial Protection, Consumer Assistance, the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia, 22314 (Regarding the NCUA- 12, Consumer Complaints Against Federal Credit Unions System), or Rena Kim, Privacy Attorney, or Linda Dent, Senior Agency Official for Privacy, Office of General Counsel, the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia, 22314, or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

(1) NCUA is Proposing to Rescind NCUA–5, Unofficial Personnel and Employee Development/Correspondence Records

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, NCUA is proposing to rescind the following system of records notice: Unofficial Personnel and Employee Development/Correspondence Records (last published at 75 FR 41539 (July 16, 2010).

NCUA–5 is a system of records that covers unofficial personnel and related records maintained by NCUA staff to facilitate day-to-day administrative activities. The records are already covered by OPM/GOVT–1 and OPM/GOVT–2 and therefore, the NCUA is proposing that NCUA–5 be rescinded.

The rescission will not affect business and will likewise not create any additional privacy risks for the individuals whose information is covered by NCUA–5 (NCUA employees). Following the rescission of NCUA–5, the NCUA will continue to maintain and use the records as it previously had, but will rely on the government-wide SORNs as opposed to its own. A side-by-side comparison of the types of records, the purposes and the routine uses in NCUA–5 and those in OPM/GOVT–1 and OPM/GOVT–2 was conducted to ensure the proposed rescission would not orphan any Privacy Act records and was otherwise in keeping with the spirit of the Privacy Act's notice related provisions. The NCUA's proposal to rescind NCUA–5 is part of an ongoing SORN review for compliance with OMB Circular A–108, Section 6, i. (December 23, 2016).

(2) NCUA is proposing to Update NCUA–12, Consumer Complaints Against Credit Unions

The NCUA–12 Consumer Complaints Against Federal Credit Unions System is being updated to reflect a change in the manner in which records are accessed and retrieved by examination personnel. Additionally, the update includes a change to the office system owner's name resulting from a reorganization. The NCUA–12 system of records collects and maintains consumer complaints against credit unions received and processed by the NCUA Consumer Assistance Center. The change in access will improve the effectiveness and efficiency when examiners conduct the required pre-exam planning review of consumer complaints. Examiners may securely view consumer complaints, credit union responses, supporting documentation about complaints, and consumer protection violations concerning the credit unions in their assigned region. The Consumer Assistance Center is a component within NCUA's previous Office of Consumer Financial Protection and Access, now reorganized and renamed the Office of Consumer Financial Protection (OCFP).

NCUA–5

SYSTEM NAME:

Unofficial Personnel and Employee Development/Correspondence Records RESCINDED.

NCUA–12

SYSTEM NAME:

Consumer Complaints Against Federal Credit Unions

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NCUA Consumer Assistance Center, Office of Consumer Financial Protection, National Credit Union Administration, 1775 Duke Street, Alexandria, VA. 22314–3428. Third party service provider, Salesforce.com, Inc. The Landmark at One Market, Suite 300, San Francisco, CA 94105.

SYSTEM MANAGER(S):

Division of Consumer Affairs Director, Office of Consumer Financial Protection, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1752a, 12 U.S.C. 1766, 12 U.S.C. 1784(a), and 12 U.S.C. 1789.

PURPOSE(S) OF THE SYSTEM:

The system supports the NCUA's supervisory oversight and enforcement responsibilities to intake and respond to consumer inquiries, complaints and other communications from the general public, credit unions and other state and federal government banking and law enforcement agencies regarding federal consumer financial protection laws, regulations and credit union activity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are members of the public that contact the NCUA's Consumer Assistance Center by telephone, written correspondence and web search, including both general inquiries and complaints concerning federal financial consumer protection matters within credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and records of other communications between the NCUA and the individual submitting a complaint or making an inquiry, including copies of supporting documents and contact information supplied by the individual. This system may also contain regulatory and supervisory communications between the NCUA and the NCUA-insured credit union in question and/or intra-agency or inter-agency memoranda or correspondence relevant to the complaint or inquiry.

RECORD SOURCE CATEGORIES:

Information is provided by the individual complainant, and his or her representative such as, a member of Congress or an attorney. Information is also provided by federal credit union officials and employees. Information is provided by the individual to whom the record pertains, internal agency records, and investigative and other record material compiled in the course of an investigation, or furnished by other state and federal financial regulatory and law enforcement government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The NCUA's Consumer Assistance Center uses these records to document the submission of and responses to consumer inquiries, complaints and other communications from the general public regarding federal consumer financial protection laws, regulations and credit union activity.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the NCUA as a routine use as follows:

(1) To the insured credit union which is the subject of the complaint or inquiry when necessary to investigate or resolve the complaint or inquiry;

(2) To authorized third-party sources during the course of the investigation in order to resolve the complaint or inquiry. Information that may be disclosed under this routine use is limited to the name of the complainant or inquirer, the nature of the complaint or inquiry, and such additional information necessary to investigate the complaint or inquiry; and

(3) Information may be disclosed to other federal and nonfederal supervisory or regulatory authorities when the subject matter is a complaint or inquiry which is more properly within such agency's jurisdiction. Complaints involving matters that do not fall within NCUA's purview are forwarded to either the appropriate state supervisory authority or federal regulator for disposition.

(4) To the Federal or State supervisory/regulatory authority that has direct supervision over the insured credit union that is the subject of the complaint or inquiry.

(5) NCUA's standard routine uses apply to this system of records.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically and physically.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by individual identifiers such as individual complainant's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records, including audio records, are retained in a secure and encrypted cloud-based storage system for a period of seven years consistent with the National Archives and Records Administration records retention schedule.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:

Information in the system is safeguarded in accordance with the applicable laws, rules and policies governing the operation of federal information systems.

RECORD ACCESS PROCEDURES:

Individuals wishing access to their records should submit a written request to the Privacy Officer, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.
4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf. Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment to their records should submit a written request to the Privacy Officer, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. A statement specifying the changes to be made in the records and the justification therefore.
4. The address to which the response should be sent.
5. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

NOTIFICATION PROCEDURES:

Individuals wishing to learn whether this system of records contains information about them should submit a written request to the Privacy Officer, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.
4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf. Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

This system is subject to the specific exemption provided by 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

HISTORY:

75 FR 41539 (July 16, 2010).

By the National Credit Union Administration Board on March 30, 2018.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2018–06879 Filed 4–3–18; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–313, 50–368, 50–416, 50–247, 50–286, 50–255, 50–293, 50–458, and 50–382; License Nos. DRP–51, NPF–6, NPF–29, DPR–26, DPR–64, DPR–20, DPR–35, NPF–47, and NPF–38; EA–17–132 and EA–17–153; NRC–2018–0065]

In the Matter of Entergy Nuclear Operations, Inc. and Entergy Operations, Inc.; Arkansas Nuclear One, Grand Gulf Nuclear Station, Indian Point Energy Center, Palisades Nuclear Plant, Pilgrim Nuclear Power Station, River Bend Station, and Waterford Steam Electric Station, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order to Entergy (Entergy Nuclear Operations, Inc., and Entergy Operations, Inc.) as a result of a successful alternative dispute resolution mediation session. The commitments were made as part of a settlement agreement between Entergy and the U.S. Nuclear Regulatory Commission (NRC) subject to the satisfactory completion of the additional actions Entergy committed to take, as described in the Confirmatory Order. The NRC will not issue a Notice of Violation and will not issue an associated civil penalty for the apparent violations.

DATES: The order was issued on March 8, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0065 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0065. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: G. Michael Vasquez, Region IV, telephone: 817–200–1182; email *Michael.Vasquez@nrc.gov* and John Kramer, Region IV, telephone: 817–200–1121; email *John.Kramer@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

The text of the Order is attached.

Dated at Arlington, Texas, this 29th day of March 2018.

For the Nuclear Regulatory Commission.

Kriss M. Kennedy,

Regional Administrator, Region IV.

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of Power Reactor Facilities Owned and Operated by Entergy Nuclear Operations, Inc. and Entergy Operations, Inc.

Docket Nos. (Attachment 1)

License Nos. (Attachment 1)

EA–17–132

EA–17–153

CONFIRMATORY ORDER MODIFYING LICENSE (EFFECTIVE UPON ISSUANCE)

I

The licensees identified in Attachment 1 to this Confirmatory Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) authorizing operation of nuclear power plants in accordance with the Atomic Energy Act of 1954, as amended, and Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.''

The term ''Entergy fleet'' or ''fleet'' refers to all nuclear power plants identified in Attachment 1 to this Confirmatory Order. The term ''Entergy'' refers to the following licensees: Entergy Operations, Inc. and Entergy Nuclear Operations, Inc. The term ''willful violations'' as defined in the NRC Enforcement Policy encompasses conduct involving either a careless disregard for requirements or a deliberate violation of requirements or falsification of information.

This Confirmatory Order is the result of a preliminary settlement agreement reached during an alternative dispute resolution (ADR) mediation session conducted on February 6, 2018.

II

On November 5, 2015, the NRC's Office of Investigations (OI), Region IV Field Office, opened an investigation (OI Case 4–2016–004) at Entergy's Grand Gulf Nuclear Station to determine whether an examination proctor willfully compromised examinations by providing inappropriate assistance to trainees. On July 21, 2017, the investigation was completed. On March 6, 2017, OI opened an investigation (OI Case 4–2017–021) at Entergy's Grand Gulf Nuclear Station to determine whether nonlicensed operators willfully failed to tour all required areas of their watch station and willfully entered inaccurate information into the operator logs. On August 25, 2017, the investigation was completed.

Based on the results of the investigations, the NRC identified a total of three apparent violations that were being considered for escalated enforcement action in accordance with the NRC Enforcement Policy, which were documented in NRC letter dated November 20, 2017 (NRC Inspection Report 05000416/2017014). The apparent violations included: (1) a failure to meet 10 CFR 50.120, ''Training and qualification of nuclear power plant personnel,'' between January and September 2015, in that, an examination proctor inappropriately provided assistance on general employee training examinations to non-utility (contractor) personnel; (2) a failure to meet 10 CFR part 50, Appendix B, Criterion V, ''Instructions, Procedures, and Drawings,'' between February and December 2016, in that, three nonlicensed operators failed to tour all required areas of their watch station; and (3) a failure to meet 10 CFR 50.9, ''Completeness and accuracy of information,'' between February and December 2016, in that, three nonlicensed operators created inaccurate documents, which indicated that their rounds had been performed when they had not been completed.

By letter dated November 20, 2017, the NRC notified Entergy of the results of the investigation, informed Entergy that escalated enforcement action was being considered for the apparent violations, and offered Entergy the opportunity to attend a predecisional enforcement conference or to participate in an ADR mediation session in an effort to resolve the concerns.

In response to the NRC's offer, Entergy requested the use of the NRC's ADR process to resolve the concerns. On February 6, 2018, the NRC and Entergy met in an ADR session mediated by a professional mediator arranged through the Cornell University Scheinman Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement on resolving any differences regarding the dispute. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process.

III

During the ADR session held on February 6, 2018, Entergy and the NRC reached a preliminary settlement agreement. The elements of the agreement include the following:

Violations

A. The NRC has concluded that deliberate violations of 10 CFR 50.120 occurred at Grand Gulf Nuclear Station between January and September 2015, when general employee training examinations provided to non-utility (contractor) personnel were inappropriately proctored. In addition, the NRC has concluded that deliberate violations of 10 CFR part 50, Appendix B, Criterion V, and 10 CFR 50.9 occurred between February and December 2016 when three nonlicensed operators failed to tour all required areas of their watchstation and falsified the rounds for their assigned area. Entergy agrees with this conclusion.

Communications with Site Workers

B. Within 1 month of the issuance date of the Confirmatory Order, a licensee senior executive at each Entergy site and the corporate nuclear headquarters will communicate with workers the circumstances leading to this Confirmatory Order, that willful violations will not be tolerated, and, as a result, Entergy will be undertaking efforts to confirm whether others are engaging in such conduct at any of its sites. The communication will stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations. This message will be balanced with the recognition that people do make mistakes and when that happens the mistake will be identified and documented.

C. Entergy will conduct semi-annual communications with workers in the Entergy fleet reemphasizing its intolerance of willful misconduct and updating the workforce on the status of compliance with this Confirmatory Order until December 31, 2019. Starting in 2020, Entergy will conduct annual training emphasizing its intolerance of willful misconduct.

Causal Evaluation of Previous Corrective Actions to Deter Willful Violations

D. Within 6 months of the issuance date of the Confirmatory Order, Entergy will perform a causal evaluation, informed by site evaluations, to determine why prior fleet-wide corrective actions from Confirmatory Orders and other willful violations issued after January 1, 2009, were not fully successful in preventing or minimizing instances of willful misconduct across the fleet. The causal evaluation will include the following elements:

1. Problem identification;
2. Root cause, extent of condition (including an assessment of work groups that perform NRC-regulated activities to determine whether those workers are engaging in willful misconduct), and extent of cause evaluation;
3. Corrective actions, with time frame for their completion; and
4. Safety culture attributes.

E. Entergy will identify specific criteria necessary to perform annual effectiveness reviews of the corrective actions. The annual effectiveness reviews will include insights from fleet and individual site performance. Entergy will perform annual effectiveness reviews for 3 years. Entergy will modify its corrective actions, as needed, based on the results of the annual effectiveness reviews.

F. For the Grand Gulf Nuclear Station, the evaluation described in Element D will address the three violations which are the subject of this ADR mediation session (refer to the NRC's letter dated November 20, 2017).

G. Corrective actions identified as a result of the above evaluations will be implemented within 18 months of completion of the evaluation unless they involve a plant modification.

Organizational Health Survey

H. Within 12 months of the issuance date of the Confirmatory Order, the Grand Gulf Nuclear Station, as well as all Entergy fleet sites, will conduct an organizational health survey developed by a third–party and designed, in part, to identify safety culture concerns that could contribute to willful misconduct.

I. A second organizational health survey will be conducted within 18 months of completion of the survey in Element H.

J. If safety culture concerns are identified through the survey, Entergy will initiate corrective actions to mitigate the likelihood of willful misconduct occurring.

Notifications to the NRC When Actions Are Completed

K. Within 1 month of completion of Element D, Entergy will submit written notification to the appropriate Regional Administrators.

L. By December 31 of each calendar year from 2018 through 2020, Entergy will provide in writing to the appropriate Regional Administrators a summary of the actions implemented across the fleet as a

result of this Confirmatory Order and the results of any effectiveness reviews performed.

M. Upon completion, Entergy will submit in writing to the Region IV Regional Administrator its basis for concluding that the terms of the Confirmatory Order have been completed.

NRC Considerations for Future Enforcement Action

N. This Confirmatory Order does not affect other potential future escalated enforcement actions, including ongoing investigations by the NRC's Office of Investigations. However, as part of its deliberations and consistent with the philosophy of the Enforcement Policy, Section 3.3, ''Violations Identified Because of Previous Enforcement Action,'' the NRC will consider enforcement discretion for violations with similar root causes that occur prior to or during implementation of the corrective actions specified in the Confirmatory Order.

Administrative Items

O. The NRC and Entergy agree that the above elements will be incorporated into a Confirmatory Order.

P. The NRC will consider the Confirmatory Order an escalated enforcement action with respect to any future enforcement actions.

Q. In consideration of the elements delineated above, the NRC agrees not to issue a Notice of Violation for the violations discussed in NRC Inspection Report 05000416/2017014 and NRC Investigation Reports 4–2016–004 and 4–2017–021 dated November 20, 2017, (EA–17–132 and EA–17–153) and not to issue an associated civil penalty.

R. The press release will acknowledge that Entergy Operations, Inc., identified the willful violations that are the subject of this Confirmatory Order.

S. This agreement is binding upon successors and assigns of Entergy.

On March 6, 2018, Entergy consented to issuing this Confirmatory Order with the commitments, as described in Section V below. Entergy further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that it has waived its right to a hearing.

IV

Because the licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Entergy's commitments as set forth in Section V are acceptable and necessary, and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Entergy's commitments be confirmed by this Confirmatory Order. Based on the above and Entergy's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, IT IS HEREBY ORDERED, THAT LICENSE NOS. DRP–51; NPF–6, NPF–29, DPR–26, DPR–64, DPR–20, DPR–35, NPF–47 and NPF–38 ARE MODIFIED AS FOLLOWS:

Communications with Site Workers

A. Within 1 month of the issuance date of the Confirmatory Order, a licensee senior executive at each Entergy site and the corporate nuclear headquarters will communicate with workers the circumstances leading to this Confirmatory Order, that willful violations will not be tolerated, and, as a result, Entergy will be undertaking efforts to confirm whether others are engaging in such conduct at any of its sites. The communication will stress the importance of procedural adherence, ensuring that documents are complete and accurate, and of potential consequences for engaging in willful violations. This message will be balanced with the recognition that people do make mistakes and when that happens, it is Entergy's expectation that its employees and contractors will identify and document issues accordingly.

B. Within 6 months of the completion of Element A, Entergy will conduct semi-annual communications with workers in the Entergy fleet reemphasizing its intolerance of willful misconduct and updating the workforce on the status of compliance with this Confirmatory Order until December 31, 2019. Starting in 2020, Entergy will conduct annual training emphasizing its intolerance of willful misconduct.

Causal Evaluation of Previous Corrective Actions to Deter Willful Violations

C. Within 6 months of the issuance date of the Confirmatory Order, Entergy will perform a causal evaluation, informed by site evaluations, to determine why prior fleet-wide corrective actions from Confirmatory Orders and other willful violations issued after January 1, 2009, were not fully successful in preventing or minimizing instances of willful misconduct across the fleet. The causal evaluation will include the following elements:

1. Problem identification;
2. Root cause, extent of condition (including an assessment of work groups that perform NRC regulated activities to determine whether those workers are engaging in willful misconduct), and extent of cause evaluation;
3. Corrective actions, with time frame for their completion; and
4. Safety culture attributes.

D. Entergy will identify specific criteria necessary to perform annual effectiveness reviews of the corrective actions. The annual effectiveness reviews will include insights from fleet and individual site performance. Entergy will perform annual effectiveness reviews for 3 years. Entergy will modify its corrective actions, as needed, based on the results of the annual effectiveness reviews.

E. For the Grand Gulf Nuclear Station, the evaluation described in Element C will address the three violations that are the subject of this ADR mediation session (refer to the NRC's letter dated November 20, 2017).

F. Corrective actions identified as a result of the above evaluations will be implemented within 18 months of completion of the evaluation unless they involve a plant modification.

Organizational Health Survey

G. Within 12 months of the issuance date of the Confirmatory Order, the Grand Gulf Nuclear Station, as well as all Entergy fleet sites, will conduct an organizational health survey developed by a third–party and designed, in part, to identify safety culture concerns that could contribute to willful misconduct.

H. A second organizational health survey will be conducted within 18 months of completion of the survey in Element G.

I. If safety culture concerns are identified through the survey, Entergy will document and initiate corrective actions within 2 months of the concern identification to mitigate the likelihood of willful misconduct occurring.

Notifications to the NRC When Actions Are Completed

J. Within 1 month of completion of Element C, Entergy will submit written notification to the appropriate Regional Administrators.

K. By December 31 of each calendar year from 2018 through 2020, Entergy will provide in writing to the appropriate Regional Administrators a summary of the actions implemented across the fleet as a result of this Confirmatory Order and the results of any effectiveness reviews performed.

L. Upon completion, Entergy will submit in writing to the Region IV Regional Administrator its basis for concluding that the terms of the Confirmatory Order have been completed.

NRC Considerations for Future Enforcement Action

This Confirmatory Order does not affect other potential future escalated enforcement actions, including ongoing investigations by the NRC's Office of Investigations. However, as part of its deliberations and consistent with the tenets of the Enforcement Policy, Section 3.3, ''Violations Identified Because of Previous Enforcement Action,'' the NRC will consider enforcement discretion for violations that meet the criteria for discretion under Section 3.3 of the Enforcement Policy.

Administrative Items

This agreement is binding upon successors and assigns of Entergy. The NRC will consider the Confirmatory Order an escalated enforcement action with respect to any future enforcement actions at the Grand Gulf Nuclear Station only. The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by Entergy of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by

this Confirmatory Order, other than Entergy, may request a hearing within 30 days of the issuance date of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter ''petition''), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139, August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document.

The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's Public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff.

Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an Order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''Cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the *Federal Register* and served on the parties to the hearing.

If a person (other than Entergy) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission

Kriss M. Kennedy

Regional Administrator
NRC Region IV

Dated this 8th day of March 2018

POWER REACTOR FACILITIES OWNED AND OPERATED BY ENTERGY NUCLEAR OPERATIONS, INC. AND ENTERGY OPERATIONS, INC.

Arkansas Nuclear One, Units 1 and 2

Entergy Operations, Inc.
Docket Nos. 50-313, 50-368
License Nos. DRP-51; NPF-6

Mr. Richard L. Anderson, Site Vice President
Arkansas Nuclear One
Entergy Operations, Inc.
N-TSB-58
1448 S.R. 333
Russellville, AR 72802-0967

Grand Gulf Nuclear Station

Entergy Operations, Inc.
Docket No. 50-416
License No. NPF-29

Mr. Eric Larson, Site Vice President
Grand Gulf Nuclear Station
Entergy Operations, Inc.
P.O. Box 756
Port Gibson, MS 39150

Indian Point Nuclear Generating, Units 2 and 3

Entergy Nuclear Operations, Inc.
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

Mr. Anthony Vitale, Site Vice President
Indian Point Energy Center
Entergy Nuclear Operations, Inc.
450 Broadway, General Services Building
P.O. Box 249
Buchanan, NY 10511-0249

Palisades Nuclear Plant

Entergy Nuclear Operations, Inc.
Docket No. 50-255
License No. DPR-20

Mr. Charles Arnone, Vice President, Operations
Palisades Nuclear Plant
Entergy Nuclear Operations, Inc.
27780 Blue Star Memorial Highway
Covert, MI 49043-9530

Pilgrim Nuclear Power Station

Entergy Nuclear Operations, Inc.
Docket No. 50-293
License No. DPR-35

Mr. Brian Sullivan, Site Vice President
Pilgrim Nuclear Power Station
Entergy Nuclear Operations, Inc.
600 Rocky Hill Road
Plymouth, MA 02360-5508

River Bend Station

Entergy Operations, Inc.
Docket No. 50-458
License No. NPF-47

Mr. William F. Maguire, Site Vice President
River Bend Station
Entergy Operations, Inc.
5485 U.S. Highway 61N
St. Francisville, LA 70775

Waterford Steam Electric Station, Unit 3

Entergy Operations, Inc.
Docket No. 50-382
License No. NPF-38

Mr. John Dinelli, Site Vice President
Waterford Steam Electric Station, Unit 3
Entergy Operations, Inc.
17265 River Road
Killona, LA 70057-0751

[FR Doc. 2018–06819 Filed 4–3–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323; NRC–2014–0260]

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Pacific Gas and Electric Company to withdraw its application dated November 25, 2013, as supplemented by letters dated February 5 and May 28, 2015, and July 7 and October 27, 2016, for proposed amendments to Facility Operating License Nos. DPR–80 and DPR–82. The proposed amendments would have modified the facility technical specifications (TSs) to permit the use of Risk-Informed Completion Times (RICTs) in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 1, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b.''

DATES: April 4, 2018.

ADDRESSES: Please refer to Docket ID NRC–2014–0260 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0260. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3016, email: *Balwant.Singal@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Pacific Gas and Electric Company (the licensee) to withdraw its November 25, 2013, application (ADAMS Accession No. ML13330A557) for proposed amendments to Facility Operating License Nos. DPR–80 and DPR–82 for the Diablo Canyon Power Plant, Units 1 and 2, located in San Luis Obispo County, California.

The proposed amendments would have modified the Diablo Canyon Power Plant TSs to permit the use of RICTs in accordance with TSTF–505, Revision 1 (ADAMS Accession No. ML111650552). The proposed amendments would have, in part, modified selected required actions to permit excluding the completion times in accordance with a new TS-required RICT program.

The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, published in the **Federal Register** on December 9, 2014 (79 FR 73111). The licensee provided supplemental information by letters dated February 5 and May 28, 2015, and July 7 and October 27, 2016 (ADAMS Accession Nos. ML15036A592, ML15148A480, ML16189A282, and ML16301A425, respectively). However, the licensee requested to withdraw the application on March 7, 2018 (ADAMS Accession No. ML18066A938).

Dated at Rockville, Maryland, this 29th day of March, 2018.

For the Nuclear Regulatory Commission.

Siva P. Lingam,

Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–06781 Filed 4–3–18; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Requests to Review Multiemployer Plan Alternative Terms and Conditions To Satisfy Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Policy statement.

SUMMARY: PBGC is issuing this policy statement to provide insight to the public on the information PBGC finds helpful and factors PBGC considers in reviewing multiemployer plan proposals for alternative terms and conditions to satisfy withdrawal liability.

FOR FURTHER INFORMATION CONTACT: Daniel S. Liebman (*liebman.daniel@pbgc.gov*), Assistant General Counsel for Legal Policy, Office of the General Counsel, at 202–326–4000, ext. 6510, or Constance Markakis (*markakis.constance@pbgc.gov*), Assistant General Counsel for Multiemployer Law and Policy, Office of the General Counsel, at 202–326–4000, ext. 6779; (TTY/TDD users may

call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4000, ext. 6510 or ext. 6779).

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation (''PBGC'') is a federal corporation created under the Employee Retirement Income Security Act of 1974 (''ERISA'') to guarantee the payment of pension benefits earned by nearly 40 million American workers and retirees in nearly 24,000 private-sector defined benefit pension plans. PBGC administers two insurance programs—one for single-employer defined benefit pension plans and a second for multiemployer defined benefit pension plans. Each program is operated and financed separately from the other, and assets from one cannot be used to support the other. The multiemployer program protects basic benefits of approximately 10 million workers and retirees in approximately 1,400 plans.

Multiemployer Plan Withdrawal Liability in General

A multiemployer pension plan is a collectively bargained plan involving two or more unrelated employers and is generally operated and administered by a joint board of trustees consisting of an equal number of employer and union appointees.

Under ERISA, an employer that withdraws from a multiemployer pension plan in a complete or partial withdrawal may be liable to the plan for withdrawal liability. The purpose of withdrawal liability is to ameliorate the effects of an employer leaving a plan without paying its proportionate share of the plan's unfunded benefit obligations, which could undermine the plan's funding and increase the burden and risk to remaining employers, plan participants, and the multiemployer insurance program.

Although there are two key aspects of withdrawal liability that are particularly important to distinguish—the method for determining a withdrawing employer's allocable share of the plan's unfunded vested benefits (''UVBs''), and the payment of an employer's withdrawal liability amounts to the plan—the guidance provided under this policy statement applies to the latter. Specifically, this guidance relates to a plan's proposed adoption of alternative payment amounts and terms and conditions to satisfy withdrawal liability as provided under section 4224.

General Legal Framework of Withdrawal Liability Payment

As soon as practicable after an employer's withdrawal, the plan sponsor must notify the employer of the amount of its withdrawal liability—determined in accordance with one of the four statutory allocation methods under ERISA section 4211, or if approved by PBGC, an alternative method—and provide a payment schedule.

Section 4219(c) of ERISA provides the statutory structure and process for payment of withdrawal liability. Under section 4219(c)(1), an employer's withdrawal liability must be paid over the number of years necessary to amortize its withdrawal liability, but in no event more than 20 years. An exception to the 20-year cap and to other limits on liability applies in the case of a mass withdrawal. The plan calculates the annual amount of withdrawal liability payment due under a formula set forth in the statute that is intended to approximate the employer's historical contributions.[1]

Sections 4219(c)(7) and 4224 of ERISA, which are virtually identical, provide plan sponsors with some latitude regarding the satisfaction of an employer's withdrawal liability.[2] They provide that a plan may adopt rules for other terms and conditions for the satisfaction of an employer's withdrawal liability if such rules are consistent with ERISA and PBGC regulations. Although not required, plan trustees have sought assurance from PBGC that such alternative terms and conditions under section 4224 of ERISA are consistent with Title IV.[3]

PBGC has issued a regulation under 29 CFR part 4219 that provides rules on the notice, collection, and redetermination and reallocation of withdrawal liability, but that regulation does not address a plan's adoption of alternative terms and conditions for the satisfaction of an employer's withdrawal liability. PBGC has not issued a regulation under ERISA section 4224, though PBGC has the authority to prescribe such a regulation.

Consistent with the legislative history of these provisions, PBGC has previously noted that the decision to modify and reduce an employer's withdrawal liability payment under plan rules adopted in accordance with Title IV of ERISA is subject to the fiduciary standards prescribed by Title I of ERISA.[4] The United States Department of Labor, Employee Benefits Security Administration (''EBSA''), is responsible for enforcing the fiduciary standards prescribed by Title I of ERISA.

PBGC encourages the innovative use of existing statutory and regulatory tools to reduce risk to employers (*e.g.,* investment risk and orphan liability risk) while protecting promised benefits and securing income to the plan. In response to an earlier, but related, Request for Information on so-called two-pool alternative withdrawal liability methods (''Two-Pool RFI''),[5] commenters indicated a preference for more information and clarity on PBGC's process for approving such alternative methods. PBGC is issuing this policy statement in response to those commenters' suggestion (as these two-pool and 4224 alternatives are sometimes combined in plan proposals), though this policy statement relates primarily to a plan's proposal to adopt alternative terms and conditions to satisfy withdrawal liability under ERISA section 4224.

Requests for PBGC Review of Alternative Terms and Conditions To Satisfy Withdrawal Liability

In the past, PBGC has reviewed proposals by multiemployer plans to adopt alternative terms and conditions to satisfy withdrawal liability in the context of a ''managed mass withdrawal'' where a mass withdrawal of employers was imminent or had occurred. The plan involved was generally a construction industry plan whose employers would incur withdrawal liability only if special statutory conditions were met.[6] In

[1] Under ERISA section 4219(c)(1), each annual payment is the product of (1) the employer's highest contribution rate in the ten plan years ending with the year of withdrawal, and (2) the average number of contribution base units (*e.g.,* hours worked) for the highest three consecutive plan years during the 10-year period preceding the year of withdrawal. Section 305(g) of ERISA, as added by the Multiemployer Pension Reform Act of 2014, provides special rules for determining, among other things, an employer's highest contribution rate for plans in endangered and critical status under sections 305(b)(1) and (b)(2), respectively.

[2] Trustees must make practical collection decisions as characteristic of a responsible creditor concerned with maximizing total recovery at supportable costs. See 126 Cong. Rec. 23039 (August 25, 1980, statement of Rep. Thompson). *See also* the requirements under ERISA section 4214 for plan rules, including that the rule operate and be applied uniformly to each employer but may take into account an employer's creditworthiness.

[3] *See e.g,* PBGC Op. Ltr. 91–6 (Aug. 19, 1991) (*https://www.pbgc.gov/sites/default/files/legacy/docs/oplet/91-6.pdf*) and PBGC Op. Ltr. 82–24 (Aug. 5, 1982) (*https://www.pbgc.gov/sites/default/files/legacy/docs/oplet/82-24.pdf*).

[4] See PBGC Op. Ltr. 91–6 and PBGC Op. Ltr. 82–24.

[5] See *https://www.pbgc.gov/sites/default/files//2016-31715.pdf.*

[6] *See* ERISA section 4203(b).

addition, the employers were generally small and likely to become insolvent if they were required to pay withdrawal liability.

More recently, PBGC has reviewed proposals to adopt alternative terms and conditions to satisfy withdrawal liability in advance of a potential mass withdrawal. Such proposals have been proactive, with the expressed aims of deterring continued withdrawals, extending plan solvency, and avoiding a potential mass withdrawal termination by offering incentives for employers to remain in the plan in the form of withdrawal liability relief. Several of these proposals came from plans that were facing significant financial distress, which if not addressed, could have adversely affected participants, employers, and the pension insurance system.

These more recent alternative proposals—intended to address events that may occur—involve numerous contingencies. For instance, it may be hard to foresee or evaluate how stakeholders will act in light of the alternative terms and conditions and in their absence (*i.e.,* under the statutory rules), or how the plan will be able to collect withdrawal liability in various scenarios.[7] Additionally, some recent proposals have included not only alternative terms and conditions for satisfaction of withdrawal liability, but alternative methods of allocating unfunded vested benefits (''UVBs'') for purposes of determining withdrawal liability as well, which add to the potential complexity of the plan's proposal.[8]

Case-by-Case Reviews

Due to the complexities associated with any given individual plan proposal to adopt terms and conditions to satisfy withdrawal liability, based on recent experience, PBGC expects that there will be significant variations in the form and substance of these proposals. Evaluating the impact of such a proposal on the plan's future solvency and contribution and withdrawal liability income (and, thus, on the plan's participants and beneficiaries, and the multiemployer insurance program) is a highly complex matter, involving analysis of the probability of various events and comparing the actuarial present value of a plan's expected unfunded liability under various scenarios. Proposals, such as those that PBGC has reviewed recently from plans that faced significant financial distress, have the added dimension of weighing the comparative cost and benefits to the various, and potentially conflicting, interests at stake in the proposal—the plan, participants, employers, and the pension insurance system as a whole. Further, because of the potential impact on the multiemployer plan insurance system as a whole, it is necessary to engage in discussions with plan trustees to fully understand the alternative proposal. These discussions will often involve follow-ups as questions are addressed and information is exchanged, including the extent to which employers in the plan have already been consulted about, or have agreed in principle to, the proposed alternative terms and conditions. As a result, PBGC reviews these proposals on a case-by-case basis.

As in other contexts, PBGC welcomes informal consultations with trustees and their advisors in advance of a request for review, which can be helpful in answering questions and understanding issues before undertaking the time and effort to formally engage PBGC with a review request. Once PBGC has the information it needs to complete a review, PBGC endeavors to complete the review as quickly as it can. For less complex alternative proposals, PBGC aims to complete a review within 180 days or sooner; for the most complex proposals (such as those that combine both alternative allocation and settlement methods), PBGC aims to complete a review within 270 days.

General Statement of Policy Goal

Generally, in evaluating a proposal to adopt alternative terms and conditions to satisfy withdrawal liability, PBGC looks to whether trustees have supported their conclusion that the proposed alternative terms and conditions would realistically maximize the collection of withdrawal liability and projected contributions, relative to the statutory rules. Ultimately, PBGC should see that the proposed alternative terms are in the interests of participants and beneficiaries and do not create an unreasonable risk of loss to the insurance program and are otherwise consistent with ERISA and PBGC's regulations. If PBGC finds that the proposed alternative terms and conditions may create an unreasonable risk of loss to plan participants and beneficiaries and to the multiemployer pension insurance program, PBGC engages with the plan trustees and their representatives to discuss possible modifications to mitigate that risk.

Helpful Information

For proposals to adopt alternative terms and conditions to satisfy withdrawal liability that are intended to extend plan solvency by encouraging the continued commitment of contributing employers to the plan, PBGC finds it helpful to see support for an assertion that: (i) The alternative would retain employers in the plan long-term and secure income that would be otherwise unavailable to the plan, and (ii) absent the alternative, employers would withdraw from the plan or significantly reduce contributions in ways that would undermine plan solvency. PBGC will work with trustees to assess what kind of support a plan would be able to most efficiently provide and what would be most useful for PBGC's understanding of the proposal.

PBGC finds it helpful to understand the following:

- The alternative terms and conditions for satisfying an employer's withdrawal liability under the plan's proposed rule, such as how the alternative payment amount or alternative payment schedule is determined.
- The requirements that an employer must satisfy to be eligible for the alternative terms and conditions, as applicable.
- How expected cash flows, expected unfunded liability, expected recovery of withdrawal liability, and projected insolvency dates under the statutory withdrawal liability rules compare with those likely under the alternative terms and conditions for satisfying withdrawal liability.
- The assumptions underlying the comparison of existing and alternative rules (taking into account the historical experience of the plan), including explanations and substantiations of assertions for the employers' ability to meet their pension obligations and the extent to which employers will elect to participate in the alternative terms and conditions.

[7] For example, the employers in the plan may not be construction industry employers who are only subject to withdrawal liability in certain circumstances, or the trustees' assessment of employers' ability to continue withdrawal liability payments and make contributions in the future may vary over different time frames.

[8] ERISA section 4211(c)(5). Unlike statutory allocation methods that apportion liabilities based on the withdrawing employer's participation in the plan, alternative allocation methods could have the effect of shifting liabilities in a substantial or systemic way toward weaker employers, increasing stakeholder risk. The methods identified in the Two-Pool RFI are examples of certain technical requirements for alternative allocation methods that create separate pools of UVBs. For example, for a method that creates one pool of UVBs for existing employers and one pool for new employers, the two pools are required to collapse into one pool if all employers withdraw from either pool, and the existing employers' pool of UVBs must equal the plan's total UVBs less the new employers' pool of UVBs.

• Information on the composition of contributing employers, as applicable,[9] such as contributions, active participants, contribution base units, the ability of employers to meet their pension obligations, and withdrawal liability estimates of significant employers, including how the alternative terms and conditions apply to significant employers.

In several cases, plans proposing alternative terms and conditions for satisfying withdrawal liability obtained an independent financial expert to study a representative sample of the plan's employers to help the plan determine that its expected net recovery of withdrawal liability under the alternative terms and conditions would be more favorable than the default method that would otherwise apply under the statute.

Factors in PBGC Consideration of Alternative Terms and Conditions To Satisfy Withdrawal Liability

PBGC's review of alternative terms and conditions typically includes whether:

• The proposed alternative terms and conditions are in the interests of participants and beneficiaries and do not create an unreasonable risk of loss to PBGC, and are otherwise consistent with ERISA and PBGC's regulations;

• The proposed alternative terms and conditions would realistically maximize projected contributions and the net recovery of withdrawal liability for the plan compared to the income generated by the statutory withdrawal liability rules;

• The assumptions used to support the plan's submission are reasonable and supported by credible data; and

• The proposed alternative terms and conditions are reasonable in scope and application and operate and apply uniformly to all employers (but may consider an employer's creditworthiness).

Disclaimer

This policy statement represents PBGC's current thinking on this topic. It does not create or confer any rights for or on any person or operate to bind the public. If an alternative approach satisfies the requirements of the applicable statutes and regulations, you may use that approach. If you want to discuss an alternative approach (which you are not required to do), you may contact PBGC.

PBGC invites public input on any other issue relating to alternatives for satisfying withdrawal liability (and allocating UVBs for purposes of determining withdrawal liability, if applicable). PBGC's consideration of such input is independent of, and without prejudice to, PBGC's ongoing review and determination of any request for approval or review of any alternative for allocating and satisfying withdrawal liability.

Signed in Washington, DC

William Reeder,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–06780 Filed 4–3–18; 8:45 am]

BILLING CODE 7709–02–P

[9] PBGC can work with trustees to create sample or proxy groups for smaller employers.

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–193]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 6, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–193; *Filing Title:* Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement; *Filing Acceptance Date:* March 29, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* April 6, 2018.

This Notice will be published in the **Federal Register**.

Stacy Ruble,

Secretary.

[FR Doc. 2018–06817 Filed 4–3–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82965; File No. SR–NYSE–2018–10]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Price List

March 29, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 16, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List for equity transactions in stocks with a per share stock price of $1.00 or more to introduce (1) a new fee for Floor broker executions at the open, and (2) different charges for Discretionary e-Quotes (''d-Quotes'') above the first 750,000 average daily volume (''ADV'') of aggregate executions at the close based on the time of d-Quote entry. The Exchange proposes to implement these changes to its Price List effective April 1, 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to introduce (1) a new fee for Floor broker executions at the open, and (2) different charges for d-Quotes above the first 750,000 ADV of aggregate executions at the close based on time of d-Quote entry or modification.

The proposed changes would only apply to fees and credits in transactions in securities priced $1.00 or more.

The Exchange proposes to implement these changes to its Price List effective April 1, 2018.

Executions at the Open

For securities priced $1.00 or more, the Exchange currently charges a fee of $0.0010 per share for executions at the open, subject to a monthly fee cap of $30,000 per member organization provided the member organization executes an ADV that adds liquidity to the Exchange during the billing month (''Adding ADV''), excluding liquidity added by a Designated Market Maker, of at least five million shares.

For securities priced $1.00 or more, the Exchange proposes to introduce a fee of $0.0003 per share for executions at the open by Floor brokers which, as proposed, would also be subject to the $30,000 per member organization monthly fee cap for executions at the open.[4] The $0.0010 per share fee for executions at the opening would not be changed. DMMs currently are not charged for executions at the opening and would continue to not be charged.

Executions at the Close

For d-Quotes above the first 750,000 ADV of the aggregate of executions at the close by a member organization, the Exchange proposes new charges differentiated by the last time such d-Quotes are last modified.

Currently, the Exchange does not charge member organizations for the first 750,000 ADV of the aggregate of executions at the close for d-Quote, Floor broker executions swept into the close, excluding verbal interest, and executions at the close, excluding MOC Orders, LOC Orders and CO Orders. For d-Quote, Floor broker executions swept into the close, excluding verbal interest, and executions at the close, excluding MOC Orders, LOC Orders and CO Orders after the first 750,000 ADV of the aggregate of executions at the close by a member organization, the Exchange charges $0.0007 per share.

The Exchange proposes to continue not to charge member organizations for the first 750,000 ADV of the aggregate of executions at the close for d-Quote, Floor broker executions swept into the close, excluding verbal interest, and executions at the close, excluding MOC Orders, LOC Orders and CO Orders.

The Exchange proposes the following fees differentiated by time of entry (or last modification) for d-Quotes at the close *after* the first 750,000 ADV of the aggregate of executions at the close by a member organization:

- $0.0003 per share for executed d-Quotes last modified [5] by the member organization earlier than 25 minutes before the scheduled close of trading.
- $0.0007 per share for executed d-Quotes last modified from 25 minutes up to but not including 3 minutes before the scheduled close of trading.
- $0.0008 per share for executed d-Quotes last modified in the last 3 minutes before the scheduled close of trading for firms in MOC/LOC Tiers 1 and 2; all other firms, $0.0010 per share.

All other orders from continuous trading swept into the close would continue to be charged the existing rate of $0.0007.

The Exchange proposes to add a new footnote 9 to the Price List that would provide that, for member organizations that execute an ADV on the NYSE during a billing month in excess of 750,000 shares, the Exchange would determine the average fee applicable to that member organization based on all executions at the close for that month and would not charge that average fee for executions below the 750,000 ADV.

The following example demonstrates the operation of the new fee structure for executions at the close.

- Assume that Member Organization A has a combined ADV of d-Quote, Floor broker and other orders executed at the close of 5 million shares in a 20 day month, or 100 million shares for the month. Further assume that Member Organization A is not at MOC/LOC Tier 1 or 2. Assume a regular 4:00 p.m. close of trading and that the firm therefore does not qualify for a MOC/LOC Tier.
- Assume further that a total of 75 million shares were d-Quotes last

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The existing pricing for executions at the opening in securities priced below $1.00 would remain unchanged (*i.e.,* 0.3% of the total dollar value of the transaction).

[5] As set forth in proposed footnote 10 to the Price List, as used in the Price List, the phrase ''last modified'' would mean the later of the order's entry time or the final modification or cancellation time for any d-Quote order with the same broker badge, entering firm mnemonic, symbol, and side.

modified before 3:35 p.m., and therefore subject to a fee of $0.0003; 5 million shares were d-Quotes last modified from 3:35 p.m. and prior to 3:57 p.m., and therefore subject to a fee of $0.0007; 15 million shares were d-Quotes last modified from 3:57 p.m. up to the close., and therefore subject to a fee of $0.0010; and 5 million shares were other executions at the close, and therefore subject to a fee of $0.0007.

- Member Organization A's combined initial fee for that month would be $44,500.00 an average fee of $0.000445 per share ($44,500.00 divided by 100 million shares).
- Since under the proposed Price List, the first 750,000 shares ADV would not be charged, the Exchange would reduce the initial $44,500.00 fee by $6,675.00, which is the product of 750,000 shares multiplied by 20 days multiplied by the average fee of $0.000445.
- Member Organization A's net fee for the month would thus be $37,825.00 ($44,500.00 minus $6,675.00 for the 750,000 ADV that is not charged).
- If Member Organization A was at MOC/LOC Tier 1 or MOC/LOC Tier 2, Member Organization A's monthly fee would be $35,275.00, representing an initial $41,500.00 fee reduced by $6,225.00 based on 750,000 ADV without charge for 20 days on the average initial fee of $0.0004150 per share.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fee changes for certain executions at the close are reasonable. The Exchange's closing auction is a recognized industry benchmark,[8] and member organizations receive a substantial benefit from the Exchange in obtaining high levels of executions at the Exchange's closing price on a daily basis.

Executions at the Open

The Exchange believes that the proposed fee for executions at the open sent to a Floor broker for representation on the Exchange is reasonable because it would encourage additional liquidity on the Exchange's opening auction and because members and member organizations benefit from the substantial amounts of liquidity that are present on the Exchange during such time.

The Exchange believes the proposed change is equitable and not unfairly discriminatory because it would continue to encourage member organizations to send orders to the trading Floor for execution, thereby contributing to robust levels of liquidity on the trading Floor, which benefits all market participants. The proposed fee will encourage the submission of additional liquidity to a national securities exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations from the substantial amounts of liquidity that are present on the Exchange during the opening. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all similarly situated member organizations. Finally, the Exchange notes that the proposed fee and the current cap together are comparable to those for executions at the opening on other markets.[9]

Executions at the Close

The Exchange believes that charging different rates for d-Quotes that execute in the close based on time of entry or last modification is reasonable and not unfairly discriminatory because it encourages all member organizations to enter or modify d-Quotes as early possible, beginning with as early as 25 minutes before the close of trading, in order to build up liquidity going into the closing auction. Further, it is reasonable to charge member organizations a higher rate for entering or modifying their interest in the final minute of regular trading hours because such interest most benefits from the flexibility afforded the order type.

Similarly, the Exchange believes that calculating how a member organization that executes an ADV on the Exchange during a billing month in excess of 750,000 shares is not charged for those first 750,000 shares is reasonable because the Exchange would reduce a member organization's total charges for d-Quote and other executions at the close by the average fee applicable to the member organization for that month for executions at the close times 750,000 shares per day. The Exchange believes it is reasonable to reduce the fee by the average fee applicable to that member organization because the Exchange would now charge four rates for d-Quotes and other executions at the close ($0.0003, $0.0007, $0.0008 or $0.0010). The average rate would therefore be the member organization's weighted average of those three rates and the Exchange would not charge that average price for the first 750,000 shares per day.

The Exchange believes that offering a lower fee for members at MOC/LOC Tier 1 and 2 of $0.0008 for d-Quotes executed from 3:57 p.m. up to the close is reasonable and not unfairly discriminatory because the proposed change would encourage greater marketable and other liquidity at the closing auction, and higher volumes of MOC and LOC orders contribute to the quality of the Exchange's closing auction and provide market participants whose orders are swept into the close with a greater opportunity for execution. The Exchange believes that the proposed fee for MOC/LOC Tier 1 and 2 is equitable and not unfairly discriminatory because all similarly situated member organizations will be subject to the same fee structure, which will automatically adjust based on prevailing market conditions.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) & (5).

[8] For example, the pricing and valuation of certain indices, funds, and derivative products require primary market prints.

[9] For example, NASDAQ charges $0.0015 per share for certain orders executed in the NASDAQ Opening Cross and applies at $35,000 fee cap per month per firm for such executions. *See* Nasdaq Rule 7018(e).

[10] 15 U.S.C. 78f(b)(8).

price discovery and transparency and enhancing order execution opportunities for member organizations. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [11] of the Act and subparagraph (f)(2) of Rule 19b–4 [12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–10. 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–NYSE–2018–10 and should be submitted on or before April 25, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2018–06775 Filed 4–3–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 12d1–1, SEC File No. 270–526, OMB Control No. 3235–0584.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

An investment company (''fund'') is generally limited in the amount of securities the fund (''acquiring fund'') can acquire from another fund (''acquired fund''). Section 12(d) of the Investment Company Act of 1940 (the ''Investment Company Act'' or ''Act'') [1] provides that a registered fund (and companies it controls) cannot:

- Acquire more than three percent of another fund's securities;
- Invest more than five percent of its own assets in another fund; or
- Invest more than ten percent of its own assets in other funds in the aggregate.[2]

In addition, a registered open-end fund, its principal underwriter, and any registered broker or dealer cannot sell that fund's shares to another fund if, as a result:

- The acquiring fund (and any companies it controls) owns more than three percent of the acquired fund's stock; or

[1] *See* 15 U.S.C. 80a.

[2] *See* 15 U.S.C. 80a–12(d)(1)(A). If an acquiring fund is not registered, these limitations apply only with respect to the acquiring fund's acquisition of registered funds.

• All acquiring funds (and companies they control) in the aggregate own more than ten percent of the acquired fund's stock.[3]

Rule 12d1–1 under the Act provides an exemption from these limitations for ''cash sweep'' arrangements in which a fund invests all or a portion of its available cash in a money market fund rather than directly in short-term instruments.[4] An acquiring fund relying on the exemption may not pay a sales load, distribution fee, or service fee on acquired fund shares, or if it does, the acquiring fund's investment adviser must waive a sufficient amount of its advisory fee to offset the cost of the loads or distribution fees.[5] The acquired fund may be a fund in the same fund complex or in a different fund complex. In addition to providing an exemption from section 12(d)(1) of the Act, the rule provides exemptions from section 17(a) of the Act and rule 17d–1 thereunder, which restrict a fund's ability to enter into transactions and joint arrangements with affiliated persons.[6] These provisions would otherwise prohibit an acquiring fund from investing in a money market fund in the same fund complex,[7] and prohibit a fund that acquires five percent or more of the securities of a money market fund in another fund complex from making any additional investments in the money market fund.[8]

The rule also permits a registered fund to rely on the exemption to invest in an unregistered money market fund that limits its investments to those in which a registered money market fund may invest under rule 2a–7 under the Act, and undertakes to comply with all the other provisions of rule 2a–7.[9] In addition, the acquiring fund must reasonably believe that the unregistered money market fund (i) operates in compliance with rule 2a–7, (ii) complies with sections 17(a), (d), (e), 18, and 22(e) of the Act[10] as if it were a registered open-end fund, (iii) has adopted procedures designed to ensure that it complies with these statutory provisions, (iv) maintains the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9);[11] and (v) preserves permanently, the first two years in an easily accessible place, all books and records required to be made under these rules.

Rule 2a–7 contains certain collection of information requirements. An unregistered money market fund that complies with rule 2a–7 would be subject to these collection of information requirements. In addition, the recordkeeping requirements under rule 31a–1 with which the acquiring fund reasonably believes the unregistered money market fund complies are collections of information for the unregistered money market fund. The adoption of procedures by unregistered money market funds to ensure that they comply with sections 17(a), (d), (e), 18, and 22(e) of the Act also constitute collections of information. By allowing funds to invest in registered and unregistered money market funds, rule 12d1–1 is intended to provide funds greater options for cash management. In order for a registered fund to rely on the exemption to invest in an unregistered money market fund, the unregistered money market fund must comply with certain collection of information requirements for registered money market funds. These requirements are intended to ensure that the unregistered money market fund has established procedures for collecting the information necessary to make adequate credit reviews of securities in its portfolio, as well as other recordkeeping requirements that will assist the acquiring fund in overseeing the unregistered money market fund (and Commission staff in its examination of the unregistered money market fund's adviser).

The number of unregistered money market funds that are affected by rule 12d1–1 is an estimate based on the number of private liquidity funds reported on Form PF as of the fourth calendar quarter 2016.[12] The hour burden estimates for the condition that an unregistered money market fund comply with rule 2a–7 are based on the burden hours included in the Commission's 2013 PRA submission regarding rule 2a–7.[13] The estimated average burden hours in this collection of information are made solely for purposes of the Paperwork Reduction Act and are not derived from a quantitative, comprehensive or even representative survey or study of the burdens associated with Commission rules and forms.

In the rule 2a–7 submission, Commission staff made the following estimates with respect to aggregate annual hour and cost burdens for collections of information for each existing registered money market fund:

Record of credit risk analyses, and determinations regarding adjustable rate securities, asset backed securities, securities subject to a demand feature or guarantee, and counterparties to repurchase agreements: 85 responses, 680 hours of professional time, Cost: $178,160.[14]

Public website posting of monthly portfolio information: 12 responses, 7 hours of professional time, Cost: $17,304.[15]

Review of procedures and guidelines of any investment adviser to whom the fund's board has delegated responsibility under rule 2a–7 and amendment of such procedures: 1 response, 5 hours of professional and director time, Cost: $5,960.[16]

Based on census data available on Form PF, the staff believes that the number of private liquidity funds reported on Form PF (69) is the most

[3] *See* 15 U.S.C. 80a–12(d)(1)(B).

[4] *See* 17 CFR 270.12d1–1.

[5] *See* rule 12d1–1(b)(1).

[6] *See* 15 U.S.C. 80a–17(a), 15 U.S.C. 80a–17(d); 17 CFR 270.17d–1.

[7] An affiliated person of a fund includes any person directly or indirectly controlling, controlled by, or under common control with such other person. *See* 15 U.S.C. 80a–2(a)(3) (definition of ''affiliated person''). Most funds today are organized by an investment adviser that advises or provides administrative services to other funds in the same complex. Funds in a fund complex are generally under common control of an investment adviser or other person exercising a controlling influence over the management or policies of the funds. *See* 15 U.S.C. 80a–2(a)(9) (definition of ''control''). Not all advisers control funds they advise. The determination of whether a fund is under the control of its adviser, officers, or directors depends on all the relevant facts and circumstances. *See* Investment Company Mergers, Investment Company Act Release No. 25259 (Nov. 8, 2001) [66 FR 57602 (Nov. 15, 2001)], at n.11. To the extent that an acquiring fund in a fund complex is under common control with a money market fund in the same complex, the funds would rely on the rule's exemptions from section 17(a) and rule 17d–1.

[8] *See* 15 U.S.C. 80a–2(a)(3)(A), (B).

[9] *See* 17 CFR 270.2a–7.

[10] *See* 15 U.S.C. 80a–17(a), 15 U.S.C. 80a–17(d), 15 U.S.C. 80a–17(e), 15 U.S.C. 80a–18, 15 U.S.C. 80a–22(e).

[11] *See* 17 CFR 270.31a–1(b)(1), 17 CFR 270.31a–1(b)(2)(ii), 17 CFR 270.31a–1(b)(2)(iv), 17 CFR 270.31a–1(b)(9).

[12] *See* U.S. Securities and Exchange Commission Annual Staff Report Relating to the Use of Form PF Data, Private Fund Statistics, Fourth Calendar Quarter 2016, available at *https://www.sec.gov/files/im-private-fund-annual-report-101617.pdf.*

[13] *See* Securities and Exchange Commission, Request for OMB Approval of Extension for Approved Collection for Rule 2a–7 under the Investment Company Act of 1940 (OMB Control No. 3235–0268) (approved Aug. 28, 2013). This was the most recent rule 2a–7 submission that includes certain estimates with respect to aggregate annual hour and cost burdens for collections of information for each existing registered money market fund, fund complexes with registered money market funds, registered money market funds that experience an event of default or insolvency, and newly registered money market funds.

[14] This estimate is based on the following calculation: (680 burden hours × $262 per hour for professional time) = $178,160 per fund.

[15] This estimate is based on the following calculation: (12 × 7 burden hours × $206 per hour for a webmaster) = $17,304 per fund.

[16] This estimate is based on the following calculation: (1 hour × $4,500 per hour for board time) + (4 hours × $365 per hour for professional time) = $5,960 per fund.

current and accurate estimate the number of unregistered money market funds affected by rule 12d1–1.[17] Each of these unregistered money market funds engages in the collections of information described above. Accordingly, the staff estimates that unregistered money market funds complying with the collections of information described above engage in a total of 6,762 annual responses under rule 12d1–1,[18] the aggregate annual burden hours associated with these responses is 47,748,[19] and the aggregate annual cost to funds is $13,898,256.[20]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual hour and cost burdens for collections of information for fund complexes with registered money market funds as follows:

Review, revise, and approve procedures concerning stress testing: 1 response, 12 burden hours of professional and director time, Cost: $8,021.[21]

Report to fund boards on the results of stress testing: 5 responses, 10 burden hours of professional and support staff time, Cost: $15,490.[22]

Reporting of rule 17a–9 transactions:[23] 1 response, 1 burden hour of legal time, Cost: $378.[24]

Based on the number of liquidity fund advisers reported on Form PF, the staff estimates that there are 39 fund complexes with unregistered money market funds invested in by mutual funds in excess of the statutory limits under rule 12d1–1.[25] Each of these fund complexes engages in the collections of information described above. Accordingly, the staff estimates that these fund complexes complying with the collections of information described above engage in a total of 273 annual responses under rule 12d1–1,[26] the aggregate annual burden hours associated with these responses is 897,[27] and the aggregate annual cost to funds is $931,671.[28]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual burdens for registered money market funds that experience an event of default or insolvency as follows:

Written record of board determinations and actions related to failure of a security to meet certain eligibility standards or an event of default of default or insolvency: 2 responses, 1 burden hour of legal time, Cost: $378.

Notice to Commission of an event of default or insolvency: 1 response, 0.5 burden hours of legal time, Cost: $189.

Consistent with the estimate in the rule 2a–7 submissions, Commission staff estimates that approximately 2 percent, or 1, unregistered money market fund experiences an event of default or insolvency each year. Accordingly, the staff estimates that one unregistered money market fund will comply with these collection of information requirements and engage in 3 annual responses under rule 12d1–1,[29] the aggregate annual burden hours associated with these responses is 1.5,[30] and the aggregate annual cost to funds is $567.[31]

In the rule 2a–7 submission, Commission staff further estimated the aggregate annual burdens for newly registered money market funds as follows:

Establish written procedures and guidelines designed to stabilize the fund's net asset value and establish procedures for board delegation of authority: 1 response, 15.5 hours of director, legal, and support staff time, Cost: $6,328.[32]

Adopt procedures concerning stress testing: 1 response per fund complex, 22 burden hours of professional and director time per fund complex, Cost: $19,373 per fund complex.[33]

Commission staff estimates that the proportion of unregistered money market funds that intend to newly undertake the collection of information burdens of rule 2a–7 will be similar to the proportion of money market funds that are newly registered. Based on a projection of 10 new money market funds per year (in the most recent rule 2a–7 submission), the staff estimates that, similarly, there will be 10 new unregistered money market funds that undertake the above burden to establish written procedures and guidelines designed to stabilize the fund's net asset value and establish procedures for board delegation of authority.[34] Accordingly,

[17] *See supra* note 12. The staff notes, however, that this estimate may be overstated to the extent that a private liquidity fund reported on Form PF does not follow all of rule 2a–7's requirements (that include collections of information) or because no registered investment companies invest in such a fund. The staff also notes, however, that this estimate may be understated to the extent that there are additional unregistered money market funds that are not required to be reported on Form PF (because Form PF is filed only by certain investments advisers to private funds that have $150 million in private fund assets under management).

[18] The estimate is based on the following calculations: (69 funds × 85 responses for documentation of credit analyses and other determinations) = 5,865 responses. (69 funds × 12 responses for public website posting) = 828 responses. (69 funds × 1 response for policies and procedures related to delegation to an investment adviser) = 69 responses. 5,865 responses + 828 responses + 69 responses = 6,762 responses.

[19] This estimate is based on the following calculations: (69 funds × 680 hours for documentation of credit analyses and other determinations) = 46,920 hours. (69 funds × 7 hours for public website posting) = 483 hours. (69 funds × 5 hours for policies and procedures related to delegation to an investment adviser) = 345 hours. 46,920 hours + 483 hours + 345 hours = 47,748 hours.

[20] This estimate is based on the following calculations: (69 funds × $178,160) = $12,293,040. (69 funds × $17,304) = $1,193,976. (69 funds × $5,960) = $411,240. $12,293,040 + $1,193,976 + $411,240 = $13,898,256.

[21] This estimate is based on the following calculation: (1 hour × $4,500 per hour for board time) + (5 hours × $322 per hour for a portfolio manager) + (3 hours × $259 per hour for a risk management specialist) + (3 hours × $378 per hour for an attorney) = $8,021 per response.

[22] This estimate is based on the following calculation: (5 responses × 5 hours × $322 per hour for a portfolio manager) + (5 responses × 2 hours × $279 per hour for a compliance manager) + (5 responses × 2 hours × $378 per hour for an attorney) + (5 responses × 1 hour × $174 per hour for support staff) = $15,490 per fund complex.

[23] *See* 17 CFR 270.17a–9.

[24] The estimate is based on the following calculations: (1 response × $378 per hour for an attorney) = $378 per response.

[25] *See supra* note 12.

[26] The estimate is based on the following calculations: (39 fund complexes × 1 response for revision of procedures concerning stress testing) = 39 responses. (39 fund complexes × 5 responses to provide stress testing reports) = 195 responses. (39 fund complexes × 1 response for reporting of rule 17a–9 transactions) = 39 responses. 39 responses + 195 responses + 39 responses = 273 responses.

[27] This estimate is based on the following calculations: (39 fund complexes × 12 hours for revision of procedures concerning stress testing) = 468 hours. (39 fund complexes × 10 hours to provide stress testing reports) = 390 hours. (39 fund complexes × 1 hour for reporting of rule 17a–9 transactions) = 39 hours. 468 hours + 390 hours + 39 hours = 897 hours.

[28] This estimate is based on the following calculations: (39 fund complexes × $8,021 for revision of procedures concerning stress testing) = $312,819. (39 fund complexes × $15,490 to provide stress testing reports) = $604,110. (39 fund complexes × $378 for reporting of rule 17a–9 transactions) = $14,742. $312,819 + $604,110 + $14,742 = $931,671.

[29] The estimate is based on the following calculations: (1 fund × 2 responses) + (1 fund × 1 response) = 3 responses.

[30] This estimate is based on the following calculations: (1 fund × 1 hour) + (1 fund × 0.5 hours) = 1.5 hours.

[31] This estimate is based on the following calculations: (1 fund × $378) + (1 fund × $189) = $567.

[32] This estimate is based on the following calculation: (0.5 hours × $4,500 per hour for board time) + (7.2 hours × $378 per hour for an attorney) + (7.8 hours × $174 per hour for support staff) = $6,328 per response.

[33] This estimate is based on the following calculation: (3 hours × $4,500 per hour for board time) + (8 hours × $378 per hour for an attorney) + (11 hours × $259 per hour for a risk management specialist) = $19,373 per response. *See also infra* note 34.

[34] The staff's estimate is based on historical data provided in Lipper Inc.'s LANA database and projections about the growth of the money market mutual fund industry going forward. The actual number of new money market funds launched may vary significantly from our estimates depending upon developments in market interest rates and

the staff estimates that 10 unregistered money market funds will comply with this collection of information requirement and engage in 10 annual responses under rule 12d1–1,[35] the aggregate annual burden hours associated with these responses is 155,[36] and the aggregate annual cost to funds is $62,380.[37]

Accordingly, the estimated total number of annual responses under rule 12d1–1 for the collections of information described in the rule 2a–7 submissions is 7,048, the aggregate annual burden hours associated with these responses is 48,801.5, and the aggregate cost to funds is $14,892,874.[38]

Rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9) require registered funds to keep certain records, which include journals and general and auxiliary ledgers, including ledgers for each portfolio security and each shareholder of record of the fund. Most of the records required to be maintained by the rule are the type that generally would be maintained as a matter of good business practice and to prepare the unregistered money market fund's financial statements. Accordingly, Commission staff estimates that the requirements under rules 31a–1(b)(1), 31a–1(b)(2)(ii), 31a–1(b)(2)(iv), and 31a–1(b)(9) would not impose any additional burden because the costs of maintaining these records would be incurred by unregistered money market funds in any case to keep books and records that are necessary to prepare financial statements for shareholders, to prepare the fund's annual income tax returns, and as a normal business custom.

Rule 12d1–1 also requires unregistered money market funds in which registered funds invest to adopt procedures designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act. This is a one-time collection of information requirement that applies to unregistered money market funds that intend to comply with the requirements of rule 12d1–1. As discussed above, based on a projection of 10 new money market funds per year, the staff estimates that, similarly, there will be 10 new unregistered money market funds that undertake the above burden to establish written procedures and guidelines designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act. The staff estimates the burden as follows:

Establish written procedures and guidelines designed to ensure that the unregistered money market funds comply with sections 17(a), (d), (e), and 22(e) of the Act: 1 response, 15.5 hours of director, legal, and support staff time, Cost: $6,328.[39]

Accordingly, the staff estimates that 10 unregistered money market funds will comply with this collection of information requirement and engage in 10 annual responses under rule 12d1–1,[40] the aggregate annual burden hours associated with these responses is 155,[41] and the aggregate annual cost to funds is $62,380.[42]

Commission staff also estimates that unregistered money market funds will incur costs to preserve records, as required under rule 2a–7. These costs will vary significantly for individual funds, depending on the amount of assets under fund management and whether the fund preserves its records in a storage facility in hard copy or has developed and maintains a computer system to create and preserve compliance records. In the rule 2a–7 submission, Commission staff estimated that the amount an individual money market fund may spend ranges from $100 per year to $300,000. We have no reason to believe the range is different for unregistered money market funds. Based on Form PF data as of the fourth calendar quarter 2016, private liquidity funds have $293 billion in gross asset value.[43] The Commission does not have specific information about the proportion of assets held in small, medium-sized, or large unregistered money market funds. Because private liquidity funds are often used as cash management vehicles, the staff estimates that each private liquidity fund is a ''large'' fund (*i.e.,* more than $1 billion in assets under management). Based on a cost of $0.0000009 per dollar of assets under management (for large funds),[44] the staff estimates compliance with rule 2a–7 for these unregistered money market funds totals $263,700 annually.[45]

Consistent with estimates made in the rule 2a–7 submission, Commission staff estimates that unregistered money market funds also incur capital costs to create computer programs for maintaining and preserving compliance records for rule 2a–7 of $0.0000132 per dollar of assets under management. Based on the assets under management figures described above, staff estimates annual capital costs for all unregistered money market funds of $3.87 million.[46]

Commission staff further estimates that, even absent the requirements of rule 2a–7, money market funds would spend at least half of the amounts described above for record preservation ($131,850) and for capital costs ($1.94 million). Commission staff concludes that the aggregate annual costs of compliance with the rule are $131,850 for record preservation and $1.94 million for capital costs.

The collections of information required for unregistered money market funds by rule 12d1–1 are necessary in order for acquiring funds to able to obtain the benefits described above. Notices to the Commission will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

other factors. The staff does not estimate any new fund complexes being launched in the next year.

[35] The estimate is based on the following calculations: (10 funds × 1 response) = 10 responses.

[36] This estimate is based on the following calculations: (10 funds × 15.5 hours) = 155 hours.

[37] This estimate is based on the following calculations: (10 funds × $6,238) = $62,380.

[38] These estimates are based upon the following calculations: (6,762 + 273 + 3+ 10) = 7,048 annual responses; (47,748 + 897 + 1.5 + 155) = 48,801.5 burden hours; and ($13,898,256 + $931,671 + $567 + $62,380) = $14,892,874.

[39] This estimate is based on the following calculation: (0.5 hours × $4,500 per hour for board time) + (7.2 hours × $378 per hour for an attorney) + (7.8 hours × $174 per hour for support staff) = $6,328 per response.

[40] The estimate is based on the following calculations: (10 funds × 1 response) = 10 responses.

[41] This estimate is based on the following calculations: (10 funds × 15.5 hours) = 155 hours.

[42] This estimate is based on the following calculations: (10 funds × $6,238) = $62,380.

[43] *See supra* note 12.

[44] The recordkeeping cost estimates are $0.0051295 per dollar of assets under management for small funds, and $0.0005041 per dollar of assets under management for medium-sized funds. The cost estimates are the same as those used in the most recently approved rule 2a–7 submission.

[45] This estimate is based on the following calculation: ($293 billion × $0.0000009) = $263,700 billion for small funds.

[46] This estimate is based on the following calculation: ($293 billion × 0.0000132) = $3.87 million.

Dated: March 29, 2018.

Eduardo Aleman,

Assistant Secretary.

[FR Doc. 2018–06854 Filed 4–3–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 35d–1, SEC File No. 270–491, OMB Control No. 3235–0548.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 35d–1 (17 CFR 270.35d–1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) defines as ''materially deceptive and misleading'' for purposes of Section 35(d), among other things, a name suggesting that a registered investment company or series thereof (a ''fund'') focuses its investments in a particular type of investment or investments, in investments in a particular industry or group of industries, or in investments in a particular country or geographic region, unless, among other things, the fund adopts a certain investment policy. Rule 35d–1 further requires either that the investment policy is fundamental or that the fund has adopted a policy to provide its shareholders with at least 60 days prior notice of any change in the investment policy (''notice to shareholders''). The rule's notice to shareholders provision is intended to ensure that when shareholders purchase shares in a fund based, at least in part, on its name, and with the expectation that it will follow the investment policy suggested by that name, they will have sufficient time to decide whether to redeem their shares in the event that the fund decides to pursue a different investment policy.

The Commission estimates that there are approximately 9,939 open-end and closed-end funds that have names that are covered by the rule. The Commission estimates that of these 9,939 funds, approximately 33 will provide prior notice to shareholders pursuant to a policy adopted in accordance with this rule per year. The Commission estimates that the annual burden associated with the notice to shareholders requirement of the rule is 20 hours per response, for annual total of 660 hours per year.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 35d–1 is mandatory. The information provided under rule 35d–1 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 30, 2018.

Eduardo Aleman,

Assistant Secretary.

[FR Doc. 2018–06855 Filed 4–3–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82964; File No. SR–NASDAQ–2018–022]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rule 7034

March 29, 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, The Nasdaq Stock Market LLC (''Nasdaq'' 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 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 amend Rule 7034, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.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 Exchange proposes to amend Rule 7034 pertaining to colocation services and fees to harmonize it with the rules of Nasdaq BX, Inc. (''BX'').

The Exchange first proposes to amend Rule 7034(b), under the heading ''Market Data Connectivity,'' to re-categorize and to update references to the CBOE/Bats/Direct Edge data feeds to reflect their current names. Similarly, the Exchange proposes to delete a $1,000 installation fee that presently applies to the Direct Edge feeds because the Direct Edge feeds are now offerings of CBOE, along with the BZX and BYX feeds. Going forward, a single, one-time $1,000 installation fee will apply to subscribers to any or all of the CBOE data feeds. The Exchange also proposes to correct a typographical error in the name of the TSXV Level 2 Feed. The Exchange notes that this proposal will render this paragraph of Rule 7034(b) consistent with BX Rule 7034(b).

Second, the Exchange proposes to amend Rule 7034(b), under the heading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Connectivity to Nasdaq,'' to specify that connectivity to the Exchange will also provide for connectivity to any or all of the other Nasdaq, Inc. Exchanges, including not only BX and Nasdaq PHLX LLC (''Phlx''), but also Nasdaq ISE LLC (''Nasdaq ISE''), Nasdaq MRX LLC (''Nasdaq MRX''), and Nasdaq GEMX LLC (''Nasdaq GEMX'') (the ''Nasdaq, Inc. Exchanges''). These changes will render this paragraph of the Rules consistent with corresponding paragraphs in the rulebooks and fees schedules of the other Nasdaq Exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that its proposal to update Rule 7034 will serve the interests of the public and investors by ensuring that the Exchange's Rules are accurate and current with respect to the names of the third party data feeds to which it offers connectivity. Furthermore, the Exchange believes that it is in the public interest to correct typographical errors that could otherwise lead to confusion. Likewise, it will serve the public interest and the interests of investors to specify in the Exchange's Rules that connectivity to the Exchange will also provide for connectivity to any or all of the other Nasdaq, Inc. Exchanges, including not only BX and Phlx, but also Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX. The existing Rule is outdated as it does not reflect the acquisition by Nasdaq, Inc. of Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX and the shared connectivity that has resulted from that acquisition. The proposal updates the existing Rule. These proposals will not impact competition or limit access to or availability of the Exchange or its systems. The Exchange notes the proposal is noncontroversial because BX has made the same changes to its rules.

The Exchange's proposal to eliminate the $1,000 installation fee that presently applies to the Direct Edge feeds is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is reasonable because the Direct Edge feeds are now offerings of CBOE, along with the BZX and BYX feeds. The Exchange believes it is equitable, going forward, to charge a single, one-time $1,000 installation fee to subscribers to any or all of the CBOE data feeds, including the BZX Depth, BYX Depth, EDGA Depth, and EDGX Depth feeds. This proposal is not unfairly discriminatory because it will apply to all similarly situated customers of the CBOE data feeds.

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.

In this instance, the proposed changes merely eliminate or replace obsolete text, update references to data feeds and shared connectivity, and correct typographical errors. The Exchange does not intend for or expect that such changes will have any impact on competition.

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) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to update its rules without delay to reflect current and accurate information with respect to the third party data feeds to which it offers connectivity, to reflect the acquisition by Nasdaq, Inc. of Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX and the shared connectivity that resulted from the acquisition, and to correct a typographical error. The Commission also notes that BX recently made similar changes to its rules.[11] Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] *See* Securities Exchange Act Release No. 82628 (February 5, 2018), 83 FR 5818 (February 9, 2018) (SR–BX–2018–006).

[12] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2018–022 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–NASDAQ–2018–022. 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–NASDAQ–2018–022, and should be submitted on or before April 25, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2018–06774 Filed 4–3–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

504 Loans and Debentures With 25 Year Maturity

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: The U.S. Small Business Administration is making available a 504 Loan, and the Debenture that funds it, with a 25 year maturity in addition to the 10 and 20 year 504 Loan and Debenture that are currently available in the 504 Loan Program.

FOR FURTHER INFORMATION CONTACT: John M. Wade, (202) 205–3647, *john.wade@sba.gov.*

SUPPLEMENTARY INFORMATION: The 504 Loan Program is an SBA financing program authorized under Title V of the Small Business Investment Act of 1958, 15 U.S.C. 695 *et seq.* The core mission of the 504 Loan Program is to provide long-term financing to small businesses for the purchase or improvement of land, buildings, and major equipment, in an effort to facilitate the creation or retention of jobs and local economic development. Under the 504 Loan Program, loans are made to small businesses by Certified Development Companies (''CDCs''), which are certified and regulated by SBA to promote economic development within their community. In general, a project in the 504 Loan Program (a ''504 Project'') is financed with: A loan obtained from a private sector lender with a senior lien covering at least 50 percent of the project cost (the ''Third Party Loan''); a loan obtained from a CDC (the ''504 Loan'') with a junior lien covering up to 40 percent of the total cost (backed by a 100 percent SBA-guaranteed debenture sold in private pooling transactions); and a contribution from the Borrower of at least 10 percent equity.

Pursuant to 13 CFR 120.933, ''From time to time, SBA will publish in the **Federal Register** the available maturities for a 504 loan and the Debenture that funds it.'' The available terms for the 504 Loan, and the Debenture that funds it (''504 Debenture''), have been 10 and 20 years since 1986. These instruments have provided intermediate and long-term financing for 504 projects involving small business acquisition of long-term fixed assets, including real property, buildings, and major equipment and machinery. CDC industry members have emphasized the small business need for an affordable fixed rate instrument with a term-to-maturity more closely resembling other long term mortgages. SBA has decided, therefore, to make available a 504 Debenture with a maturity of 25 years. By extending the payment cycle by 60 months, SBA expects that the new instrument will decrease the monthly payments for the small business borrower and will provide flexibility for small businesses to better manage critical operating capital, which becomes more important when small business cash flow is increasingly challenged by rising operating expenses and interest rates.

Each month, SBA pools the 20-year 504 Debentures and issues certificates backed by such pools to investors in public offerings. In the case of the 10-year 504 Debentures, these offerings occur every other month. SBA guarantees the timely payment of principal and interest when due on the 504 Debentures and the timely distribution of that principal and interest to certificate holders, and such guarantee is backed by the full faith and credit of the United States. SBA will similarly guarantee certificates backed by the 25-year 504 Debentures in their own pool, which, depending on demand, SBA expects to offer for sale on a monthly basis.

This new 25 year 504 Debenture will be made available for 504 Projects that are approved on or after April 2, 2018. The term of a 504 Debenture for any 504 Project approved prior to April 2, 2018 may not be extended to 25 years. In addition, the term of the Third Party Loan accompanying a 25-year 504 Loan must be at least 10 years.

Authority: 15 U.S.C. 697; 13 CFR 120.933.

William M. Manger,

Associate Administrator, Office of Capital Access.

[FR Doc. 2018–06823 Filed 4–3–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 10379]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Bodys Isek Kingelez'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Bodys Isek Kingelez,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit

objects at The Museum of Modern Art, New York, New York, from on or about May 26, 2018, until on or about October 21, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Dated: March 21, 2018.

Jennifer Zimdahl Galt,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–06873 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10372]

Proposal To Extend Cultural Property Agreement Between the United States and China

AGENCY: Department of State.

ACTION: Public notice.

SUMMARY: Proposal to extend the *Memorandum of Understanding between the Government of United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old.*

FOR FURTHER INFORMATION CONTACT: Andrew Cohen, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: 202–632–6307; *culprop@state.gov.*

SUPPLEMENTARY INFORMATION: The Government of the People's Republic of China has informed the Government of the United States of America of its interest in an extension of the *Memorandum of Understanding between the Government of United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old.* Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), an extension of this Memorandum of Understanding is hereby proposed. A copy of the Memorandum of Understanding, the Designated List of categories of material restricted from import into the United States, and related information can be found at the Cultural Heritage Center website: *http://culturalheritage.state.gov.*

Dated: March 21, 2018.

Jennifer Zimdahl Galt,

Acting Assistant Secretary,

Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–06763 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10373]

Cultural Property Advisory Committee; Notice of Meeting

AGENCY: Department of State.

ACTION: Notice of a meeting.

SUMMARY: The Department of State is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Cultural Property Advisory Committee.

DATES: May 2, 2018, 1:30 p.m. to 5:00 p.m.; May 3–4, 2018, 9:00 a.m. to 5:00 p.m. (EDT). The open session of the Cultural Property Advisory Committee will be held on May 2, 2018, at 3:00 p.m. (EDT). It will last approximately one hour. Participants will participate electronically. Those who wish to participate in the open session should visit *http://culturalheritage.state.gov* where information will be provided on how to access the meeting. If needed, please request reasonable accommodation not later than April 15 by contacting the Bureau of Educational and Cultural Affairs at *culprop@state.gov*. Requests made after that date will be considered, but it might not be possible to fulfill them.

Written Comments: Must be received no later than April 15, 2018, at 11:59 p.m. (EDT).

ADDRESSES: The public will participate electronically. The members will meet at the U.S. Department of State, Annex 5, 2200 C St. NW and the Harry S. Truman Building, 2201 C St. NW, Washington, DC.

Comments: Methods of written comment submission are as follows:

- *Electronic Comments:* Use *http://www.regulations.gov,* enter the docket [DOS–2018–0013] and follow the prompts to submit comments.
- *Paper Comments:* Only send paper comments if comments contain privileged or confidential information (within the meaning of 19 U.S.C. 2605(i)(1)) to: U.S. Department of State, Bureau of Educational and Cultural Affairs—Cultural Heritage Center, SA–5 Floor 5, 2200 C St. NW, Washington, DC 20522–0505.

FOR FURTHER INFORMATION CONTACT: For general questions concerning the meeting, contact Andrew Cohen, Bureau of Educational and Cultural Affairs—Cultural Heritage Center by phone, (202) 632–6307, or email: *CulProp@state.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to section 306(e)(2) of the Convention on Cultural Property Implementation Act (5 U.S.C. 2601 *et seq.*) (''the Act''), the Acting Assistant Secretary of State for Educational and Cultural Affairs calls a meeting of the Cultural Property Advisory Committee (''the Committee''). The Committee's responsibilities are carried out in accordance with provisions of the Act. A portion of this meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605.

Meeting Agenda: The Committee will review the request by the Government of Ecuador seeking import restrictions on archaeological and ethnological material. The Committee will also review a proposal to extend the *Memorandum of Understanding between the Government of United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old* (''the China MOU'').

Open Session Participation: An open session of the meeting to receive oral public comments on the Ecuador request and the proposed extension of the China MOU will be held Tuesday, May 2, 2018, from 3:00 p.m. to approximately 4:00 p.m. (EDT). Instructions on calling in to the meeting, the text of the Act, a summary of the Government of Ecuador's request, and a

copy of the China MOU may be found at *http://culturalheritage.state.gov.*

If you wish to make an oral presentation at the meeting, you must: (1) Request to be scheduled by April 15, 2018, via email (*culprop@state.gov*); and (2) submit a written summary of your oral presentation, ensuring that it is received no later than 11:59 p.m. (EDT) on April 15, 2018, via the *Regulations.gov* website listed in the ''COMMENTS'' section above. Oral comments will be limited to five (5) minutes to allow time for questions from members of the Committee. All oral comments must relate specifically to matters referred to in 19 U.S.C. 2602(a)(1), with respect to which the Committee makes its findings and recommendations. Oral presentation to the Committee may be requested but, due to time constraints, is not guaranteed.

Written Comments: If you do not wish to make oral comments but still wish to make your views known, you may submit written comments for the Committee to consider.

Written comments from outside interested parties regarding the Ecuador request and the proposed extension of the China MOU must be received no later than April 15, 2018, at 11:59 p.m. (EDT). Your written comments should relate specifically to the matters referred to in 19 U.S.C. 2602(a)(1). The Department requests that any party soliciting or aggregating written comments received from other persons for submission to the Department inform those persons that the Department will not edit their comments to remove any identifying or contact information and that they therefore should not include any such information in their comments that they do not want publicly disclosed. Written comments submitted in electronic form are not private. They will be posted at *http://www.regulations.gov.* Because written comments cannot be edited to remove any personally identifying or contact information, the U.S. Department of State cautions against including any information in an electronic submission that one does not want publicly disclosed (including trade secrets and commercial or financial information that are privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)).

Dated: March 21, 2018.

Jennifer Zimdahl Galt,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–06761 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10375]

In the Matter of the Amendment of the Designation of Laskar-e-Tayyiba (and Other Aliases) as a Specially Designated Global Terrorist

Based upon a review of the administrative record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that Lashkar-e-Tayyiba (and other aliases) is also known as Tehreek-e-Azadi-e-Kashmir, also known as Kashmir Freedom Movement, also known as Tehreek Azadi Jammu and Kashmir, also known as Tehreek-e-Azadi Jammu and Kashmir, also known as TAJK, also known as Movement for Freedom of Kashmir, also known as Tehrik-i-Azadi-i Kashmir, also known as Tehreek-e-Azadi-e-Jammu and Kashmir, also known as Milli Muslim League, also known as Milli Muslim League Pakistan, also known as MML.

Therefore, pursuant to Section 1(b) of Executive Order 13224, I hereby amend the designation of Lashkar-e-Tayyiba as a Specially Designated Global Terrorist to include the following new aliases: Tehreek-e-Azadi-e-Kashmir, also known as Kashmir Freedom Movement, also known as Tehreek Azadi Jammu and Kashmir, also known as Tehreek-e-Azadi Jammu and Kashmir, also known as TAJK, also known as Movement for Freedom of Kashmir, also known as Tehrik-i-Azadi-i Kashmir, also known as Tehreek-e-Azadi-e-Jammu and Kashmir, also known as Milli Muslim League, also known as Milli Muslim League Pakistan, also known as MML.

This determination shall be published in the **Federal Register**.

Dated: March 24, 2018.

John J. Sullivan,

Deputy Secretary of State.

[FR Doc. 2018–06765 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 10371]

Notice of Receipt of Request From the Government of the Republic of Ecuador Under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice of receipt of request from Ecuador for cultural property protection.

FOR FURTHER INFORMATION CONTACT: Allison Davis, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: 202–632–6305; *culprop@state.gov.*

SUPPLEMENTARY INFORMATION: The Government of Ecuador has made a request to the Government of the United States under Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.* The United States Department of State received this request on February 7, 2018. Ecuador's request seeks U.S. import restrictions on archaeological and/or ethnological materials representing Ecuador's cultural patrimony from the pre-Columbian through Republican periods. Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), notification of the request is hereby published. A public summary of Ecuador's request and information about U.S. implementation of the 1970 UNESCO Convention will be available at the Cultural Heritage Center website: *http://culturalheritage.state.gov.*

Dated: March 21, 2018.

Jennifer Zimdahl Galt,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–06762 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10380]

Notice of Determinations: Culturally Significant Objects Imported for Exhibition Determinations: ''In the Field of Empty Days: The Intersection of Past and Present in Iranian Art'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''In the Field of Empty Days: The Intersection of Past and Present in Iranian Art,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles,

California, from on or about May 6, 2018, until on or about September 9, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Dated: March 21, 2018.

Jennifer Zimdahl Galt,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–06869 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10376]

In the Matter of the Amendment of the Designation of Lashkar-e-Tayyiba (and Other Aliases) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Record assembled pursuant to Section 219 of the Immigration and Nationality Act, as amended (8 U.S.C. 1189) (''INA''), and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the following are aliases of Lashkar-e-Tayyiba (and other aliases): Tehreek-e-Azadi-e-Kashmir, also known as Kashmir Freedom Movement, also known as Tehreek Azadi Jammu and Kashmir, also known as Tehreek-e-Azadi Jammu and Kashmir, also known as TAJK, also known as Movement for Freedom of Kashmir, also known as Tehrik-i-Azadi-i Kashmir, also known as Tehreek-e-Azadi-e-Jammu and Kashmir, also known as Milli Muslim League, also known as Milli Muslim League Pakistan, also known as MML.

Therefore, pursuant to Section 219(b) of the INA, as amended (8 U.S.C. 1189(b)), I hereby amend the designation of Lashkar-e-Tayyiba as a foreign terrorist organization to include the following new aliases: Tehreek-e-Azadi-e-Kashmir, also known as Kashmir Freedom Movement, also known as Tehreek Azadi Jammu and Kashmir, also known as Tehreek-e-Azadi Jammu and Kashmir, also known as TAJK, also known as Movement for Freedom of Kashmir, also known as Tehrik-i-Azadi-i Kashmir, also known as Tehreek-e-Azadi-e-Jammu and Kashmir, also known as Milli Muslim League, also known as Milli Muslim League Pakistan, also known as MML.

This determination shall be published in the **Federal Register**.

Dated: March 24, 2018.

John J. Sullivan,

Deputy Secretary of State.

[FR Doc. 2018–06767 Filed 4–3–18; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 43 (Sub-No. 188X)]

Illinois Central Railroad Company—Abandonment Exemption—in Hinds County, MS

Illinois Central Railroad Company (IC) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon approximately 1.8 miles of rail line extending northward from milepost 185.15 near McNutt Street to milepost 186.95 near High Street in Jackson, Hinds County, Miss. (the Line). The Line traverses United States Postal Zip Codes 39201 and 39202.

IC has certified that: (1) There has been no local rail traffic over the Line for at least two years; (2) there is no overhead traffic on the Line to be rerouted; (3) no formal complaint filed by a user of a rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or had been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [1] has been received, this exemption will be effective on May 3, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] must be filed by April 13, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 23, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.[4]

A copy of any petition filed with Board should be sent to IC's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

IC has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by April 6, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or

[1] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. C at 20 (STB served July 28, 2017).

[4] IC states that the Line is not suitable for any other public purpose and that it believes much of the Line will be subject to reversionary interests. (Notice 3.)

by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to 49 CFR 1152.29(e)(2), IC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line.

If consummation has not been effected by IC's filing of a notice of consummation by April 3, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.gov.*

Decided: March 28, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2018–06893 Filed 4–3–18; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2017–0004]

Generalized System of Preferences (GSP): Notice of Revisions to the 2017/2018 Annual GSP Product and Country Practices Review; Deadline for Filing Petitions; GSP Renewal and Technical Modifications

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of procedures for submission of petitions from the public.

SUMMARY: The Office of the United States Trade Representative (USTR) will consider petitions to modify the GSP status of GSP beneficiary countries because of country practices; add products to GSP eligibility; remove products from GSP eligibility for one or more countries; waive competitive need limitations (CNLs); deny *de minimis* waivers for products eligible for *de minimis* waivers; and redesignate currently excluded products. This review will include separate hearings on product petitions and country eligibility reviews, which will be announced in the **Federal Register** at a later date.

DATES: To be considered in the 2017/2018 Annual GSP Review, USTR must receive your petition by Monday, April 16, 2018 at midnight EST. This is the deadline for petitions to modify the GSP status of GSP beneficiary developing countries because of country practices; petitions requesting waivers of CNLs; petitions on GSP product eligibility additions and removals; petitions to deny *de minimis* waivers; or petitions to redesignate an excluded product.

USTR will not consider petitions submitted after the April 16, 2018 deadline. USTR will announce decisions on which petitions are accepted for review, along with a schedule for any related public hearings and the opportunity for the public to provide comments, at a later date.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments in section III below. The docket number is USTR–2017–0004. For alternatives to on-line submissions, please contact Yvonne Jamison at (202) 395–9666.

FOR FURTHER INFORMATION CONTACT: Erland Herfindahl at (202) 395–6364 or *gsp@ustr.eop.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The GSP program provides for the duty-free treatment of designated articles when imported from beneficiary developing countries. The GSP program is authorized by Title V of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2461 *et seq.*), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

The 2017 GSP Annual Product Review: The Interim Import Statistics Relating to Competitive Need Limitations is posted on the USTR website at *https://ustr.gov/issue-areas/preference-programs/generalized-system-preferences-gsp/current-reviews/gsp-2017-review*. These statistics include three lists:

List I identifies GSP-eligible articles from beneficiary developing countries (BDCs) that exceeded a CNL by having been imported into the United States in 2017 in excess of $180 million, or in a quantity equal to or greater than 50 percent of the total U.S. import value for this product in 2017. Unless the President grants a waiver in response to a petition filed by an interested party, these products will be removed from GSP eligibility on November 1, 2018.

List II identifies GSP-eligible articles from BDCs that are above the 50 percent CNL but that are eligible for a *de minimis* waiver. Petitions are not necessary for these products to be considered for *de minimis* waivers. As described below, petitions only will be accepted in opposition to potential *de minimis* waivers for these products.

List III identifies GSP-eligible articles from certain BDCs that currently are not receiving GSP duty-free treatment but may be considered for GSP redesignation in response to a petition filed by an interested party. Note that products exceeding 50 percent of imports may be considered for redesignation if there was no U.S. production in the last three years.

II. 2017/2018 Annual GSP Review

A. GSP Product and Beneficiary Country Review Petitions

Certain GSP Product Addition and Removal Petitions were submitted for review in 2017, as were petitions to modify the GSP status of GSP beneficiary developing countries because of country practices. Due to the lapse in authorization of GSP, and a resulting change in the schedule for the annual GSP review, USTR is reopening the window for submitting GSP product and country petitions. Any petitions previously submitted for this review do not need to be resubmitted.

B. Changes Resulting From Recent Legislation

The Consolidated Appropriations Act of 2018 (Pub. L. 115–141) reauthorized the GSP program and made a number of modifications. First, the GSP program is authorized through December 31, 2020, retroactive to January 1, 2018 (see the USTR GSP website at *https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp* for details on retroactive authorization, effective date of authorization, and refund procedures). Second, Public Law 115–141 established a new timeline for the GSP review: The date for exclusion of items exceeding CNLs changed from July 1 to November 1. Third, with respect to the date for determining whether a product is not produced in the United States, Public Law 115–141 changed the date so that instead of requiring that the product not have been produced in the United States on January 1, 1995, the product must not have been produced in the United States ''in any of the preceding three calendar years.'' For the 2017/2018 Annual Review this means calendar years 2015 to 2017. Interested parties filing CNL waiver petitions and redesignation petitions should indicate whether there was production of a like or directly

competitive product in the United States during the previous three calendar years (that is, 2015 to 2017).

C. Country Practice Review Petitions

An interested party may submit a petition to review the GSP eligibility of any beneficiary developing country with respect to any of the designation criteria listed in sections 502(b) and 502(c) of the Trade Act (19 U.S.C. 2462(b) and (c)).

D. GSP Product Review Petitions

An interested party, including foreign governments, may submit the following petitions:

• *Product Addition Petitions:* Petitions to designate additional articles as eligible for GSP benefits, including to designate articles as eligible only if the articles are imported from countries designated as least-developed beneficiary developing countries, or as beneficiary sub-Saharan African countries under the African Growth and Opportunity Act (AGOA). Petitioners seeking to add products to eligibility for GSP benefits should note that, as provided in section 503(b) of the Trade Act (19 U.S.C. 2463(b)), certain articles may not be designated as eligible articles under GSP.

• *Product Withdrawal Petitions:* Petitions to withdraw, suspend or limit the application of duty-free treatment accorded under the GSP with respect to any article.

• *Competitive Need Limitation Waiver Petitions:* Any interested party may submit a petition seeking a waiver of the 2018 CNL for individual beneficiary developing countries with respect to specific GSP-eligible articles (these limits, however, do not apply to least-developed beneficiary developing countries or AGOA beneficiary countries). As noted above, petitions should indicate whether there was production of a like or directly competitive product in the United States during the previous three calendar years (that is, 2015 to 2015).

• *Petitions for Denial of De Minimis Waivers:* Interested parties filing petitions for denial of *de minimis* waivers should note the procedural changes outlined in paragraph E below.

• *Petitions for Redesignation:* Interested parties filing petitions for redesignation should note the procedural changes outlined in paragraph E below.

E. Notice of Procedural Change

The GSP program is changing the petition process procedures for products eligible for a *de minimis* waiver and products eligible for redesignation. Previously, USTR only accepted comments on *de minimis* and redesignation products. Under the new procedures, USTR now will accept petitions to deny *de minimis* waivers, and petitions to grant redesignation. This includes possible redesignation of products for which imports are below the dollar value CNL ($180 million for 2017), but for which imports exceed 50 percent, in the event that a petitioner believes that there has been no production in the United States. As noted above, the petitioner should indicate whether there was production of a like or directly competitive product in the United States during the previous three calendar years (that is, 2015 to 2017). Consistent with the criteria in section 503 of the Trade Act (19 U.S.C. 2463(c)(2)(C)), the President previously has granted redesignation requests in only a limited number of circumstances. USTR anticipates this customary practice to continue and will prioritize redesignations of products that do not compete with U.S. production.

The primary distinction between the previous and the new petition process is that accepted petitions on these topics now will be included in the advice provided by the United States International Trade Commission as required by section 503 of the Trade Act (19 U.S.C. 2463).

III. Requirements for Submissions

A. General Requirements

All submissions for the GSP Annual Review must conform to the GSP regulations set forth at 15 CFR part 2007, except as modified below. These regulations are available on the USTR website at *https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp/gsp-program-inf*.

All submissions in response to this notice must be in English and must be submitted electronically via *http://www.regulations.gov,* using docket number USTR–2017–0014. USTR will not accept hand-delivered submissions. Submissions that do not provide the information required by sections 2007.0 and 2007.1 of the GSP regulations will not be accepted for review, except upon a detailed showing in the submission that the petitioner made a good faith effort to obtain the information required.

To make a submission via *http://www.regulations.gov,* enter the docket number for this review—USTR–2017–0014—in the ''Search for'' field on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' in the ''Filter Results by'' section on the left side of the screen and click on the link entitled ''Comment Now.'' For further information on using the *http://www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use This Site'' on the left side of the home page. The *http://www.regulations.gov* website allows users to provide comments by filling in a ''Type Comment'' field or by attaching a document using the ''Upload file(s)'' field. USTR prefers that submissions be provided in an attached document.

Submissions must include, at the beginning of the submission, or on the first page (if an attachment), the following text (in bold and *underlined*): (1) ''2018/2017 GSP Annual Review''; and (2) the eight-digit HTSUS subheading number in which the product is classified (for product petitions) or the name of the country (for country practice petitions). Furthermore, interested parties submitting petitions that request action with respect to specific products also should list at the beginning of the submission, or on the first page (if an attachment) the following information: (1) The requested action; and (2) if applicable, the beneficiary developing country. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Each submitter will receive a submission tracking number upon completion of the submissions procedure at *http://www.regulations.gov*. The tracking number will be the submitter's confirmation that the submission was received into *http://www.regulations.gov*. The confirmation should be kept for the submitter's records. USTR is not responsible for any delays in a submission due to technical difficulties, nor is it able to provide any technical assistance for the *http://www.regulations.gov* website. Documents not submitted in accordance with these instructions may not be considered in this review. If an interested party is unable to provide submissions as requested, please contact Yvonne Jamison at (202) 395–9666 to arrange for an alternative method of transmission.

B. Business Confidential Petitions

An interested party requesting that information contained in a submission be treated as business confidential

information must certify that the information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such. The submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, ''Business Confidential'' must be included in the ''Type Comment'' field. For any submission containing business confidential information, a non-confidential version must be submitted separately (*i.e.,* not as part of the same submission with the confidential version), indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

Business confidential submissions that are submitted without the required markings, or are not accompanied by a properly marked non-confidential version, as set forth above, might not be accepted or may be considered public documents.

C. Public Viewing of Review Submissions

Submissions in response to this notice, except for information granted ''business confidential'' status under 15 CFR part 2003.6, will be available for public viewing pursuant to 15 CFR part 2007.6 at *http://www.regulations.gov* upon completion of processing. You can view submissions by entering the docket number USTR–2017–0014 in the search field at *http://www.regulations.gov*.

Erland Herfindahl,

Deputy Assistant U.S. Trade Representative for the Generalized System of Preferences, Office of the U.S. Trade Representative.

[FR Doc. 2018–06783 Filed 4–3–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0118]

Agency Information Collection Activities; Revision of an Approved Information Collection: Inspection, Repair and Maintenance

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The information collection concerns records of inspection, repair, and maintenance of commercial motor vehicles (CMVs). The FMCSA requests approval to revise and renew an ICR entitled, ''Inspection, Repair and Maintenance.'' FMCSA collects this information to ensure that motor carriers have adequate documentation of their inspection, repair, and maintenance programs necessary to reduce the likelihood of CMV crashes.

DATES: We must receive your comments on or before June 4, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0118 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Huntley, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–9209; email *michael.huntley@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Transportation (Secretary) is authorized under the provisions of 49 U.S.C. 31502 to prescribe requirements for, among other things, safety of operations of equipment of motor carriers that operate CMVs in interstate commerce. Under 49 U.S.C. 31136, the Secretary also has authority to prescribe regulations to ensure that CMVs are maintained, equipped, loaded and operated safely. And under 49 U.S.C. 31142 the Secretary must establish standards for annual or more frequent inspections of CMVs. The Secretary's authority to establish improved standards or methods to ensure brakes and brake systems of CMVs are inspected by appropriate employees and maintained properly is provided under 49 U.S.C. 31137(g).

Motor carriers must maintain, or require maintenance of, records documenting the inspection, repair and maintenance activities performed on their owned and leased vehicles. There are no prescribed forms. Electronic recordkeeping is allowed (see 49 CFR 390.31(d)). Documents requiring a signature must be capable of replication (*i.e.,* photocopy, facsimile, etc.) in such form that will provide an opportunity for signature verification upon demand. Also, if electronic recordkeeping is used, all of the relevant data on the original documents must be included in the electronic transmission for the records to be valid.

The motor carrier industry has never questioned the need to keep CMV maintenance records. In fact, most motor carriers would keep some records

without any regulatory requirements to do so. Records of inspection, repair, and maintenance; roadside inspection reports; driver vehicle inspection reports; the documentation of periodic inspections; the evidence of the qualifications of individuals performing periodic inspections; and the evidence of brake inspectors' qualifications contain the minimum amount of information necessary to document that a motor carrier has established a system of inspection, repair, and maintenance for its equipment which meets the standards in 49 CFR part 396.

FMCSA and its representatives use these records to verify motor carriers' compliance with the inspection, repair, and maintenance standards in part 396. This ICR supports the Department of Transportation's strategic goal of safety. The ICR also ensures that motor carriers have adequate records to document the inspection, repair, and maintenance of their CMVs, and to ensure that adequate measures are taken to keep their CMVs in safe and proper operating condition at all times. Compliance with the inspection, repair, and maintenance regulations helps to reduce the likelihood of accidents attributable, in whole or in part, to the mechanical condition of the CMV.

The Agency does not intend to revise the contents of this information collection, the frequency of information collection, or how it uses the information. Because the previous four updates to this information collection were developed in conjunction with rulemaking actions, only those sections of the information collection affected by the specific rulemaking changes were amended during the previous four updates and a comprehensive update of the information collection has not been done since 2006. This renewal includes updated data regarding the number of motor carriers subject to the Federal Motor Carrier Safety Regulations, vehicle counts, inspections, and other underlying data used to estimate the total burden hours. In addition, this revision corrects the manner in which: (1) The burden associated with routine inspection, repair and maintenance records is calculated, by including non-powered CMVs in addition to power units; and (2) the burden associated with periodic inspection records is calculated, by using only the records associated with the once-per-year inspection conducted in accordance with 49 CFR Chapter III, Subchapter B, Appendix G. Finally, this revision corrects the calculation of the burden associated with Driver-Vehicle Inspection Reports (DVIRs) by including the 30 seconds required for motor carrier certification of corrective action for defect DVIRs that was inadvertently omitted in the calculation of this estimate in the December 2014 No-Defect DVIR rule.

If the recordkeeping were required to be completed less frequently, it would greatly hinder the ability of FMCSA and State officials and representatives to ascertain that CMVs are satisfactorily maintained. The timely documentation of CMV inspection, repair, and maintenance enables FMCSA and State officials to evaluate the present state of a motor carrier's CMV maintenance program and to check the current level of regulatory compliance at any point in a carrier's maintenance schedule or program.

The FMCSA has identified periodic inspection standards of 22 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, and one Canadian Territory that are comparable to, or as effective as, the Federal periodic inspection requirements. The FMCSA does not require Federal periodic inspections and the related recordkeeping for motor carriers that comply with these equivalent periodic inspection programs. The FMCSA is not aware of any other duplicative standards or recordkeeping requirements that apply to motor carriers.

The FMCSA does not employ this collection of information for statistical use.

Title: Inspection, Repair and Maintenance.

OMB Control Number: 2126–0003.

Type of Request: Revision of a currently approved information collection.

Respondents: Motor carriers and commercial motor vehicle drivers.

Estimated Number of Respondents: 543,061 motor carriers and 5,739,712 drivers.

Estimated Time per Response: Varies according to the requirements for specific records.

Expiration Date: July 31, 2018.

Frequency of Response: Varies according to requirements for specific records.

Estimated Total Annual Burden: 13,791,001 hours [7,558,390 hours for inspection, repair, and maintenance + 5,536,622 hours for driver vehicle inspection reports + 194,586 hours for disposition of roadside inspection reports + 469,414 hours for periodic inspections + 16,904 hours for records of inspector qualifications + 15,085 hours for records of brake inspector qualifications].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: March 27, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–06859 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0105]

Hours of Service of Drivers: Application for Exemption; Wilcox Truck Line, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Wilcox Truck Line, Inc. (Wilcox) has requested an exemption from the requirement that a motor carrier install and require each of its drivers to use an electronic logging device (ELD) to record the driver's hours-of-service (HOS). Wilcox has requested a 5-year exemption from ELD use when transporting loads in support of an Idaho National Laboratory (INL) program. INL has submitted a letter confirming that security regulations require these loads must be free from being electronically tracked, which requires disabling of the ELD. Wilcox believes that granting this exemption will provide an equivalent level of safety because of the strict oversight of this transportation by INL and other agencies. FMCSA requests public comment on Wilcox's application for exemption.

DATES: Comments must be received on or before May 4, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number

FMCSA–2018–0105 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0105), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2018–0105'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party, and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Wilcox Truck Line, Inc. (Wilcox) is the primary carrier for special projects at the U.S. Department of Energy's (DOE) Idaho National Laboratory (INL) to transport shipments which need additional controls to address national security interests. All Wilcox drivers supporting this specific INL program would be covered by this exemption when transporting designated shipments for INL. The number of commercial motor vehicles (CMVs) for this exemption is fewer than 20, and fewer than 40 drivers will be covered. Wilcox always uses specific team drivers who have been completely vetted by the DOE to transport these shipments.

One DOE/INL security requirement is the ability to disable electronic tracking of shipments in order to limit identification of the physical location of the shipment. These shipments require that no telematic tracking device be used during the movement of the shipment. Wilcox uses ELDs for its normal operations but would disable them when transporting INL-designated special shipments. INL would provide documentation for use during any inspection, showing that the exemption is in use for that shipment. Wilcox states that the controls that will be used in lieu of ELDs will be sufficient to ensure there is no degradation of safety. INL has submitted to the docket for this exemption a letter dated January 30, 2018, confirming that these controls will include the following measures:

- Specific team drivers will be used who have been vetted by DOE to transport national security interests (NSI) loads;
- Logbooks will be used to document hours of service when the ELDs are disabled;
- Drivers will be required by INL to have a cell phone in their possession while transporting these shipments;
- INL will require drivers to call-in to INL's 24-hour Warning Communications Center to report their condition and ensure they are not experiencing any issues in transit; and
- The Battelle Energy Alliance (BEA) will perform routine audits of Wilcox Truck line, Inc., to ensure they are compliant with Federal and State DOT requirements.

IV. Method To Ensure an Equivalent or Greater Level of Safety

The requested exemption would be used only for the special shipments designated by INL in documentation carried on vehicles transporting the special shipments. Additional details of these shipments could be reviewed by an official having proper authorization given by the shipper or the carrier's Facility Security Officer (FSO). All drivers will carry approved cell phones at all times during shipments. Communications will be maintained during transport via regular cell phone ''check calls'' to the shipper and or the FSO/terminal operations or both. As required, drivers will maintain regular ''check calls'' to the INL's Warning Communications Center, which is continuously staffed, to report their condition and ensure the shipment is experiencing no issues.

Copies of Wilcox's application for an exemption and the supporting INL letter are available for review in the docket for this notice.

Issued on: March 27, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–06861 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0397]

Commercial Driver's License: Oregon Department of Transportation; Application for Renewal of Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to renew the Oregon Department of Transportation's (ODOT) exemption from the commercial learner's permit (CLP) requirements in 49 CFR part 383. All State Driver's Licensing Agencies (SDLAs) are allowed to use this exemption at their discretion. The exemption will allow ODOT and participating SDLAs to extend to one year the 180-day timeline for the CLP from the date of issuance, without requiring the CLP holder to retake the general and endorsement knowledge tests. Under the exemption, an applicant wishing to have a new CLP after the previous one expires will be required to take all applicable tests before a new CLP is issued.

DATES: The renewed exemption is from April 5, 2018 to April 5, 2019. Comments must be received on or before May 4, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2015–0397 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* at any time and in the box labeled ''SEARCH for'' enter FMCSA–2015–0397 and click on the tab labeled ''SEARCH.''

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2015–0397), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2015–0397'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may continue this exemption or not based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Application for Renewal Exemption

ODOT's initial exemption application from the provisions of 49 CFR 383.25(c) and 49 CFR 383.73(a)(2)(iii 2) was submitted in 2015; a copy of the application is in the docket identified at the beginning of this notice. That application describes fully the nature of ODOT's CLP operations. The exemption was originally granted on April 5, 2015 (81 FR 19703) and is valid through April 5, 2018.

ODOT requests renewal of an exemption from the Agency's CLP requirements in 49 CFR 383.25(c) and 49 CFR 383.73(a)(2)(iii 2). The regulations provide that the CLP be valid for no more than 180 days from the date of issuance. The State may renew the CLP for an additional 180 days without requiring the CLP holder to retake the general and endorsement knowledge tests. ODOT proposed that it be allowed to extend the 180-day timeline to one year for CLPs issued to its drivers. The requested exemption renewal is for one year.

ODOT provided multiple reasons for regulatory relief from the CLP rule in its initial application. First, ODOT believes that the 180-day time line required to renew the CLP adds nothing to the effectiveness of the rule itself, the purpose of which is to ''enhance safety by ensuring that only qualified drivers are allowed to operate commercial vehicles on our nation's highways'' (76 FR 26854, May 9, 2011). ODOT asserts that neither FMCSA staff nor the States were able to identify any highway safety enhancement arising from this requirement. ODOT states that it is unaware of any data suggesting that persons who have not renewed their CLP or obtained their CDL within six months pose less risk on the Nation's highways.

Second, ODOT agrees that requiring CLP holders to retake the knowledge test after not obtaining a CDL within one year improves highway safety, but disagrees that the requirement for renewal at six months is needed. According to ODOT, if the exemption is granted, ODOT's CLP would have a validity period of one year with no renewal allowed. All applicable knowledge tests would be required before a new CLP could be issued, which would accomplish the objective of not allowing a person to have a CLP longer than one year without passing knowledge tests.

The third reason for the request is that Oregon's ''Department of Motor Vehicle (DMV) field offices have a very large volume of work to accomplish and, at best, limited resources with which to accomplish it. Adding the bureaucratic requirement for a CLP holder to visit a DMV office and pay a fee in order to get a second six months of CLP validity will add unnecessary workload to offices already stretched to the limit. ODOT is confident there would be no negative impact on safety if the exemption is granted.''

According to ODOT, ''If this exemption is not granted, Oregon drivers with CLPs who have not passed the CDL skills test within six months of CLP issuance would have to go to a DMV office and pay for a renewal of the CLP. This would cause undue hardship to the drivers, from the perspectives of both their time and their pocketbooks. It would also cause undue hardship to our agency, where scarce resources would be used to process bureaucratic transactions that add nothing to highway safety.''

In addition, because the issues concerning ODOT's request could be applicable in each State, all SDLAs are allowed to use this exemption renewal at their discretion. Extending the exemption to cover all SDLAs, at their discretion, will preclude the need for other SDLAs choosing to use the exemption to file identical exemption requests. FMCSA believes that safety would not be diminished by allowing a validity period of one year for the CLP. The maximum time allowed between taking the knowledge tests and obtaining the CDL is 12 months under the current rule and under the exemption. The exemption avoids the necessity of obtaining a renewal of the CLP after 6 months if the State chooses to allow that. FMCSA determined that the exemption would maintain a level of safety equivalent to, or greater than, the level achieved under the current regulation (49 CFR 381.305(a)).

Issued on: March 28, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–06860 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0049]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BELLA LA VITA; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 4, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0049. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BELLA LA VITA is:

—*Intended Commercial Use of Vessel:* ''OUPV charters on Puget Sound; sunset cruises, whale watching, passenger excursions.''

—*Geographic Region:* ''Washington State.''

The complete application is given in DOT docket MARAD–2018–0049 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: March 29, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–06788 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0050]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CORMORANT; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 4, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0050. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CORMORANT is:

—*Intended Commercial Use Of Vessel:* ''Charter Vessel, Cruising and Fishing''

—*Geographic Region:*''Florida, Alabama, Louisiana, Texas, Mississippi''

The complete application is given in DOT docket MARAD–2018–0050 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: March 29, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–06789 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0048]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HONU MANA; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 4, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0048. Written comments may be submitted by hand or by mail to the Docket Clerk,

U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel HONU MANA is:

—*Intended Commercial Use of Vessel:* ''Chartering, whale watches, and sunset cruises''

—*Geographic Region:* ''Hawaii''

The complete application is given in DOT docket MARAD–2018–0048 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: March 29, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–06790 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. DOT–OST–2011–0170]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments; agency request for renewal and partial modification of a previously approved collection: disclosure of code-sharing arrangements and long-term wet leases.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation's (Department) intention to reinstate and partially-modify an Office of Management and Budget (OMB) control number as related to the *Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases.* The growth in the use of code-sharing, wet-leasing, and similar marketing tools, particularly in international air transportation, led the Department on March 15, 1999, to adopt specific regulations requiring the disclosure of code-sharing arrangements and long-term wet leases by carriers (U.S. and foreign) and ticket agents via oral, written, and internet communications. In a recent final rule titled ''Enhancing Airline Passenger Protections'' (See, 81 FR 76800, November 3, 2016), the Department, among other things, amended the code-share disclosure regulation to require that carriers and ticket agents must disclose any code-share arrangements on their websites, including mobile websites and applications; clarify the format in which that information must be displayed; and specify that verbal code-share disclosures should be made the first time a flight involving a code-share arrangement is offered to consumers or the first time a consumer inquiries about such a flight whether by telephone or in person conversations.

In compliance with the Paperwork Reduction Act of 1995, this notice also announces that the request for reinstatement and partial-modification of an OMB Control Number for the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on September 12, 2017.

DATES: Comments on this notice must be received by May 4, 2018. Interested persons are invited to submit comments regarding this proposal.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Daeleen Chesley, (202) 366–6792, *Daeleen.Chesley@dot.gov,* Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (C–70), U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0537.

Title: Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases.

Abstract: Code-sharing is the name given to a common airline industry marketing practice where, by mutual agreement between cooperating carriers, at least one of the airline designator codes used on a flight is different from that of the airline operating the aircraft. In one version of code-sharing, two or more airlines each use their own designator codes on the same aircraft operation. Although only one airline operates the flight, each airline in a code-sharing arrangement may hold out, market, and sell the flight as its own in published schedules. Code-sharing also refers to other arrangements, such as when a code on a passenger's ticket is not that of the operator of the flight, but where the operator does not hold out the service in its own name. Such code-sharing arrangements are common between commuter air carriers and their

larger affiliates. In a wet-lease situation, a leasing arrangement is made whereby the lessor provides both an aircraft and crew to a lessee dedicated to a certain route under either an agreement that lasts more than 60 days or under a series of such lease agreements that amount to a continuing arrangement lasting more than 60 days.

Although code-sharing and wet-lease arrangements can offer significant consumer benefits, they can also be misleading unless consumers know the identity of the airline operating the flight. The growth in the use of code-sharing and wet-leasing, particularly in international air transportation, led the Department to adopt specific regulations requiring the disclosure of code-sharing arrangements and long-term wet leases on March 15, 1999 (14 CFR part 257). More specifically, the rule requires carriers to provide information about their code-share relationships in written or electronic schedule information provided by carriers to the public (*e.g.* the Official Airline Guide/OAG). The rule also requires carriers and ticket agents to disclose code-share information in written notice at the time of a ticket purchase. Further, the regulation requires those entities to tell prospective consumers the first time a flight is identified in all oral communications that the transporting airline is not the airline whose designator code will appear on travel documents and to identify the transporting airline by its corporate name and any other name under which that service is held out to the public.

In 2010, to further enhance these consumer protections, Congress enacted by Public Law 111–216, sec. 210 (August 1, 2010), which was codified as 49 U.S.C. 41712(c). Among other things, the statute requires ticket agents and carriers (U.S. and foreign) to disclose in oral communication or in written or electronic communications (including on the internet), prior to the purchase of a ticket, the name of the carrier providing the air transportation and, if the flight has more than one segment, the name of each carrier providing the air transportation for each flight segment. The statute also requires ticket agents and carriers (U.S. and foreign) that sell tickets on an internet website to disclose the required information on the first display of their website following a consumer's search of a requested itinerary in a format that is easily visible.

In a recent final rule, Enhancing Airline Passenger Protections III (81 FR 76800, November 3, 2016), the Department clarified its code-share disclosure regulation to ensure that carriers and ticket agents disclose code-share arrangements in schedules, advertisements, and communications with consumers. The rule amended the Department's code-share disclosure regulation to codify the statutory requirement that carriers and ticket agents must in a format that is easily visible to a viewer disclose any code-share arrangements on the first display of the website following itinerary search results; clarify that the requirement for code-share disclosures in flight itinerary search results and flight schedule displays includes information provided by airlines via mobile websites and applications; clarify the format in which that information must be displayed; and specify that verbal code-share disclosures should be made the first time a flight involving a code-share arrangement is offered to consumers or inquired about by consumers during telephone or in person conversations.

As most of these provisions are implementing the statutory requirement enacted in 2010, carriers and ticket agents should already be complying with most of the requirements.[1] The aspect of the provision which is new is the specification of *when* during a telephone or in-person booking process a carrier or ticket agent must disclose the code-share information, which may result in additional compliance costs for some carriers and ticket agents. Those additional costs would be borne by those carriers and ticket agents that currently do not present code-share information at the first mention of a flight during a reservation call or in-person booking. As such, these carriers and ticket agents may have slightly longer reservation calls and longer in-person bookings. However, the disclosure was already required so the additional time, if any, would be minimal.

In addition to costs for additional agent time during some calls and in-person bookings, some respondents may have a slight increase in their training costs, as they modify their trainings to note that code-share information must be shared when the flight is first presented to the consumer.[2] These additional training costs are likely to be incurred only by those respondents which do not already present code-share information at the first mention of a flight.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On September 12, 2017, the Department published a 60-day notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval (82 FR at 42877). The Department received one comment, but the comment was not relevant to this collection. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR. 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

This notice addresses the information collection requirements set forth in the Department's regulation requiring disclosure of code-share and wet-leases, 14 CFR 257. The reinstated OMB control number will be applicable to all the provisions set forth in this notice. The title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden are set forth below:

Title: Disclosure of Code-Sharing Arrangements and Long Term Wet Leases in Flight Itineraries and Schedules, Oral Communications with Prospective Consumers, Ticket Confirmations, and Advertisements.

Respondents: All U.S. air carriers and foreign air carriers that participate in code-sharing arrangements or long-term

[1] The regulated entities that have a website should already have the required information programmed in their systems and that information should already appear on their websites. Thus, the incremental costs to add the information to mobile websites and applications should be small. To the extent there are any costs, they could be minimized if any necessary changes were incorporated at the same time as another upgrade.

[2] The costs are minimal if this change is incorporated into agent curricula during the same time as other updates and/or sent in an update bulletin via the carrier's/travel agent's intranet system, as is standard industry practice.

wet leases involving scheduled passenger air transportation; and all ticket agents doing business in the United States that sell scheduled passenger air transportation services involving code-sharing arrangements or long-term wet leases.

Number of Respondents: 12,165 (estimated 48 marketing carriers [3] and 12,117 travel agents/tour operators [4]).

Estimated Annual Burden on Respondents: 29.26 to 45.65 hours (1,755.6 to 2,739.0 minutes) per year for each respondent. The hours were calculated by using the estimated annual number of code-share related disclosures involving personal contact via a call or in person (58.25 million to 90.87 million) [5] and multiplying by the estimated average amount of time per trip for an agent to disclose a code-share itinerary (22 seconds or .006111 hours) to determine the total number of burden hours (355,966 to 555,307), and then dividing the total number of burden hours by the estimated number of respondents (12,165).

Estimated Total Annual Burden: Annual reporting burden for this data collection is estimated at 355,966 to 555,307 hours for all travel agents and airline ticket agents who have personal contact (via a call or in person) with a consumer that involves a code-share flight. Most of the data collection associated with this ICR is accomplished through travelers using highly automated computerized systems to make their air travel reservation(s), in which the code-share data is already available on the regulated entities websites and/or is programmed into their database/reservation systems.

Frequency: For disclosures involving oral communications: The Department estimates 15 seconds per call (to reveal the code-share information) and an average of 1.5 calls per trip (a total of 22.5 seconds per respondent per trip) for the approximately 25% to 39% of itineraries that are estimated to involve a code-share itinerary, of which the Department estimates that 25% of travelers make a call to an airline or travel agent to book a ticket or obtain information about a flight and each traveler will only need to obtain the information once per travel itinerary.

For transactions involving written and internet disclosure: The Department estimates the burden should be minimal to non-existent [6] as many airlines already have a process in place to make code-share information available written in their schedules, by written notice at time of ticket purchase and available on their websites (including mobile sites) and applications. In addition, most marketing airlines currently provide information about their code-share flights to the GDSs who, in turn, provide that information to travel agents. As the code-share information is integrated into the data provided by the airlines to GDSs and travel agents, the code-share information is automatically displayed on the internet/computer, as well as on a printed version of an itinerary/ticket.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on March 27, 2018.

Claire Barrett,

Departmental Chief Privacy & Information Governance Officer Office of the Secretary.

[FR Doc. 2018–06857 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–9X–P

[3] See, Final Regulatory Impact Analysis for Rulemaking Regarding *Enhancing Airline Passenger Protections III* (FRIA EAPP III) at page 10, prepared by HDR, October 2016.

[4] See, FRIA EAPP III at page 14.

[5] Per BTS data, there were 932 million enplanements in 2016. See, *https://www.rita.dot.gov/bts/press_releases/bts017_17.* Of those travel itineraries, the Department estimates that 25% to 39% of these enplanements (233,000,000 to 363,480,000) involve a code-share flight in which an agent must reveal that information. See, *https://www.transtats.bts.gov/databases.asp?Mode_ID=1&Mode_Desc=Aviation&Subject_ID2=0.*

Of these 233,000,000 to 363,480,000 enplanements, the Department also estimates that 25% of travelers (58,250,000 to 90,870,000) make a call to an airline or travel agent to book a ticket or obtain information about a flight and each traveler will only need to obtain the information once per travel itinerary. See, *https://www.asta.org/News/PRDetail.cfm?ItemNumber=14517&navItemNumber=539* and *http://fortune.com/2016/07/27/travel-agents/* (for the estimated number of travelers who use a travel agent).

[6] See, FRIA EAPP III at 27–30.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. DOT–OST–2011–0022]

Notice of Submission of Proposed Information Collection to OMB Agency Request for Renewal of a Previously Approved Collection: On-Line Complaint/Comment Form for Service-Related Issues in Air Transportation

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the request for reinstatement of an OMB Control Number for the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on October 31, 2017 (82 FR 50483).

DATES: Comments on this notice must be received by May 4, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Daeleen Chesley, Office of the Secretary, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (C–70), Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–6792 (voice) or at *Daeleen.Chesley@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0568.

Title: Reinstatement of Aviation Consumer Protection Division Web Page On-Line Complaint/Comment Form.

Abstract: The Department of Transportation's (Department) Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office) has broad authority under 49 U.S.C., Subtitle VII, to investigate and enforce consumer protection and civil rights laws and regulations related to air transportation.

Among other things, the Enforcement Office, including its Aviation Consumer

Protection Division (ACPD), is responsible for receiving and investigating service-related consumer complaints filed against airlines and other travel-related companies. Once received, the complaints are reviewed by the office to determine the extent to which these entities are in compliance with federal aviation consumer protection and civil rights laws and what, if any, action should be taken. Consumer complaints and comments are also used by the office to help improve airline consumer satisfaction. The information submitted via the on-line form can also serve as a basis for rulemaking, legislation and research.

The key reason for this request is to enable consumers to continue to file their complaints and comments to the Department using an on-line form, whether via their personal computer or on a mobile/electronic device. If the online complaint form is not available, the Department may receive fewer complaints, comments and inquiries from consumers. The lack of consumer input could inhibit the office's ability to effectively investigate both individual complaints against airlines and other air travel-related companies. It would also impact the Enforcement Office's ability to become aware of patterns and practices that may develop in violation of our rules. The information collection continues to further the objective of 49 U.S.C. 41712 to protect consumers from unfair or deceptive practices, the objective of § 41705 and § 40127 to ensure the civil rights of air travelers are respected, and the objective of § 41702 to ensure safe and adequate service in air transportation.

Filing a complaint or comment using a web-based form is voluntary and minimizes the burden on respondents. Based on CY17 information,[1], 17,844 of the 21,153 total cases (includes complaints and comments) received by the Enforcement Office were submitted using the electronic on-line form (84.3%). The vast majority of the submissions are complaints, in which 16,095 of the 18,188 total complaints received by ACPD were filed using the electronic web-based form (88.5%). At times, consumers may also choose to file a complaint with the Department using regular mail or by phone message. The type of information requested on the form includes complainant's name, address, phone number (including area code), email address, and name of the airline or company about which she/he is complaining, as well as the flight date and flight itinerary (where applicable) of a complainant's trip. On some occasions, a consumer may also use the form to give a description of a specific air-travel related problem or to ask for air-travel related information from the ACPD. The Department has limited its informational request to that necessary to meet its program and administrative monitoring and enforcement activities.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On October 31, 2017, OST published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which the agency is seeking reinstatement from OMB. *See* 82 FR 209 at 50483. OST received no comments after issuing this notice. Accordingly, the Department announces that this information collection activity has been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to reinstate this proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

Respondents: Consumers that Choose to File an On-Line Complaint/Comment with the Aviation Consumer Protection Division.

Estimated Number of Respondents: 17,844 (based on CY 2017 data).

Estimated Total Burden on Respondents: 4,461 hours (267,600 minutes). The estimate was calculated by multiplying the total number of complaints and comments filed using the on-line form in CY17 (17,844) by the estimated time needed to fill out the on-line form (15 minutes).

The information collection is available for inspection in *regulations.gov*, as noted in the **ADDRESSES** section of his document.

Comments Are Invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on March 27, 2018.

Claire Barret,

DOT Chief Privacy & Information Governance Officer, Office of the Secretary.

[FR Doc. 2018–06858 Filed 4–3–18; 8:45 am]

BILLING CODE 4910–9X–P

[1] The 60-Day FR notice reflected CY16 data. This 30-Day OMB FR notice has been updated to reflect CY17 data, which is the most current calendar year data available.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 9779, 9783, 9787, and 9789

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Electronic Federal Tax Payment System (EFTPS).

DATES: Written comments should be received on or before June 4, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions

should be directed to Martha R. Brinson, at (202)317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Federal Tax Payment System (EFTPS).

OMB Number: 1545–1467.

Form Number: Forms 9779, 9783, 9787, and 9789.

Abstract: These forms are used by business and individual taxpayers to enroll in the Electronic Federal Tax Payment System (EFTPS). EFTPS is an electronic remittance processing system the Service uses to accept electronically transmitted federal tax payments. EFTPS (1) establishes and maintains a taxpayer data base which includes entity information from the taxpayers or their banks, (2) initiates the transfer of the tax payment amount from the taxpayer's bank account, (3) validates the entity information and selected elements for each taxpayer, and (4) electronically transmits taxpayer payment data to the IRS.

Current Actions: There are no changes being made to these forms.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, and state, local or tribal governments.

Estimated Number of Respondents: 4,350,000.

Estimated Total Annual Burden Hours: 755,192.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be 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 of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06897 Filed 4–3–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 1041, U.S. Income Tax Return for Estates and Trusts, and related Schedules D, I, J, K–1, Form 1041–V, and Frequently Asked Questions (FAQs) relating to the elections of deferred foreign income.

DATES: Written comments should be received on or before June 4, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sandra Lowery at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–5754 or through the internet, at *Sandra.J.Lowery@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Estates and Trusts.

OMB Number: 1545–0092.

Form Number: Form 1041.

Abstract: IRC section 6012 requires that an annual income tax return be filed for estates and trusts. The data is used by the IRS to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax.

Public Law 115–97, section 14103 has a retroactive effective date of 2017. In order for taxpayers to fulfill their filing obligations and report the correct amount of tax under Section 14103, the IRS developed FAQ's to alert taxpayers how and where to report this income on their 2017 return. A critical part of this effort includes alerting taxpayers of their filing obligations and educating them on how and where this would be reported. The data will be utilized by the IRS to ensure that the correct amount of tax is paid.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 9,433,703.

Estimated Time per Respondent: 32 hours, 38 minutes.

Estimated Total Annual Burden Hours: 307,844,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06892 Filed 4–3–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, April 25, 2018.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, April 25, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1–888–912–1227 or (214) 413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: March 28, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06769 Filed 4–3–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Disruption of Mail Service

AGENCY: Department of Veterans Affairs.

ACTION: Notice of exception to date of receipt.

SUMMARY: In late August 2017, Hurricane Harvey interrupted operations at the Department of Veterans Affairs (VA) regional office in Houston, Texas, as well as postal service in multiple Texas communities. In late September 2017, Hurricane Maria interrupted operations at the VA regional office in Puerto Rico, and postal service throughout the Puerto Rico and U.S. Virgin Islands area. Correspondence containing claims, information, or evidence sent to VA during these periods was likely delayed due to interrupted operations of the regional office or postal service. VA aims to protect the interest of claimants who sent correspondence to the Veterans Benefits Administration (VBA) through the normal channels of communication during these periods and prevent them from possibly being deprived of benefits solely because those channels of communication were disrupted due to events outside of the claimants' control. Therefore, VA is instituting procedures to consider alternative dates as the date of receipt of correspondence.

FOR FURTHER INFORMATION CONTACT: Jonathan Hughes, Acting Assistant Director, Policy and Procedures, Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 461–9700 (this is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: A VA regulation, 38 CFR 3.1(r), allows the Under Secretary for Benefits to establish exceptions to VA's rule about date of receipt of claims, information, or evidence. Ordinarily, ''date of receipt'' means the date on which a claim, information or evidence was received in a VA office. The regulation states that exceptions may be established when a natural or man-made interference with the normal channels through which VA ordinarily receives correspondence has resulted in one or more VA regional offices experiencing extended delays in receipt of claims, information or evidence to an extent that, if not addressed, the delay would adversely affect such claimants, through no fault of their own.

In late August 2017, Hurricane Harvey interrupted operations at the VA regional office in Houston, Texas, as well as postal service in multiple surrounding Texas communities. In late September 2017, Hurricane Maria interrupted operations at the VA regional office in Puerto Rico, as well as postal service in the Puerto Rico and U.S. Virgin Islands areas. Correspondence containing claims, information or evidence sent to VA during these periods was likely delayed due to interrupted operations of the regional office or postal service. Because regional offices and the mail system were impacted, VA established the following exceptions to the standard rule, on date of receipt.

Exceptions to Date of Receipt for Claimants Affected By Hurricane Harvey

VA hereby gives notice that, for purposes of determining the date of entitlement, any correspondence received by VA during the period September 1 through September 7, 2017, from individuals in zip codes designated to have been impacted by Hurricane Harvey that contained claims, information or evidence will be considered received no later than August 31, 2017. Alternatively, if the correspondence was received during the period September 1 through September 7, 2017, but the postmark date is prior to August 31, 2017, the correspondence will be considered received on the date of postmark.

This guidance applies to correspondence received during the designated period from the zip codes designated below.

ZIP CODES IMPACTED BY HURRICANE HARVEY

75928	77062	77252	77364	77467	77573	77950	78393
75930	77063	77253	77365	77468	77574	77951	78401
75931	77064	77254	77367	77469	77575	77954	78402
75932	77065	77255	77368	77470	77577	77957	78403
75933	77066	77256	77369	77471	77578	77960	78404
75934	77067	77257	77371	77473	77580	77961	78405
75936	77068	77258	77372	77474	77581	77962	78406
75938	77069	77259	77373	77475	77582	77963	78407
75939	77070	77261	77374	77476	77583	77964	78408
75942	77071	77262	77375	77477	77584	77967	78409

ZIP CODES IMPACTED BY HURRICANE HARVEY—Continued

75948	77072	77263	77376	77478	77585	77968	78410
75951	77073	77265	77377	77479	77586	77969	78411
75956	77074	77266	77378	77480	77587	77970	78412
75959	77075	77267	77379	77481	77588	77971	78413
75960	77076	77268	77380	77482	77590	77973	78414
75966	77077	77269	77381	77483	77591	77974	78415
75968	77078	77270	77382	77484	77592	77975	78416
75977	77079	77271	77383	77485	77597	77976	78417
75979	77080	77272	77384	77486	77598	77977	78418
75990	77081	77273	77385	77487	77611	77978	78419
77001	77082	77274	77386	77488	77612	77979	78426
77002	77083	77275	77387	77489	77613	77982	78427
77003	77084	77277	77388	77491	77614	77983	78460
77004	77085	77279	77389	77492	77615	77984	78463
77005	77086	77280	77391	77493	77616	77986	78465
77006	77087	77282	77393	77494	77617	77987	78466
77007	77088	77284	77396	77496	77619	77988	78467
77008	77089	77287	77399	77497	77622	77989	78468
77009	77090	77288	77401	77498	77623	77990	78469
77010	77091	77289	77402	77501	77624	77991	78472
77011	77092	77290	77404	77502	77625	77993	78480
77012	77093	77291	77406	77503	77626	77994	78602
77013	77094	77292	77407	77504	77627	77995	78604
77014	77095	77293	77410	77505	77629	78102	78612
77015	77096	77297	77411	77506	77630	78104	78614
77016	77098	77299	77412	77507	77631	78107	78616
77017	77099	77301	77413	77508	77632	78111	78621
77018	77201	77302	77414	77510	77639	78113	78622
77019	77202	77303	77415	77511	77640	78116	78629
77020	77203	77304	77417	77512	77641	78117	78632
77021	77204	77305	77418	77514	77642	78118	78644
77022	77205	77306	77419	77515	77643	78119	78648
77023	77206	77315	77420	77516	77650	78122	78650
77024	77207	77316	77422	77517	77651	78125	78655
77025	77208	77318	77423	77518	77655	78140	78656
77026	77209	77320	77428	77519	77656	78141	78658
77027	77210	77325	77429	77520	77657	78142	78659
77028	77212	77326	77430	77521	77659	78144	78661
77029	77213	77327	77431	77522	77660	78145	78662
77030	77215	77328	77432	77523	77661	78146	78677
77031	77216	77331	77433	77530	77662	78151	78931
77032	77217	77332	77434	77531	77663	78159	78932
77033	77218	77333	77435	77532	77664	78162	78933
77034	77219	77334	77436	77533	77665	78164	78934
77035	77220	77335	77437	77534	77670	78330	78935
77036	77221	77336	77440	77535	77701	78335	78938
77037	77222	77337	77441	77536	77702	78336	78940
77038	77223	77338	77442	77538	77703	78339	78941
77039	77224	77339	77443	77539	77704	78340	78942
77040	77225	77340	77444	77541	77705	78343	78943
77041	77226	77341	77445	77542	77706	78347	78944
77042	77227	77342	77446	77545	77707	78351	78945
77043	77228	77343	77447	77546	77708	78352	78946
77044	77229	77344	77448	77547	77710	78358	78947
77045	77230	77345	77449	77549	77713	78359	78948
77046	77231	77346	77450	77550	77720	78362	78949
77047	77233	77347	77451	77551	77725	78363	78950
77048	77234	77348	77452	77552	77726	78364	78951
77049	77235	77349	77453	77553	77830	78368	78952
77050	77236	77350	77454	77554	77831	78370	78953
77051	77237	77351	77455	77555	77853	78373	78954
77052	77238	77353	77456	77560	77861	78374	78956
77053	77240	77354	77457	77561	77868	78377	78957
77054	77241	77355	77458	77562	77873	78379	78959
77055	77242	77356	77459	77563	77875	78380	78960
77056	77243	77357	77460	77564	77876	78381	78961
77057	77244	77358	77461	77565	77901	78382	78962
77058	77245	77359	77463	77566	77902	78387	78963
77059	77248	77360	77464	77568	77903	78389	.....
77060	77249	77362	77465	77571	77904	78390	.....
77061	77251	77363	77466	77572	77905	78391	.....

Exceptions to Date of Receipt for Claimants Affected By Hurricane Maria

VA hereby gives notice that, for purposes of determining the date of entitlement, any correspondence received by VA during the period October 1 through October 31, 2017, from claimants under the jurisdiction of the Puerto Rico Regional Office that contained claims, information or evidence will be considered received no later than September 30, 2017. Claimants under the jurisdiction of the Puerto Rico Regional Office include residents of Puerto Rico and the U.S. Virgin Islands, as well as those claimants receiving pension or survivor benefits who are in the geographic region covered by the Puerto Rico Regional Office, but serviced by the Philadelphia Pension Management Center. Alternatively, if the correspondence was received between October 1 and 31, 2017, and the postmark date is prior to September 30, 2017, the correspondence will be considered received on the date of postmark.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jacquelyn Hayes-Byrd, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on March 13, 2018, for publication.

Dated: March 29, 2018.

Jeffrey Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–06766 Filed 4–3–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Wednesday,

No. 65 April 4, 2018

Part II

The President

Proclamation 9716—National Fair Housing Month, 2018

Proclamation 9717—National Sexual Assault Awareness and Prevention Month, 2018

Proclamation 9718—Second Chance Month, 2018

Federal Register
Vol. 83, No. 65
Wednesday, April 4, 2018

Presidential Documents

Title 3—

The President

Proclamation 9716 of March 30, 2018

National Fair Housing Month, 2018

By the President of the United States of America

A Proclamation

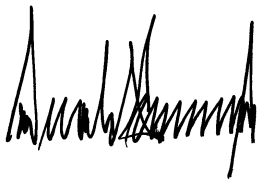
During April, America reaffirms its commitment to ending housing discrimination by celebrating National Fair Housing Month. This year, we mark a particularly important milestone in this effort. Fifty years ago this April 11—just 7 days after the assassination of Dr. Martin Luther King, Jr.—President Lyndon Johnson signed the Civil Rights Act of 1968 into law. The Fair Housing Act, which prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, or national origin, is Title VIII of that law.

Over the last 50 years, our Nation has made great strides toward ensuring Americans have access to fair and affordable housing free from discrimination. In addition to enforcement of the prohibitions in the original Fair Housing Act, the Congress has twice amended the law to expand and enhance its protections. In 1974, the Congress acted to prohibit housing discrimination based on sex, and in 1988, the Congress extended the law's protections to persons living with disabilities and to families with children. These actions have helped create a more fair and just market for housing throughout our Nation.

My Administration has continued to fight for the American people and for equal access to opportunity in America. That is why we are exploring and developing evidence-based reforms to enhance the development of affordable housing options, free from discrimination, that can alleviate poverty and promote opportunity. My Administration intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices in the sale, lease, and financing of housing, expanding the availability of affordable housing, promoting sustainable homeownership opportunities, encouraging economic mobility, and creating more vibrant communities.

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, and in recognition of the 50th anniversary of the Fair Housing Act, do hereby proclaim April 2018 as National Fair Housing Month. I urge all Americans to learn more about their rights and responsibilities under the Fair Housing Act and reaffirm their commitment to making homeownership within reach, no matter one's background.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2018–07025
Filed 4–3–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9717 of March 30, 2018

National Sexual Assault Awareness and Prevention Month, 2018

By the President of the United States of America

A Proclamation

During National Sexual Assault Awareness and Prevention Month, we remain steadfast in our efforts to stop crimes of sexual violence, provide care for victims, enforce the law, prosecute offenders, and raise awareness about the many forms of sexual assault. We must continue our work to eliminate sexual assault from our society and promote safe relationships, homes, and communities.

Sexual assault crimes remain tragically common in our society, and offenders too often evade accountability. These heinous crimes are committed indiscriminately: in intimate relationships, in public spaces, and in the workplace.

We must respond to sexual assault by identifying and holding perpetrators accountable. Too often, however, the victims of assault remain silent. They may fear retribution from their offender, lack faith in the justice system, or have difficulty confronting the pain associated with the traumatic experience. My Administration is committed to raising awareness about sexual assault and to empowering victims to identify perpetrators so that they can be held accountable. We must make it as easy as possible for those who have suffered from sexual assault to alert the authorities and to speak about the experience with their family and friends.

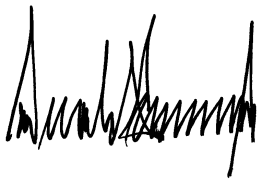
When victims seek help, responses must be carefully tailored to the context in which the sexual assault occurred and the unique needs of each victim. To better assist victims, the Department of Justice's Office on Violence Against Women has developed the Sexual Assault Victim Intervention Services Technical Assistance Center (SAVIS TAC). This new resource will help community officials and organizations appropriately respond to sexual assault by expanding their understanding of the type of support likely to be effective in each unique circumstance. Participants in the SAVIS TAC initiative will use available funds to provide intensive training and resources to service providers. With these resources, service providers, including rape crisis centers and other sexual assault and domestic violence organizations can build organizational and staff capacity for providing comprehensive sexual assault victim intervention services.

Together, during Sexual Assault Awareness Month, we recommit ourselves to doing our part to help stop sexual violence. We must not be afraid to talk about sexual assualt and sexual assult prevention with our loved ones, in our communities, and with those who have experienced these tragedies. We must encourage victims to report sexual assault and law enforcement to hold offenders accountable, and we must support victims and survivors unremmittingly. Through a concerted effort to better educate ourselves, empower victims, and punish criminals, our Nation will move closer to ending the grief, fear, and suffering caused by sexual assult. The prevention of sexual violence is everyone's concern.

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 laws of the United States, do hereby proclaim April 2018 as National

Sexual Assault Awareness and Prevention Month. I urge all Americans, families, law enforcement, healthcare providers, community and faith-based organizations, and private organizations to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2018–07027
Filed 4–3–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9718 of March 30, 2018

Second Chance Month, 2018

By the President of the United States of America

A Proclamation

During Second Chance Month, our Nation emphasizes the need to prevent crime on our streets, to respect the rule of law by prosecuting individuals who break the law, and to provide opportunities for people with criminal records to earn an honest second chance. Affording those who have been held accountable for their crimes an opportunity to become contributing members of society is a critical element of criminal justice that can reduce our crime rates and prison populations, decrease burdens to the American taxpayer, and make America safer.

According to the Bureau of Justice Statistics, each year, approximately 650,000 individuals complete prison sentences and rejoin society. Unfortunately, two-thirds of these individuals are re-arrested within 3 years of their release. We must do more—and use all the tools at our disposal—to break this vicious cycle of crime and diminish the rate of recidivism.

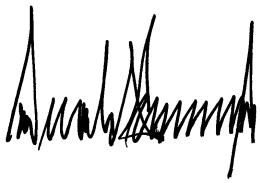
For the millions of American citizens with criminal records, the keys to successful re-entry are becoming employable and securing employment. Beyond the income earned from a steady paycheck, gainful employment teaches responsibility and commitment and affirms human dignity. As a Nation, we are stronger when more individuals have stable jobs that allow them to provide for both themselves and their loved ones.

I am committed to advancing reform efforts to prevent crime, improve reentry, and reduce recidivism. I expressed this commitment in my 2018 State of the Union Address and reinforced it by signing an Executive Order to reinvigorate the ''Federal Interagency Council on Crime Prevention and Improving Reentry.'' In the spirit of these efforts, I call on Federal, State, and local prison systems to implement evidence-based programs that will provide prisoners with the skills and preparation they need to succeed in society. This includes programs focused on mentorship and treatment for drug addiction and mental health issues, in addition to job training.

This month, we celebrate those who have exited the prison system and successfully reentered society. We encourage expanded opportunities for those who have worked to overcome bad decisions earlier in life and emphasize our belief in second chances for all who are willing to work hard to turn their lives around.

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 Second Chance Month. I call on all Americans to commemorate this month with events and activities that raise public awareness about preventing crime and providing those who have completed their sentences an opportunity for an honest second chance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2018–07029
Filed 4–3–18; 11:15 am]
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